



To Some, a Red-Light Means Go?

By LaMont Rainey, Legal Counsel

Introduction

There is a saying in the legal community (attributable to Cesare Beccaria), “the certainty of a rule violator being caught is more important than the severity of the punishment.” Facing the reality that it is not possible to place a law enforcement officer at every intersection that suffers from prolific red-light violations, [25 states](#) (plus Washington D.C.) have enacted legislation allowing for the use of automated red-light cameras statewide or in specified jurisdictions, such as school zones. The use of cameras is to identify violators and provide certainty that those violators will be identified, thereby enhancing public safety.

The Perils of Red-light Running

Red-light running poses a significant threat to public safety. Nationally, the [Insurance Institute for Highway Safety](#) (IIHS) reported that red light running crashes resulted in 1,086 deaths and 136,000 injuries in 2023. In Nebraska, between 2021 and 2024, data from the Nebraska Commission on Law Enforcement and Criminal Justice documented 12,228 red-light citations, while the Nebraska Department of Transportation identified 4,987 red-light crashes on Nebraska roadways, resulting in 24 deaths over the same four-year period.

Table 1: 2021-2024 Red Light Citations, Crashes, and Fatalities

Year	Red Light Citations	Red Light Crashes	Fatalities
2024	4,070	1,198	6
2023	3,229	1,226	10
2022	2,627	1,254	4
2021	2,302	1,309	4
Total	12,228	4,987	24

Sources of Information: Nebraska Commission on Law Enforcement and Criminal Justice (Red Light Citations), and Nebraska Department of Transportation (Red Light Crashes and Fatalities)

History of Red-light Cameras

The first red-light enforcement camera was invented in

1966 by Maurice Gatsonides. It’s believed the first use of red-light cameras in the United States occurred in New York City, following a red-light violator’s crash into a woman pushing a [stroller carrying a child](#).

The incident motivated the city of New York to identify ways to make New York’s streets safer from red-light violators, leading to a pilot project of the cameras and ultimately the passage of red-light traffic camera legislation by the [New York Legislature](#) in 1988.

Numerous studies support the effectiveness of these cameras:

- A [2017 IIHS study](#) comparing large cities with and without red-light safety cameras found a **21% reduction in fatal crashes and a 14% reduction in all crashes** attributed to camera use.
- A [2019 review of red-light camera studies](#) estimated a **12% decrease in total crashes and a 29% reduction in right-angle (T-bone) crashes** at intersections with cameras. While rear-end crashes reportedly increased by 32%, the severity of injuries from these crashes is generally less severe than that of those from T-bone collisions.

How Red-Light Cameras Operate

The installation of red-light cameras typically occurs at intersections with a high accident rate, due to individuals running red lights. Cameras are usually attached to traffic light poles and capture images or videos of vehicles (and frequently the drivers) that run red lights. The detection of a red light violation occurs through the camera’s connection to electronic sensors embedded in the road, which detect a vehicle’s failure to stop before it crosses the stop line after the traffic light turns red. A detected violation triggers a process by which the registered owner of the vehicle (generally identified by the vehicle’s license plate) receives a citation via mail.

The primary goal of installing red-light cameras is to positively influence driver behavior through the known presence of the cameras, thereby reducing the number of accidents and increasing public safety. Proponents of the use of red-light cameras argue that red-light cameras are an effective tool in deterring traffic violations, improving traffic flow, and ultimately saving lives.



Opposition to Camera Use

Despite their documented benefits, the use of red-light cameras faces significant opposition:

- **Revenue Generation Concerns:** [Critics](#) argue that several cities use red-light camera programs primarily for revenue generation rather than public safety. To support the claims of revenue generation, critics point to the significant revenue generated by camera programs, as seen in the City of Philadelphia's Fiscal Year 2021 Red-Light Program [Annual Report](#), which issued 66,951 red-light violations, resulting in a total revenue of \$19,175,003. When the expenses for the red-light camera system's operation of \$6,999,411 are accounted for, a total of \$11,079,439 remains, or approximately \$1,000,000 per month in revenue. Critics contend that if safety were the governing entity's primary concern, they would extend the length of the yellow light, which studies have shown reduces the frequency of red-light violations.
- **Accuracy & Malfunction:** Concerns exist about the potential for errors or technical malfunctions by the cameras and the impact those errors would have on the owners of ticketed vehicles ([See "Are Red Light Cameras Being Banned"](#)). Instances where cameras have incorrectly identified vehicles or miscalculated the timing of the light changes, leading to wrongful citations, have been mentioned in opposition.
- **Data Security & Privacy:** Concerns about data security have arisen, as red-light cameras capture and store images of individuals in their vehicles, prompting questions about how the data is stored, the duration of image retention, and the potential for misuse of the retained data.



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Use of Red-Light Cameras in Nebraska

There has been debate about whether or not red-light camera systems are constitutional. To date, the United States Supreme Court has not ruled on the constitutionality of using red-light cameras, leaving opponents of the camera systems to present their arguments in lower federal courts or state courts, respectively.

In Nebraska, the most notable attempt to implement a red-light camera program was by the City of Omaha in 1998. City Ordinance No. 34637 declared traffic signal violations a public nuisance and authorized the use of traffic cameras to identify vehicles in violation. According to the ordinance, the owner of a vehicle violating a red-light ordinance would receive a photograph of the vehicle in violation of the traffic control device and a demand for the payment of eighty-five dollars (consisting of a fifty-five-dollar administrative fee and a thirty-dollar handling fee). The ordinance classified a violation of the ordinance as a civil offense, and no points for the ordinance violation were to be assessed against the violator's driver's license.

