



Privacy Advisory Commission
May 6, 2021 5:00 PM
Oakland City Hall
Hearing Room 1
1 Frank H. Ogawa Plaza, 1st Floor
Meeting Agenda

Commission Members: *District 1 Representative: Reem Suleiman, District 2 Representative: Chloe Brown, District 3 Representative: Brian Hofer, Chair, District 4 Representative: Lou Katz, District 5 Representative: Omar De La Cruz, District 6 Representative: Gina Tomlinson, District 7 Representative: Robert Oliver, Council At-Large Representative: Henry Gage III, Vice Chair Mayoral Representative: Heather Patterson*

Pursuant to the Governor's Executive Order N-29020, all members of the Privacy Advisory Commission as well as City staff will join the meeting via phone/video conference and no teleconference locations are required.

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2) To comment by phone, you will be prompted to "Raise Your Hand" by pressing "* 9" to request to speak when Public Comment is being taken on the eligible Agenda Item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted.

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1. Call to Order, determination of quorum
2. Open Forum/Public Comment
3. Review and approval of the draft April meeting minutes
4. Surveillance Equipment Ordinance – DOT – Informational presentation on Safe Oakland Streets Initiative, including Automated Speed Safety Systems – no formal action will be taken at this meeting.
5. Surveillance Equipment Ordinance – DOT – informational presentation of Mobile Parking Payment program – no formal action will be taken at this meeting.
6. Surveillance Equipment Ordinance - DOT – presentation of Chinatown Camera Grant impact report and proposed use policy – review and take possible action.
7. Surveillance Equipment Ordinance - OPD – presentation of Annual Reports – review and take possible action:
 - a. Live Stream Transmitter
 - b. ShotSpotter



Privacy Advisory Commission

April 1, 2021 5:00 PM

Zoom Teleconference

Meeting Minutes

Commission Members: **District 1 Representative:** Reem Suleiman, **District 2 Representative:** Chloe Brown, **District 3 Representative:** Brian Hofer, Chair, **District 4 Representative:** Lou Katz, **District 5 Representative:** Omar De La Cruz, **District 6 Representative:** Gina Tomlinson, **District 7 Representative:** Robert Oliver, **Council At-Large Representative:** Henry Gage III, Vice Chair **Mayoral Representative:** Heather Patterson

Each person wishing to speak on items must fill out a speaker's card. Persons addressing the Privacy Advisory Commission shall state their names and the organization they are representing, if any.

1. Call to Order, determination of quorum

Members Present: Brown, Hofer, Katz, Tomlinson, Oliver, Patterson.

2. Open Forum/Public Comment

There were no Open Forum Speakers.

3. Review and approval of the draft March meeting minutes.

The minutes were approved unanimously.

4. Sanctuary Contracting Ordinance – CPO – presentation of annual report – review and take possible action.

Joe DeVries presented the annual report noting that there were no violations of the policy in 2020. He explained the process put in place to ensure contractors are compliant, including a review of all Schedule I's that are submitted. He also noted that a question arose as to whether Grant Agreements would also be covered under the ordinance and that the City Attorney's Office determined they are not since grants are not for goods and services. The PAC members agreed with this assessment. Member Katz asked if the self-verification system was effective and He explained that the extra review is an added assurance but that the penalties for lying would be significant so contractors really have a motivation to comply.

The PAC voted unanimously to approve the report.

5. Surveillance Equipment Ordinance - DOT – Chinatown Camera Grant impact report and proposed use policy – review and take possible action.

Michael Ford with OakDOT brought back a revised Use Policy and a draft contract that includes requirements that the Chamber abide by the Surveillance Technology Ordinance. Chairperson Hofer was hopeful that the City Attorney could add stronger language and specifically was interested in whether the ordinance allowed for a private right of action to be taken against the Chamber and if the Chamber could be held to the CA Public Records Act. Although there was no written opinion, Joe DeVries noted that in his conversation with the OCA, the preliminary thinking was that the Chamber could NOT be held to the same standard as the city and that the only enforcement mechanism against the Chamber is the contract itself. A breach could require them to return the funding (or the cameras).

Without more definitive guidance on the questions around a Private Right of Action and the CA PRA, the Chair continued the item to May.

6. Mobile Parking Payment Systems for Parking Management and Enforcement– review and take possible action.

Quinn Wallace with OakDOT introduced the item explaining that the Mobile Parking Payment System has been in existence since 2011 but that the contract expires in July and the City is in the procurement process for new service. The new service will likely allow the contractor to share data with City staff for enforcement, fee paying, and other services including helping the City understand parking patterns, and trends to better manage parking citywide. The Department is hoping to have a new Use policy in place for when a new contractor is selected.

Member Tomlinson had questions about what happens with data once the contract expires. Member Brown had concern about language stating that the contractor “may” remove PII data and would like to see stronger language stating that they “will” remove data upon request. Member Brown also asked why the city would need access to people’s email address or other PII.

Chair Hofer noted that the contract should state that the provider will comport with the approved Use Policy and the Use Policy should restrict certain types of data collection. He recognized the Use Policy conversation doesn’t align with the contracting process at this point which creates a challenge. He also asked about modifying language in the contractor’s Terms of Use as the PAC/City had in a prior contract. Michael Ford noted that in this scenario it is likely that the City will contract with a national firm that already has a “Terms of Use” statement that won’t be easy to change.

The item will be brought back to the may meeting.

7. Surveillance Equipment Ordinance - OPD – presentation of Annual Reports – review and take possible action:
 - a. Cell-site Simulator
 - b. Live Stream Transmitter

- c. Mobile ID
- d. GPS Tag Tracker

OPD presented the annual reports and several questions came up specifically on the Live Stream Camera Report. This is a new technology and it was used several times in the wake of the George Floyd murder last May. Chairperson Hofer questioned why OPD included a lot of information about its crowd control policy, noting that it confuses the reader. Also raised were questions about the after-action reports and if there is training for officers on submitting those. Member Patterson, citing the section on community complaints posed the question of how the community would know the technology is being used and where to complain about it. Most importantly it was noted the report states there were no policy violations when in fact there were—the timeliness of submitting the first series of reports last summer was a policy violation.

