

CITY OF PORTLAND

CONTRACT NO. 31000129
AMENDMENT NO. FIVE (5)

187727

FOR
PHOTO RADAR SYSTEM

THIS AMENDMENT No. 5 ("Amendment") is entered into and made effective this ____ day of April, 2016 by and between the City of Portland, Oregon ("City"), and Xerox State & Local Solutions, Inc. ("Xerox"), referred to individually as "party" and collectively "parties."

Whereas, on April 1, 2010, the parties entered into an agreement for Xerox to provide a photo radar system to the City (as subsequently amended, the "Agreement"); and

Whereas, due to the passage of HB2621 the parties seek an amendment to add fixed photo radar speed enforcement to the Agreement.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants made herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, the City and Xerox mutually agree to the following:

1. The Agreement terms and conditions are hereby amended to add fixed photo radar speed enforcement to the existing mobile photo radar speed enforcement program.
2. Section 3 Consideration is hereby deleted and replaced with the following:

CONSIDERATION: The City agrees to pay Contractor a sum not to exceed \$_____/year for completion of the work or receipt and acceptance of the goods for a total contractual not to exceed amount of _____. Interim payments shall be made to the Contractor according to the schedule identified in Attachment B.

3. Section 4 CONSIDERATION of ATTACHMENT A of the Agreement is hereby deleted.
4. ATTACHMENT A of the Agreement is hereby amended to include the requirements for fixed photo radar speed enforcement set forth in the attached ATTACHMENT 1. Except as set forth in ATTACHMENT 1, the requirements for fixed photo radar speed enforcement shall be the same as the requirements for mobile photo radar speed enforcement listed in ATTACHMENT A of the Agreement.
5. The pricing for mobile photo radar speed enforcement is listed in ATTACHMENT B of the Agreement and shall remain unchanged. ATTACHMENT B of the Agreement is hereby amended to add the following separate pricing for fixed photo radar speed enforcement:

Fixed Monthly Fee per Fixed Photo Radar System*	Total Fixed Photo Radar Payments Per Month	Fee per Payment
\$3,195/mo.	1-800	\$25.65
	801-1,200	\$20.90
	1,201-1,600	\$19.00
	1,601-2,000	\$17.10
	2,001-2,400	\$15.20
	2,401-2,800	\$13.30
	2,801-3,200	\$11.40
	3,201+	\$ 9.50

*A System enforces one direction of traffic with two cameras (front facing and rear facing).

For purposes of example only, if 1,100 Payments are collected in a month, the monthly fees per payment would be computed as follows: $(800 \times \$25.65) + (300 \times \$20.90) = \$26,790.00$

6. The following provisions shall apply to fixed photo radar speed enforcement only:

[XEROX WOULD LIKE TO DISCUSS WITH THE CITY CONCERNS REGARDING THE APPLICABILITY OF THE 4 HOUR DEPLOYMENT LIMITATION IN O.R.S. 810.438, THE DEFINITION OF URBAN HIGH CRASH CORRIDORS, AND THE COSTS OF REMOVING OR MOVING SYSTEMS PRIOR TO THE END OF THE CONTRACT TERM]

7. All other terms and conditions to remain unchanged.

XEROX STATE & LOCAL SOLUTIONS, INC.

BY: _____
Lewis Miller, Vice President

DATE: _____

Address: 8260 Willow Oaks Corporate Drive,
Sixth Floor
Fairfax, VA 22031
Tele. No. 703-891-8700
Fax 703-891-8839

Approved as to form:

CITY OF PORTLAND

BY: _____
City Attorney

BY: _____
Christine Moody, Chief Procurement Officer

Date: _____

ATTACHMENT 1

FIXED PHOTO RADAR SPEED ENFORCEMENT REQUIREMENTS

1. Xerox shall install eight (8) DriveSafe™ Fixed Photo Radar Speed Enforcement Systems (each including a front and rear camera) as follows:

WARNINGS BEGIN*	CITATIONS BEGIN	NO. OF SYSTEMS	PROPOSED CORRIDOR
July 1, 2016	August 1, 2016	2	Beaverton-Hillsdale Hwy Between 30 th and 39 th
December 1, 2016	January 1, 2017	2	SE 122 Between Foster and Powell
February 1, 2017	March 1, 2017	2	Marine Drive
April 1, 2017	May 1, 2017	2	Outer SE Division

*Fixed monthly fee applies during warning period.