Traditionally, a vehicle observed running a red light would result in the driver receiving a traffic ticket from a law enforcement officer. If convicted of the offense, in addition to a fine, a point is assessed against the violator's driver's license. A person who accumulates [12 points](#) against their driver's license within two years will have their operator's [license revoked](#). As determined by the Nebraska Supreme [Court](#), a traffic ticket is a crime, and the following process is a criminal proceeding.

Before the ordinance was enacted, former Omaha State Senator Ernie Chambers sought and obtained a declaratory judgment and injunctive relief from the District Court of Douglas County, prohibiting the ordinance from going into effect, in the case *Chambers v. City of Omaha* (1998), Case ID: CI 10 9319946.



In his filing in support of the injunction, among many reasons Sen. Chambers provided, he alleged that: **1)** the ordinance violated [Neb. Rev. Stat. 60-684](#), which requires the issuance of a citation for violations of traffic infractions; **2)** The assessment of the fifty-five dollar administrative fee and the thirty dollar handling cost were misclassified as a civil fee and not as a penalty and the payment of a fine, with the money going to the schools as required under [Article VII, Section 5](#), of the Nebraska Constitution; and **3)** That the city lacked the authority to enact ordinance 34637 because neither the Constitution, nor the legislature granted such authority.

The District Court agreed with Senator Chambers and granted his injunction. The court in their order, ruled that while the former senator had included eighteen counts in his petition for injunctive and declaratory relief, “The Court has decided this controversy based on two issues which are dispositive of this matter...” with the two issues being (1) the city of Omaha lacked legislative authority to implement a red-light camera ordinance and (2) the city fee structure was a fine and all fines per Article VII, section 5 of the Nebraska Constitution in pertinent part shall be appropriated “... to the use and support of schools.”

Recognizing that cities and villages lack legislative authority to implement red-light camera programs, proponents of the use of these devices have made four attempts to enact legislation authorizing camera use since 1999, with three of the four efforts having failed to be passed by the legislature, and the fourth, LB616 introduced during the First Session of the 109th Session of the Nebraska Legislature is still under consideration for the second session which starts in January of 2026. See the following table:

Table 2: Red-Light Camera Legislation Since 1999

Year	Bill No.	Introducer	One liner
2025	LB616	J.Cavanaugh	Provide for enforcement of red-light violations using automatic license plate reader systems
2009	LB496	Fulton	Authorize enforcement of traffic control signal violations by automated traffic enforcement systems
2001	LB534	Quandahl	Authorize local authorities to pass traffic regulation ordinances and resolutions relating to photographic evidence
2000	LB1277	Engel	Authorize local authorities to pass traffic regulation ordinances

Source: Nebraska Legislative Journals

Conclusion

The use of red-light cameras has significantly aided law enforcement officers in their traffic enforcement efforts by freeing up time that officers would otherwise spend monitoring known intersections prone to red-light running, allowing officers to focus on other public safety efforts.

However, the use of cameras raises significant concerns about privacy, accuracy, and fairness. As this technology continues to evolve, particularly with the rapid advancement of artificial intelligence (AI), lawmakers and law enforcement agencies must strike a balance between utilizing these new technologies for public safety and protecting individuals’ rights. A key aspect of this balance is ensuring that citations issued under this program undergo a robust law enforcement review process before being issued. This law enforcement review is essential in an era where some red-light camera programs have adopted artificial intelligence, as this oversight risks undermining the program’s commitment to fairness and due process.

Additionally, a red-light camera program implemented without addressing the potential for misuse of a driver’s data through data retention and elimination policies will miss an opportunity to instill confidence in the program among Nebraska drivers.

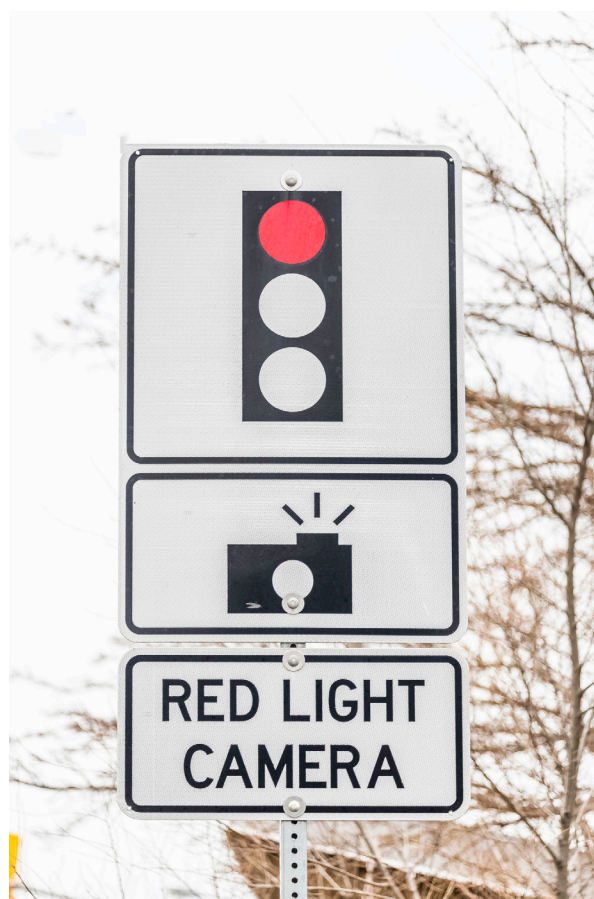


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