The PAC voted unanimously to approve the Cell-Site Simulator, Mobile ID, and GPS Tag Tracker Annual reports while directing a corrected version of the Live-Stream Camera Annual Report to be brought back in May.

ASSEMBLY BILL 550 (CHIU)

SAFE STREETS ACT OF 2021

SUMMARY

Assembly Bill 550 protects the safety of vulnerable travelers on California roads by giving the cities of Los Angeles, Oakland, San Francisco, San Jose, and two additional southern California cities the option of piloting speed safety systems on sensitive or dangerous local streets.

BACKGROUND

From 2005 to 2014, 363,606 Americans [were killed](#) in instances of traffic violence nationwide. Of those, 112,580 people – 31 percent – were killed in speeding-related incidents. California is no exception to the scourge of speeding fatalities: over 1,000 Californians have [died](#) in speed-related traffic collisions every year for the past five years.

Jurisdictions suffering from high levels of avoidable fatal and severe collisions are desperate for additional tools to bring the number of traffic deaths down to zero. Vision Zero traffic safety initiatives underway in these localities have made some progress, but these efforts to date have not brought about the necessary reductions in injuries and deaths.

Many streets with high numbers of fatal and severe crashes – otherwise known as a High Injury Network – are in regionally identified Communities of Concern. A high percentage of households with minority or low-income status, seniors, people with limited English proficiency, and people with disabilities reside in these communities and are disproportionately impacted by speeding. Children going to school, pedestrians and cyclists heading to work, and seniors attending to errands are at risk every day.

Traffic safety efforts have historically focused on a traditional law enforcement response to speeding and other dangerous driver behaviors, as well as education and engineering efforts. However, these traditional enforcement methods have had a well-documented disparate impact on communities of color, and implicit or explicit racial bias in police traffic stops puts drivers of color at risk. Jurisdictions

around the state are seeking alternatives to traditional enforcement mechanisms that will protect public safety while being responsive to community concerns.

THE PROBLEM

Across the United States, numerous peer-reviewed [studies](#) have shown that speed detection systems reduce the number of severe and fatal collisions by as much as 58 percent. Despite an established history, California law currently prohibits the use of these systems.

Studies have shown that speed is the *leading* factor when determining fault in fatal and severe collisions, yet existing efforts have not led to the reduction in speed and traffic violence needed to save lives and make communities safe. California must provide communities with the option to pilot this public safety tool in order to create the expectation of regular speed checking on the most dangerous streets, and in workzones where traffic work crews are in dangerous proximity to fast-moving vehicles.

THE SOLUTION

AB 550 authorizes six speed safety pilots, informed by consultation with local stakeholder groups, in the cities of Los Angeles, Oakland, San Francisco, San Jose, and two more southern California cities.

Pilot programs must comply with the following specific requirements in order to operate:

- **Program Operation:** Must be operated by a jurisdiction's transportation department or similar administrative agency, not law enforcement.
- **Area Limitations:** Speed safety systems may only be operated on a jurisdiction's High Injury Network or within a half-mile of schools, senior zones, public parks, or recreation centers.
- **Privacy Protections:** Jurisdiction must adopt a policy setting out clear restrictions on the

use of data and provisions to protect, retain, and ultimately destroy that data. Data from a system cannot be used for any other purpose or disclosed to any other person or agency except as required by law or in response to a court order or subpoena.

- **Facial Recognition Ban:** Jurisdictions are prohibited from using facial recognition technology in a program.
- **Signage, Notice, and Warning Period:** Jurisdictions must clearly identify the presence of the speed safety system with signage, must administer a public information campaign for 30 days prior to the system becoming operational, and must issue warning notices rather than citations for the first 30 days of enforcement.
- **Citation Type:** Citations are civil in nature, not criminal, and shall not result in a point on a driver's record. Citations shall only be issued to drivers traveling at least 11 miles per hour over the posted speed limit.
- **Fine Amount:** The penalty amount is capped at \$50 for violations between 11-15mph over the limit, \$100 for violations between 15-25mph over, and \$200 for violations 25mph over. Vehicles going 100mph or more will receive a fine of \$500.
- **Adjudication:** Jurisdictions must provide for a hearing and administrative appeal process for contesting citations.
- **Equity:** Jurisdictions must offer a low-income driver diversion program with specified alternative remedies in lieu of payment and reduced fines for qualifying individuals.
- **Thresholds for Continued Operation:** Systems may not be operated past the first 18 months of installation unless specific speed reduction thresholds are met.
- **Oversight and Evaluation:** Each jurisdiction must submit a report and evaluation to their governing body two years after the start of the program and at the program conclusion must provide an evaluation to the Legislature. Reports must include a specific

analysis of racial equity and financial impacts of programs developed in collaboration with stakeholder groups.

- **Sunset:** The Act and any authorized programs sunset on January 1, 2027.