2. Xerox will install speed reader signs on existing poles for the purpose of warning drivers.
3. Xerox shall retain ownership of all fixed photo radar speed enforcement hardware provided by Xerox.
4. The fixed photo radar systems shall operate 24 hours per day, 7 days per week.
5. Once within each 24 hour period, a Xerox technician will log into each fixed photo radar system and verify proper operation of the system. Such verification shall be documented in a PR Equipment Set-up Checklist. Xerox will establish a chain of custody, consistent with applicable law, for the alleged violation date and submit for processing. PR Officer Visual Observation Logs will be used for mobile photo radar only.
6. After verification process, Xerox will transmit the violation to the Police for approval and signature. Upon return of the approved signed citations from the Police, Xerox will print the corresponding cover letter with the violation photo and the appropriate Affidavit of Non-Liability or Certificate of Innocence forms and mail within the guidelines of applicable law.

MEMORANDUM OF UNDERSTANDING
BETWEEN THE PORTLAND POLICE BUREAU, THE PORTLAND BUREAU OF TRANSPORTATION,
AND THE MULTNOMAH COUNTY CIRCUIT COURT

Regarding Automated Enforcement Programs in the City of Portland

PURPOSE

This nonbinding Memorandum of Understanding ("MOU") is entered into by and among the Portland Bureau of Transportation ("PBOT"), the Portland Police Bureau ("PPB"), and the Multnomah County Circuit Court ("Court") (collectively the "Parties" or "Party" as context dictates).

The purpose of this MOU is to clarify the roles and responsibilities between the parties related to existing automated enforcement programs operated in the City of Portland, including the Mobile Van and Red Light Camera programs and the launch of a new fixed speed camera program (hereinafter "FSC") as authorized by the House Bill 2621 in July of 2015, now Chapter 721 ("Chapter 721") of Oregon Laws 2015. It also seeks to incorporate recommendations from the July 2015 audit of the Red Light Camera program and to promote collaboration between the Parties to improve the efficacy, transparency and public support of the programs.

TERM

This MOU will be effective upon signing through March 31, 2019.

BACKGROUND

- A. **EXISTING PROGRAMS:** The City of Portland has been a leader in utilizing automated enforcement tools to improve safety since 1995 when it gained pilot authority to launch a mobile van speed enforcement program. The City gained authority to operate red light running cameras four years later. PBOT and PPB both played roles in establishing these programs. PPB is currently responsible for operating both of them and contracts with Xerox Local Solutions (hereinafter the "XEROX"). The Court has had the responsibility for adjudicating citations from the existing programs since their inception. These existing programs have demonstrated tangible safety benefits over time.
- B. **FIXED SPEED CAMERA PROGRAM BACKGROUND:** PBOT has for several years identified its most dangerous roads as High Crash Corridors. These ten roads, representing just 3% of the City's road network, account for over half of the City's pedestrian fatalities. As speeding is a top contributing factor to fatal crashes, PBOT sought authority to utilize fixed speed cameras on these roadways to control speeding and save lives. On July 22, 2015 the Governor signed Chapter 721, authorizing the City of Portland to operate fixed photo radar on urban high crash corridors through January 2, 2024.

FSC STATUTE

Chapter 721 is built upon Oregon's previous automated enforcement legislation. Notable provisions include:

- A. Citations issued by the FSC program will be no different in penalty than those issued by the existing Mobile Van program or by those issued in person by a uniformed officer.
- B. As with the existing programs, PPB is responsible for having a police officer review the photographic evidence and sign off on each citation.
- C. As with the existing programs, over 70% of revenues generated by the program will go to the State of Oregon's Criminal Fine Account.
- D. Section 3 of the statute dedicates any remaining revenue paid to the City of Portland, beyond the costs of operating and maintaining the FSC program, to improving traffic safety for all modes.
- E. Sections 5 & 6 of the statute appropriate \$1.25 million to the Judicial Department plus an additional \$1 million to the Emergency Board for the biennium beginning July 1, 2015 which may be expended by the Court to offset costs related to processing FSC citations.