SUPPORT

City of Los Angeles (cosponsor)
City of Oakland (cosponsor)
City of San Francisco (cosponsor)
City of San José (cosponsor)
Walk San Francisco (cosponsor)
Advocates for Highway and Auto Safety
Associated General Contractors of California
Association of Bay Area Governments
Barbary Coast Neighborhood Association
Bike Bakersfield
California City Transportation Initiative (CaCTI)
CC Puede
Chinatown Community Development Center
Chinatown TRIP
City of Alameda
City of Berkeley
City of Fremont
City of Hayward
City of Palm Springs
City of Sacramento
Conor Lynch Foundation
East Cut Community Benefit District
India Basin Neighborhood Association
Japantown Task Force
League of California Cities (Cal Cities)
Lighthouse for the Blind and Visually Impaired
Livable City
Lower Haight Merchants & Neighbors Association
Marin County Bicycle Coalition
Mayor Libby Schaaf, City of Oakland
Mayor London Breed, City and County of San Francisco
Metropolitan Transportation Commission
National Association of City Transportation Officials
National Safety Council
Richmond Family Transportation Network
San Francisco Bay Area Families for Safe Streets
San Francisco Bicycle Coalition
San Francisco Board of Supervisors
San Francisco Community Radio/KXSF
San Francisco Marin Medical Society
Self-Help for the Elderly

Senior & Disability Action
Slow Down Napa
South Beach-Rincon-Mission Bay Neighborhood
Association
Southern California Families for Safe Streets
Spin
SPUR
Streets for All
Sylvia Bingham Fund
Tenderloin Community Benefit District
The Arc San Francisco
Vision Zero Network
Walk Bike Berkeley

FOR MORE INFORMATION

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Date of Hearing: April 26, 2021

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 550 (Chiu) – As Amended April 15, 2021

SUBJECT: Vehicles: Speed Safety System Pilot Program

SUMMARY: Establishes a five-year pilot program to give local transportation authorities in the Cities of San Jose, Oakland, Los Angeles, two unspecified southern California cities, and the City and County of San Francisco the authority to install speed safety systems. Specifically, **this bill:**

- 1) Authorizes a five-year speed safety system pilot program, from 2022 to 2027, in San Jose, Oakland, Los Angeles, two unspecified southern California cities and San Francisco to enforce speed limits on no more than 15% of their streets in the following areas:
 - a) Within 2,500 feet of a school.
 - b) Within 2,500 feet of a senior zone.
 - c) Within 2,500 feet of a public park.
 - d) Within 2,500 feet of a recreational center.
 - e) On a street meeting the standards of a high injury network, as defined by the Department of Transportation.
- 2) Defines a “speed safety system” as a fixed or mobile radar or laser system or any other electronic device that utilizes automated equipment to detect a violation of speeding laws and is designed to obtain a clear photograph, video recording, or other visual image of a vehicle license plate and defines “automated speed violation” as a violation of a speed law detected by a speed safety system operated pursuant to this article.
- 3) Specifies that speed safety systems are not to be operated on any California state route, including all freeways and expressways, U. S. Highway, Interstate Highway or any public road in an unincorporated county where the Commissioner of the California Highway Patrol (CHP) has full responsibility and primary jurisdiction for the administration and enforcement of the laws, and for the investigation of traffic accidents.
- 4) Provides that a speed safety system shall not continue to operate on any given street if within the first 18 months of installation of a system, at least one of the following thresholds has not been met:
 - a) Percentage of automated speed violations decreased by at least 25%.
 - b) Percentage of violators who received two or more violations decreased by at least 50%.

- 5) Provides that the cameras may continue to operate if traffic calming measures are added to the street and authorizes the cameras to continue to be used for up to two years, with a vehicle speed feedback sign while traffic calming measures are being planned or constructed. If construction of traffic calming measures has not begun within two years, use of cameras shall be halted. If violations do not decrease one year after traffic calming measures have been added, then a city or county shall either construct additional traffic-calming measures or cease operation of the system on that street.
- 6) Defines “traffic calming measure” to include, but not be limited to: bicycle lanes, chicanes, chokers, curb extensions, median islands, raised crosswalks, road diets, roundabouts, speed humps or speed tables, traffic circles.
- 7) Permits the use of speed safety systems in school zones two hours before school and two hours after school where the posted speed limit is 30 mph or higher when children are not present.
- 8) Prohibits the use of mobile systems for the first two years of the pilot.
- 9) Provides that speed safety systems must:
 - a) Clearly identify the presence of the fixed or mobile speed safety system with signs stating “Photo Enforced,” along with the posted speed limit. The signs must be visible to traffic and posted at all locations, as determined by Caltrans and the local California Traffic Control Devices Committee;
 - b) Identify vehicles containing a mobile speed safety system with distinctive markings, including information that the system is being operated for “Photo Enforcement” purposes, identify the streets or portions of streets that have been approved for ASE, and post the locations and hours of enforcement on the municipality’s Internet website.
 - c) Use properly trained designated municipal employees, as specified, to operate the speed safety systems and make determinations on when notices of violation should be issued. Requires training and proof of successful completion of peace officer and municipal training to be retained by the pilot cities, as specified.
 - d) Ensure regular inspection and certification of the speed safety system to ensure proper calibration; conduct an annual inspection by independent calibration laboratory; and document the inspection, operation, and calibration of the speed safety system.
 - e) Use fixed and mobile speed safety systems that provide real-time notification when violations are detected.
- 10) Requires the pilot cities to meet several consumer protection and privacy conditions:
 - a) Conduct a public information campaign for 30 days before deployment.
 - b) Only issue warning notices during the first 30 days of enforcement.

- c) Prior to implementation, adopt a Speed Safety System Use Policy and a Speed Safety System Impact Report and work collaboratively with relevant local stakeholder organization, including racial equity, privacy protection, and economic justice groups to develop these.
- d) Include a clear photograph, video recording, or other visual image of the license plate and rear of the vehicle only, a citation of the law violated, the camera location, and the date and time when the violation occurred. Notices of violation must exclude images of the rear window area of the vehicle.
- e) Keep speed safety system data and records confidential, except as required by the Public Records Act. The pilot cities are permitted to retain speed safety system data and evidence for 60 days and speed safety system administrative records for 120 days following final disposition of a violation, but are required to destroy any speed safety system data within five days if the data shows no evidence of a speeding violation.
- f) Give the registered owner of the vehicle or an individual identified by the registered owner as the driver of the vehicle at the time of the alleged violation the right to review the photographic, video, or visual evidence of the alleged violation.
- g) Prohibits the use of facial recognition software.
- g) Require information collected and maintained using an speed safety system to be used only to administer an speed safety system program and prohibits disclosure to any other person, including a state or federal agency, except as required by law, court order or subpoena.
- h) Meet vendor contracting requirements, as specified, including a requirement that any speed safety system data collected is confidential and may not be shared, repurposed, or monetized for purposes other than speed safety system enforcement.
- i) Issue violations only for violation of speeding 11 mph or more over the posted speed limit, that carry a civil penalty of \$50, \$100, \$200 or \$500, cannot be used to suspend or revoke a driver's license, and cannot be used to assess a point against the driver.
- j) Issue no more than one notice of violation for a specific vehicle within a given 24-hour period; and provide an appeals process, as specified, including a diversion program for indigent violators, as specified.
- k) Use revenues from the speed safety system to recover program costs, build traffic calming measures, with excess revenue after three years going to the state's Active Transportation Program (ATP).
- l) Submit a Speed Safety System Report to the Legislature after the fifth and final year of the pilot.
- m) Requires the pilot cities to reduce ticket fines and penalties by 80% for people with household incomes less than 125% of the Federal Poverty Level and for people who receive CalFresh benefits, Supplemental Security Income (SSI), or Medi-Cal benefits, and by 50% for those living 200% above the federal poverty line.

- 11) Makes various findings and declarations regarding development of an ASE program in the City of San Jose and the City and County of San Francisco.

EXISTING LAW:

- 1) Establishes a “basic speed law” that prohibits a person from driving a vehicle at a speed greater than is reasonable or prudent given the weather, visibility, traffic, highway conditions, and in no event at a speed that endangers the safety of persons or property.
- 2) Authorizes the use of automated traffic enforcement systems (i.e., red light cameras) at railroad crossings and intersections to record violations of unlawful grade crossings and running of red lights.
- 3) Requires a peace officer or “qualified employee” of a law enforcement agency to review the photograph taken by an automated traffic enforcement system and issue a citation, as appropriate.
- 4) Conditions the use of red light cameras on several requirements and procedures, including the following:
 - a) Only a governmental agency in cooperation with a law enforcement agency may operate a system.
 - b) Intersections equipped with the enforcement systems must be identified by signs visible to traffic in all directions or by signs posted at all major entrances to the participating city.
 - c) The city council or county board of supervisors must conduct a public hearing on the proposed use of an automated enforcement system.
 - d) Use of the system must be preceded by public notice by the local jurisdiction at least 30 days in advance, and only warning notices may be issued to violators during the first 30 days of the system’s operation, after which citations may be issued.
 - e) All photographic records are confidential and shall be made available only to the affected governmental agencies for enforcement purposes.
 - f) Any driver alleged to be a violator of the red light provisions or the vehicle’s registered owner is permitted to review the photographic evidence of the alleged violation.
 - g) Citations must be delivered to the driver within 15 days of the alleged violations, with a certificate of mailing obtained as evidence of service, and must include specified information, including how, when, and where the citation may be challenged.
- 5) Establishes ATP, a grant program administered by the California Transportation Commission to encourage increased use of active modes of transportation, such as walking and biking.

FISCAL EFFECT: Unknown

COMMENTS:

Between 2000 and 2018, over 660,000 people were killed in vehicle collisions. According to the National Safety Council, vehicle miles traveled dropped 13% in 2020, but the mileage death rate went up 24%, the highest estimated year-over-year jump in 96 years. Over 42 thousand Americans lost their lives to traffic collisions in 2020, and an estimated 4.8 million road users were seriously injured last year. According to the Governors Highway Safety Association the number of pedestrian fatalities in the United States has grown sharply. Between 2009 and 2018, pedestrian fatalities increased 53%. This is during a time when all other traffic-related deaths increased by 2%. In 2018, 17% of all traffic fatalities were pedestrians, compared to 12% in 2009.

The speed that a vehicle travels can significantly increase the likelihood of death in an accident. According to the National Highway Traffic Safety Administration, a person struck by a vehicle going 20 mph has a 5% chance of dying. That number goes up to 40% for vehicles going 30 mph, and 80% for vehicles going 40 mph. Similarly, according to the National Transportation Safety Board (NTSB), from 2005-14, crashes in which a law enforcement officer indicated a vehicle's speed was a factor resulted in 112,580 fatalities, representing 31% of all traffic fatalities. NTSB notes that speeding increases the risk of a crash and the severity of injuries.

The increase of traffic fatalities has created a movement in the United States called the Vision Zero Network which is a collaborative campaign with the goal of eliminating all traffic fatalities and severe injuries—while increasing safe, healthy, and equitable mobility for all. Today, more than 40 communities (including at least 11 in California) across the country have taken the Vision Zero Network's pledge to reduce traffic fatalities to zero.

While on its face that seems impossible, two cities in the world achieved vision zero in 2019: Oslo, Norway (population 670,000) and Helsinki, Finland (population 630,000) These cities did so by redesigning their roads to slow down cars, banning cars in their downtowns, lowering speed limits, and enforcing speeding violations with speed safety systems.

AB 2363 (Friedman), Chapter 650, Statutes of 2018 established the Zero Traffic Fatality Task Force (Task Force) in order to develop policies to reduce traffic fatalities to zero in California. Per this legislation, CalSTA formed the 25-member Task Force on June 5th, 2019. Members of the Task Force included representatives from the Department of the California Highway Patrol, the University of California and other academic institutions, Caltrans, the State Department of Public Health, local governments, bicycle safety organizations, statewide motorist service membership organizations, transportation advocacy organizations, and labor organizations.

In January 2020, CalSTA in conjunction with the Task Force, released the *CalSTA Report of Findings: AB 2363 Zero Traffic Fatalities Task Force*. The report includes 27 policy recommendations, and 16 findings recommendations that are broken into four categories: establishing speed limits, engineering, enforcement and education. This bill includes seven policy recommendations on establishing speed limits outlined in the report.