AGENCY ROLES

- A. Portland Police Bureau will:
 - a. review and approve citations stemming from all automated enforcement programs
 - i. PPB will be responsible for citation filing, but may do so via XEROX. The Court will not file a citation unless all data is appropriately received
 - b. work to ensure the existing programs meet the Parties needs as much as possible given contract terms with XEROX. Specifically, PPB will work with the XEROX toward:
 - i. providing the court with a weekly list of citations to be dismissed on failure to serve the defendants with notice of the complaint, under ORS 153.051, if citations are deemed undeliverable. PPB may reissue any of these citations within the time limitations of ORS 131.125.
 - ii. establishing a process through which the Court may notify PPB of its determination that a citation fails to meet the criteria for a summons (ORS 153.051 and Presiding Judge Order # 150100000, signed June 27 2015). PPB may, in its discretion, reissue a citation after receiving notice from the court.
 - iii. XEROX providing a 60 day notification to the Court prior to changes related to data transfer
 - iv. XEROX providing access to citation packets to defendants
 - c. prepare biannual reports to the legislature on existing program with support from PBOT
 - d. identify an automated enforcement agency lead(s) to meet monthly with the Parties to facilitate coordination
- B. Portland Bureau of Transportation will:
 - a. lead contract amendment effort with XEROX to establish contract authority for new FSC program
 - b. provide operate and manage the existing and new FSC program according to applicable laws

- i. PBOT will be responsible for all vendor costs related to FSC program
 - c. serve as a technical safety resource for automated enforcement programs
 - d. produce a report documenting eligible roadways for fixed speed cameras as authorized by the statute
 - i. Statute authorizes the City of Portland to pilot fixed speed cameras on "urban high crash corridors" with an incidence rate of reported traffic crashes resulting in fatalities or serious injuries at least 25% higher than the rate for highways of the same speed limit or designated speed within the jurisdiction on average between January 1, 2006 and January 1, 2016
 - e. perform crash data analysis on where automated enforcement tools can provide the greatest safety benefit
 - f. serve as the community face of automated enforcement programs
 - g. lead the public involvement effort related to the new FSC program
 - h. lead response to media inquiries related to automated enforcement when appropriate, with the understanding that the ultimate responsibility for automated enforcement citations lies with PPB
 - i. convene the Parties quarterly to coordinate camera placement and foster the ongoing partnership
 - j. Hire an automated enforcement agency staff lead to facilitate coordination with the Parties
- C. Multnomah County Circuit Court will:
- a. identify business process recommendations to improve efficiency and customer service related to the existing automated enforcement program and new FSC program
 - b. coordinate with the Parties to best meet increased citation volume stemming from the new FSC program
 - c. provide input and feedback on automated enforcement procurement processes (e.g. RFPs) and vendor requirements
 - d. identify an automated enforcement agency lead to coordinate with the Parties
 - e. communicate operational issues and feedback to the Parties on an on-going basis
 - f. provide:
 - i. upon request of Xerox, PBOT or PPB, a list of officers scheduled for trial on Fixed Speed Camera cases within the next 3 months for officer packet creation
 - ii. upon request of Xerox, PBOT or PPB, a list of Fixed Speed Camera cases that had a payment transaction on them within the last month
 - iii. on a weekly basis to Xerox, Certificate of Innocence and Affidavit of Non-Liability forms for the Fixed Speed Camera citations submitted in accordance with ORS 810.436
 - iv. 60 days in advance, notice to Xerox, PBOT or PPB of any changes and updates to appearance date time-frames and other directions provided by the Court when applicable

FSC PROGRAM INITIATION

The Parties acknowledge that:

- A. FSC equipment will not be activated before July 1, 2016
- B. there will be a minimum of a one month period during which new FSC equipment will issue warnings instead of citations
- C. The City of Portland will conduct a limited pilot of FSC through the term of this MOU involving FSC equipment on a maximum of 4 corridors, utilizing a total of 8 FSC camera systems to allow for speed enforcement in both directions of travel.
- D. To review early FSC citation data in the fall of 2016, and to discuss appropriate ongoing staffing models for PPB at that time
 - i. PPB intends to utilize existing Traffic Division afternoon shift officers for the first 6 months of the FSC program
 - ii. PPB and the Parties will consider on-going staffing options for FSC automated enforcement citation processing including light duty, overtime, and backfill in the fall of 2016 once the FSC program has several months of citation data
- E. FSC equipment will be deployed in accordance with the schedule below, with 60 days advance notice and the mutual understanding that:
 - i. the deployment schedule is aggressive and may be adjusted due to procurement delays and/or staffing constraints at PPB or Courts
 - ii. specific locations and corridors may change due to public feedback or technical constraints

WARNINGS BEGIN	CITATIONS BEGIN	# of CAMERA SYSTEMS	PROPOSED CORRIDOR
August 1, 2016	September 1, 2016	2	Beaverton-Hillsdale Hwy (btw 30 th and 39 th)
January 1, 2017	February 1, 2017	2	SE 122 (btw Foster and Powell)
February 1, 2017	March 1, 2017	2	Marine Drive
April 1, 2017	May 1, 2017	2	Outer SE Division

FSC SITE SELECTION

The Parties agree that:

- A. The City of Portland will retain control of site selection for the FSC equipment, and will not cede such authority to XEROX
- B. PBOT will, after consultation with the Parties, identify locations for FSC equipment, based on:
 - a. crash data analysis.
 - b. other factors, including:
 - i. equity considerations
 - ii. geographic fairness
 - iii. High Crash Corridor safety performance

- iv. public support
- C. PBOT will work with the Parties and XEROX to expedite the installation of the FSC equipment in the public right-of-way
- D. PPB and PBOT will coordinate closely with the Court on identified corridors to assist the Court in workload planning

FSC PUBLIC INVOLVEMENT

The Parties agree that

- A. PBOT will lead the public involvement effort, in coordination with the Parties, in selecting which of the High Crash Corridors to equip with FSC
- B. PBOT will attend public and neighborhood meetings related to FSC
- C. PBOT will serve as the primary point of contact for media and public record requests related to FSC

FSC COST OF ADMINISTRATION

The Parties agree that

- A. The Court will be responsible for:
 - a. adjudicating FCS citations
 - b. providing an automated enforcement agency staff lead
- B. PPB will be responsible for:
 - a. providing an automated enforcement agency staff lead
 - b. automated enforcement citation processing
- C. PBOT will be responsible for:
 - a. all VENDOR costs related to FSC
 - b. hiring an automated enforcement agency lead
 - i. PBOT intends to hire 1 dedicated FTE to automated enforcement oversight, outreach education and coordination with the Parties
 - c. site selection for FSC, and related crash and speed data gathering and analysis
 - d. signage installation and maintenance costs and associated labor required by statute by FSC

FSC PROGRAM REVENUES

CHAPTER 721 dedicates any revenue beyond the costs described above to improving traffic safety for all modes. The Parties agree that:

- A. any of the City of Portland's FSC citation revenue that exceeds program costs will be dedicated to improving traffic safety on High Crash Corridors
- B. a dedicated account, administered by PBOT, will be established for such funds
- C. the purpose of the account will be for investing in High Crash Corridors, which includes installation of safety infrastructure, safety education and outreach, and evaluation

187727

BY:

Larry O'Dea
Chief
Portland Police Bureau

Barbara Marcille
Trial Court Administrator
Multnomah County Circuit Court

Leah Treat
Director
Portland Bureau of Transportation



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MEMORANDUM

DATE: March 30, 2016

TO: Margi Bradway, Active Transportation & Safety Division Manager

FROM: Scott Mansur, P.E., PTOE, DKS Associates Sm

SUBJECT: Urban High Crash Corridors and Chapter 721 of the 2015 Oregon Laws

On July 20th, of 2015 Governor Brown signed into law Chapter 721, which authorizes the City of Portland to pilot a fixed speed camera program. Chapter 721 is a targeted, safety-focused piece of legislation permitting the operation of fixed speed cameras on "urban high crash corridors." Section 1 of Chapter 721 reads:

As used in this section, "urban high crash corridor" means a segment of highway that has an incidence rate of reported traffic crashes resulting in fatalities or serious injuries that is at least 25 percent higher than the rate for highways with the same speed limit or designated speed within the jurisdiction on average between January 1, 2006, and January 1, 2016, and for which the governing body of the city makes a finding that speeding has had a negative impact on traffic safety.

https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2015orLaw0721.pdf

DKS Associates, as a component of its Vision Zero work analyzing serious and fatal crashes within the City of Portland, has reviewed the City's proposed "urban high crash corridors." DKS staff has identified speeding as a top contributor to fatal and serious crashes within the City of Portland, and has recommended it as one of four focus areas for the City's Vision Zero initiative.

The City of Portland has proposed utilizing fixed speed cameras on their High Crash Corridors, a collection of ten roadways representing roughly 3% of Portland's road network. These ten High Crash Corridors include 122nd Avenue, 82nd Avenue, Barbur Boulevard, Beaverton-Hillsdale Highway, E/W Burnside Street, SE Division Street, Foster Avenue, Marine Drive, Powell Boulevard, and Sandy Boulevard.

In our review of ODOT's serious and fatal crash data within Portland city limits, we identified a list of the 25 corridors with the highest occurrences of fatal and serious crashes. All of the ten "urban high crash corridors" the City proposes to utilize fixed speed cameras on appear on this Top 25 High Crash Network analysis. Further review of the incidence rate of reported serious and fatal crashes on these roadways compared to others within the City with same speed limit or designated speed finds that all ten of these proposed urban high crash corridors have fatal crash rates at least 35% higher than roadways of similar speeds.

DKS Associates concurs with the Portland Bureau of Transportation's finding that these ten roadways identified as High Crash Corridors should be considered as "urban high crash corridors" under Chapter 721 of the 2015 Oregon Laws.

RE: Urban High Crash Corridors and Chapter 721 of the 2015 Oregon Laws

Incidence Rates of Fatal & Serious Crashes on Portland High Crash Corridors, 1/1/2006 – 12/30/2015

Fatalities & Serious Injury Rates, High Crash Corridors Vs Citywide

HIGH CRASH CORRIDOR	FATALITIES	SERIOUS INJURIES
	Rate per roadway mile vs Citywide (like roadways)	Rate per roadway mile vs Citywide (like roadways)
122nd Avenue	135%	141%
82nd Avenue	135%	203%
Barbur Blvd	238%	112%
Beaverton-Hillsdale Hwy	255%	252%
Burnside St	1552%	1089%
Division St	265%	1080%
Foster Ave	207%	150%
Marine Dr	160%	73%
Powell Blvd	351%	240%
Sandy Blvd	242%	161%

Fatalities & Serious Injuries, By High Crash Corridor

HIGH CRASH CORRIDOR	FATALITIES		SERIOUS INJURIES	
	TOTAL FATALITIES	% OF CITY TOTAL	TOTAL SERIOUS INJURIES	% OF CITY TOTAL
122nd Avenue	7	3%	46	3%
82nd Avenue	9	4%	94	5%
Barbur Blvd	10	4%	24	1%
Beaverton-Hillsdale Hwy	3	1%	18	1%
Burnside St	8	3%	51	3%
Division St	13	6%	113	6%
Foster Ave	7	3%	39	2%
Marine Dr	13	6%	20	1%
Powell Blvd	11	5%	53	3%
Sandy Blvd	4	2%	31	2%

Fatalities & Serious Injuries, By Speed

DESIGNATED SPEED	FATALITIES		SERIOUS INJURIES	
	TOTAL FATALITIES	RATE PER ROADWAY MILE	TOTAL SERIOUS INJURIES	RATE PER ROADWAY MILE
25 MPH and under	37	0.020	435	0.234
30 MPH	32	0.212	407	2.695
35 MPH	91	0.695	661	5.046
40 MPH	32	0.471	190	2.794
45 MPH	41	0.774	126	2.377
50 MPH	1	1.000	0	0.000