One of the recommendations from the Task Force was to look at the use of automated speed enforcement (ASE) to enforce speed limits. The Center for Disease Control, NTSB, and National

Association of City Transportation Officials (NACTO) recommend the use of ASE, or as this bill refers to them, speed safety systems, to enforce speed limits.

According to the author, “Every year for the past five years, over 1,000 Californians have died in speed-related traffic collisions. Tens of thousands more have been injured. Many jurisdictions have adopted Vision Zero policies in an effort to bring traffic fatalities to exactly that – zero. Unfortunately, existing traffic safety initiatives have not significantly reduced preventable injuries and deaths on our streets. AB 550 proposes a pilot program to bring to California a speeding reduction technology that has already proven effective in dozens of other jurisdictions: speed safety systems. These systems have been proven – time and time again – to reduce speeding by as much as 65 percent, and reduce serious injury and fatal crashes by as much as 58 percent. The bill sets out a collaborative model based on stakeholder and community engagement, and incorporates clear privacy and equity protections from the outset. This legislation is about saving lives and improving the safety of some of the most vulnerable travelers, like children going to school, bicyclists heading to work, or elderly people running errands. We must remember those whom we have lost, but also take action to protect people we know we can save. AB 550 is a step in that direction.”

Do Speed Cameras Work? According to NTSB “A 2005 systematic review of 14 studies of ASE programs in Canada, Europe, Australia, and New Zealand found crash reductions of 5% to 69%, injury reductions of 12% to 65%, and fatality reductions of 17% to 71% at ASE locations after ASE program implementation.

In 2007, NHTSA published a review of 13 studies of ASE programs (including 1 US program). Four of the 13 studies examined fixed ASE programs and generally found that injury crashes at fixed ASE locations declined between 20% and 25% after ASE implementation. The other nine studies examined mobile ASE programs and found that injury crashes in mobile ASE zones declined between 21% and 51%. Two of the studies in the NHTSA review looked at the wider effects of ASE; one Canadian study found a provincewide 25% reduction in daytime speeding-related crashes, and the other, a US study, found a statewide 30% reduction in daytime crashes resulting in injuries.

A 2010 review of 28 studies of ASE in the United States, Canada, Europe, Australia, and New Zealand determined that all 28 studies had found a lower number of crashes in ASE areas after ASE implementation. These studies reported reductions of 8% to 49% for all crashes and reductions of 11% to 44% for crashes causing serious injuries or fatalities.”

ASE and Revenue Generation. The Task Force recommended that the Legislature “develop strategies to eliminate any incentive that could turn an ASE program into a revenue generating technique.” Revenue generation has been a main critique of speed cameras. In 2010, Governor Schwarzenegger proposed authorizing speed cameras to generate \$397 million in revenue for the state during the Great Recession. More recently, Chicago Mayor Lori Lightfoot lowered the speed sensitivity of the speed cameras in Chicago from 10 mph to 6 mph above the posted speed in the city budget in an attempt to raise more revenue for the city facing a \$1.2 billion budget deficit.

To combat the use of revenue generation as a motive for ASE, the Task Force recommended dedicating ASE revenue to program administration and traffic safety road investments. To prevent cities from financially benefitting from their own policy decisions, the Task Force

further recommended preventing localities from being able to set speed tolerances, penalty amounts, enforcement locations, and other decisions that impact the amount of ASE revenue generated.

This bill has several provisions that are consistent with the Task Force recommendations. First, the revenue generated from the speed safety systems must go to program administration and to traffic calming measures designed to slow cars down. Cities are prohibited from supplanting funding for traffic calming measures with the revenue generated from speed safety systems. Finally, if there is any excess revenue after three years, the money must go to ATP.

Further, this bill sets the speed tolerance at 11 mph, in line with New York and Washington DC and until recently, Chicago. Unlike Chicago, cities cannot lower that speed tolerance under this pilot. Both New York City and Chicago saw a drop in speeding violations of at least 40% in the first year the speed cameras were used.

In order to make sure the cameras are placed in areas where they can effectively reduce speed and not in areas that would bring in the most revenue, this bill provides that if the number of violations has not decreased by 25% over the course of 18 months, or the number of second violations has decreased by 50%, then the cameras cannot be used in that location unless traffic calming measures are installed. Cities would have two years to build the traffic calming measures, and during those two years, a vehicle speed feedback sign must be used. Feedback signs have been shown to reduce speeds by 3-4 mph and reduce crashes by 7%.

If the traffic calming measures are not constructed in two years, the cameras can no longer be used. If the calming measures are not effective at reducing violations within a year, then additional calming measures must be installed, or the localities must halt the use of the cameras.

Task Force members overwhelmingly agreed that changing a road's infrastructure is the most important factor to reduce vehicles operation speeds. Research provided by The University of California, Institute of Transportation Studies has found that speed bumps, humps and tables reduce speeds by 2.7 to 3.4 mph. Chicanes can reduce speeds by 3.2 mph. Medians can reduce fatalities by 80%. Road diets can reduce speeds by 5% and reduce crashes between 19 and 47%. Roundabouts reduce crashes at intersections by 35-67%. The revenue generated for traffic calming measures may very well compound the safety benefits for road users and help cities achieve their vision zero goals.

Equity and Discrimination Concerns. The cost of fines and fees associated with traffic and parking citations has steadily increased over the last few decades. After adding on fees to base fines, tickets can total hundreds of dollars. Add-on fees for minor offenses double or quadruple the original fine, and until recently California suspended driver's licenses for failure to pay traffic fines or for failing to appear to court for a traffic infraction.

This bill has several provisions to protect against burdensome fines. First, the fines in this bill are significantly lower than existing fines for speeding tickets. Fines are \$50 for going 11-15 mph over the speed limit, \$100 for going 15-25 mph over the speed limit, and \$200 for going 25 mph over the speed limit. Individuals going 100 mph over the speed limit will face a \$500 fine. In contrast, under existing law driving 1-15 mph over the speed limit results in a \$238 ticket. Driving 16-25 mph over the speed limit results in a \$367 ticket. Driving 26 mph over the speed limit would result in a \$490 ticket. Driving 100 mph or greater is a \$900 ticket.

This bill provides that drivers will not face negligent operator points if they receive a speeding ticket from a speed safety system. Generally, also speeding tickets result in negligent operator points. The point system is used by DMV to determine if a driver should be considered a negligent operator. DMV may suspend or revoke a person's driving privilege for being a negligent operator. Also, points increase an individual's insurance rates.

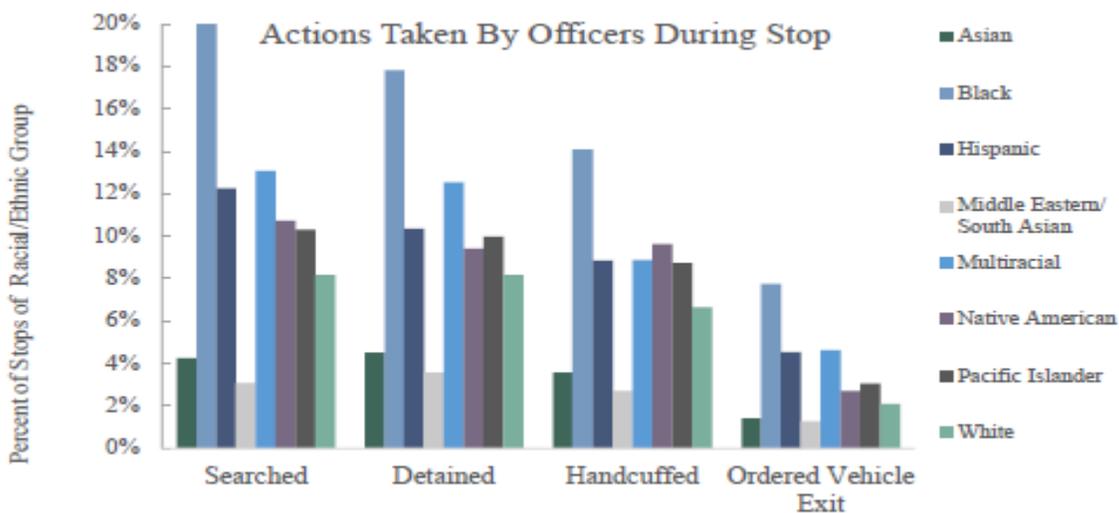
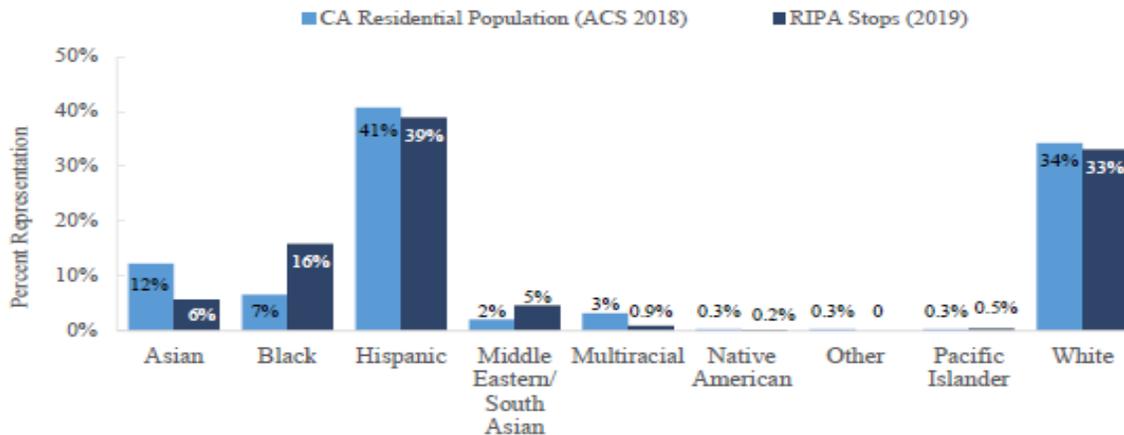
In addition to lower fines when compared to a traditional speeding ticket, this bill requires diversion programs to be offered to indigent persons. In addition, fines must be reduced by 80% for indigent individuals, and by 50% for those 200% above the federal poverty line. Payment plans of \$25 a month must also be offered. Finally, tickets are limited to one per day per car.

According to the National Association of City Transportation Officials, writing in support of this bill, "Traditional police enforcement of traffic laws has frequently put drivers of color at risk from implicit and explicit bias. Recent studies have shown that Black drivers in California are stopped by police at 2.5 times the rate of whites and are searched three times as often. In some cities, the disparity is even more pronounced. This bill proposes an alternative, administrative based model for speed detection that will protect public safety while being responsive to community needs. California must provide communities with the option to pilot this public safety tool in order to create the expectation of regular speed checking on the most dangerous streets."

Speed cameras have often been viewed as a potential solution to discriminatory stops. However, it is important to note that some of the most dangerous roads in California and in the United States are in minority communities. The requirement for traffic calming measures to be added to areas where speed cameras exist and fail to curb speed violations should also help make these roads safer.

This bill attempts to address equity concerns regarding the enforcement of traffic laws by requiring organizations that represent minority communities to be involved in the placement of these cameras.

There has been unequal enforcement of traffic violations against African Americans in California. AB 593 (Weber) Chapter 466, Statutes of 2015, enacted the Racial and Identity and Profiling Act (RIPA) of 2015, which requires local agencies to annually report data to the Attorney General on all stops conducted by peace officers. Data from that report shows that African Americans are disproportionately stopped by law enforcement, and were more likely to be searched or detained than their white counterparts:



It should be noted that these numbers are actually significantly higher for many local police departments. CHP stops account for nearly 44% of all traffic stops in the state, and CHP RIPA data shows a lower disparity in stops by race compared to the statewide average. CHP jurisdictions have been excluded from this bill. One of the cities chosen for this pilot program has an African American population of 9% but African Americans account for 30% of all police stops in that city.

Committee Comments: When New York State authorized New York City to use speed cameras, they placed a limit on the number of cameras a city can use. The author has proposed amendments limiting the number of cameras that may be used for the cities outlined in this bill. They have also proposed limiting the pilot program to five cities instead of six. The limitations for cameras as proposed by the author are as follows:

- a) *For jurisdictions over 3 million in population, no more than 125 systems.*
- b) *For jurisdictions between 800,000 and 3 million in population, no more than 33 systems.*
- c) *For jurisdictions between 300,000 and 800,000 in population, no more than 18 systems.*
- d) *For jurisdictions less than 300,000 in population, no more than 9 systems.*

For purposes of this subsection, “speed safety systems” may include up to two fixed or mobile radar or laser systems at the same location in order to detect speed violations on two-way or multidirectional streets.

The author has also proposed several clean-up items left over from the March 22nd version of the bill, including striking the mention of work zones in the intent language, removing the term “automated speed enforcement” in article 3, and including mobile speed safety systems in Vehicle Code section 22425(e)(4).

Related Legislation:

AB 43 (Friedman) of 2021 grants the California Department of Transportation (Caltrans) and local authorities greater flexibility in setting speed limits based on recommendations by the Task Force.

SB 735 (Rubio) of 2021, authorizes a pilot program for the use of ASE in school zones. That bill is pending before Senate Transportation Committee.

Previous Legislation:

AB 2363 (Friedman), Chapter 650, Statutes of 2018, created the Zero Traffic Fatalities Task Force.

AB 342 (Chiu) of 2017 would have established a five-year pilot program to give local transportation authorities in the City of San Jose and the City and County of San Francisco the authority to install ASE systems in the two municipalities.

SB 1325 (Kuehl) of 2008 would have authorized the City of Beverly Hills to deploy an ASE system. SB 1325 failed passage in the Senate Transportation and Housing Committee.

SB 1300 (Kuehl) of 2006 was similar to SB 1325 (Kuehl) of 2008. SB 1300 failed passage in the Senate Transportation and Housing Committee.

SB 466 (Kuehl) of 2005 was similar to SB 1325 (Kuehl) of 2008. SB 466 failed passage in the Senate Transportation and Housing Committee.

AB 1022 (Oropeza), Chapter 511, Statutes of 2003, refined the red light camera provisions after a number of legal challenges arose concerning the operation of the automated systems. These changes clarified responsibility for operation and maintenance of the system by local authorities and private contractors, the involvement of law enforcement personnel in citation issuance, restrictions on compensation to vendors, and the required consideration of alternative methods of enforcement.

SB 1136 (Kopp), Chapter 54, Statutes of 1998, authorized the use of automated enforcement systems at red lights indefinitely.

SB 833 (Kopp), Chapter 922, Statutes of 1995, authorized a three-year demonstration period to test the use and effectiveness of such cameras to reduce the incidence of drivers running red lights at intersections.

SB 1802 (Rosenthal), Chapter 1216, Statutes of 1994, authorized the use of red light cameras to record violations occurring at rail crossing signals and gates.

REGISTERED SUPPORT / OPPOSITION:

Support

Advocates for Highway and Auto Safety
Associated General Contractors of California
Association of Bay Area Governments (ABAG)
Barbary Coast Neighborhood Association
Berkeley; City of
Bike Bakersfield
California City Transportation Initiative
Cc Puede
Chinatown Community Development Center
Chinatown Trip
City of Alameda
City of Los Angeles
City of Sacramento
Conor Lynch Foundation
East Cut Community Benefit District
Fremont, City of
Hayward; City of
India Basin Neighborhood Association
Japantown Task Force
League of California Cities
Lighthouse for The Blind and Visually Impaired
Livable City
Lower Haight Merchants & Neighbors Association
Marin County Bicycle Coalition
Metropolitan Transportation Commission
National Association of City Transportation Officials
National Safety Council
Oakland; City of

Palm Springs; City of
Richmond Family Transportation Network
San Francisco Bay Area Families for Safe Streets
San Francisco Bicycle Coalition
San Francisco Community Radio / KXSF
San Francisco Marin Medical Society
San Jose; City of
Self-help for The Elderly
Senior and Disability Action
Skinny Labs INC (SPIN)
Slow Down Napa
Social Families for Safe Streets
South Beach and Rincon and Mission Bay Neighborhood Association Board of Directors
Spur
Streets for All
Sylvia Bingham Fund
Tenderloin Community Benefit District
The Arc San Francisco
Transform
Vision Zero Network
Walk Bike Berkeley
Walk San Francisco

Oppose

California Conference Board of the Amalgamated Transit Union
California Teamsters Public Affairs Council
California Walks
Western States Trucking Association

Oppose Unless Amended

Safer Streets LA

Analysis Prepared by: David Sforza / TRANS. / (916) 319-2093


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AB-550 Vehicles: Speed Safety System Pilot Program. (2021-2022)

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AMENDED IN ASSEMBLY APRIL 15, 2021

AMENDED IN ASSEMBLY MARCH 22, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

ASSEMBLY BILL

NO. 550

**Introduced by Assembly Member Chiu
(Principal coauthor: Senator Wiener)
(Coauthors: Assembly Members Ting and Wicks)**

February 10, 2021

An act to *amend, repeal, and add Section 70615 of the Government Code, and to* add and repeal Article 3 (commencing with Section 22425) of Chapter 7 of Division 11 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 550, as amended, Chiu. Vehicles: ~~speed safety system pilot program.~~ *Speed Safety System Pilot Program.*

Existing law establishes a basic speed law that prohibits a person from driving a vehicle upon a highway at a speed greater than is reasonable or prudent given the weather, visibility, traffic, and highway conditions, and in no event at a speed that endangers the safety of persons or property.

~~This bill would require the Secretary of Transportation to, on or before July 1, 2022, develop and adopt guidelines for the implementation of pilot programs that, in the judgment of the secretary, are designed to promote the safe operation of vehicles and the reduction of speed-related fatalities and injuries by authorizing the limited use of speed safety systems, as defined. In developing the guidelines, the bill would require the secretary to, among other things, consult with certain entities, including the Department of Transportation and local governments, and work collaboratively with privacy stakeholders to consider and adopt guidelines regarding privacy and use of data, as specified. The bill would require the secretary to post the final adopted guidelines on the Transportation Agency's internet website and submit the guidelines to the appropriate policy committees of the Legislature.~~

~~The bill would authorize the Department of Transportation and a local department of transportation to, 30 days after the submission of the guidelines to the appropriate policy committees of the Legislature, establish and implement a pilot program using speed safety systems as long as the program meets specified requirements, including that the program policies comply with the guidelines adopted by the secretary. The bill would require the Department of Transportation and local departments of transportation that establish a pilot program under~~

~~these provisions to submit an evaluation report to the appropriate committees of the Legislature within 2 years from the date the pilot program commences and annually thereafter. The bill would repeal its provisions on January 1, 2027.~~

This bill would authorize, until January 1, 2027, the Cities of Los Angeles, Oakland, San Jose, two other cities in southern California, and the City and County of San Francisco to establish the Speed Safety System Pilot Program for speed limit enforcement in certain areas, if the system meets specified requirements, including that the presence of a fixed or mobile system is clearly identified. The bill would require the participating cities or city and county to adopt a Speed Safety System Use Policy and a Speed Safety System Impact Report before implementing the program, and would require the city or city and county to engage in a public information campaign at least 30 days before implementation of the program, including information relating to when the systems would begin detecting violations and where the systems would be utilized. The bill would require the participating cities or city and county to issue warning notices rather than notices of violations for violations detected within the first 30 calendar days of the program. The bill would require the participating cities or city and county to develop uniform guidelines for, among other things, the processing and storage of confidential information. The bill would designate all photographic, video, or other visual or administrative records made by a system as confidential, and would only authorize public agencies to use and allow access to these records for specified purposes.

This bill would specify that any violation of a speed law recorded by a speed safety system authorized by these provisions would be subject only to the provided civil penalties. The bill would, among other things, provide for the issuance of a notice of violation, an initial review, an administrative hearing, and an appeals process, as specified, for a violation under this program. The bill would require any program created pursuant to these provisions to offer a diversion program for indigent speed safety system violation recipients, as specified. The bill would require a city or city and county participating in the pilot program to submit reports to the Legislature, as specified, to evaluate the speed safety system to determine the system's impact on street safety and economic impact on the communities where the system is utilized.

Existing law establishes a \$25 filing fee for specified appeals and petitions.

This bill would require a \$25 filing fee for an appeal challenging a notice of violation issued as a result of a speed safety system until January 1, 2027.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Cities of Los Angeles, Oakland, San Jose, and the City and County of San Francisco.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

- (a) Speed is a major factor in traffic collisions that result in fatalities or injuries.
- (b) State and local agencies employ a variety of methods to reduce speeding, including traffic engineering, education, and enforcement.
- (c) Traffic speed enforcement is critical to efforts in California to reduce factors that contribute to traffic collisions that result in fatalities or injuries.
- (d) However, traditional enforcement methods have had a well-documented disparate impact on communities of color, and implicit or explicit racial bias in police traffic stops puts drivers of color at risk.
- (e) Additional tools, including speed safety systems, are available to assist cities and the state in addressing excessive speeding and speed-related crashes.
- (f) Speed safety systems offer a high rate of detection, and, in conjunction with education and traffic engineering, can significantly reduce speeding, improve traffic safety, and prevent traffic-related fatalities and

injuries, including roadway worker fatalities.

(g) Multiple speed safety system programs implemented in other states and cities outside of California have proven successful in reducing speeding and addressing traffic safety concerns.

(h) The Transportation Agency's "CalSTA Report of Findings: AB 2363 Zero Traffic Fatalities Task Force," issued in January 2020, concluded that international and domestic studies show that speed safety systems are an effective countermeasure to speeding that can deliver meaningful safety improvements, and identified several policy considerations that speed safety system program guidelines could consider.

(i) In a 2017 study, the National Transportation Safety Board (NTSB) analyzed studies of speed safety system programs, and found they offered significant safety improvements in the forms of reduction in mean speeds, reduction in the likelihood of speeding more than 10 miles per hour over the posted speed limit, and reduction in the likelihood that a crash involved a severe injury or fatality. The same study recommended that all states remove obstacles to speed safety system programs to increase the use of this proven approach, and notes that programs should be explicitly authorized by state legislation without operational and location restrictions.

(j) The National Highway Traffic Safety Administration (NHTSA) gives speed safety systems the maximum 5-star effectiveness rating. NHTSA issued speed enforcement camera systems operational guidelines in 2008, and is expected to release revised guidelines in 2021 that should further inform the development of state guidelines.

(k) Speed safety systems can advance equity by improving reliability and fairness in traffic enforcement while making speeding enforcement more predictable, effective, and broadly implemented, all of which helps change driver behavior.

(l) Enforcing speed limits using speed safety systems on streets and in highway work zones where speeding drivers create dangerous roadway environments is a reliable and cost-effective means to prevent further fatalities and injuries.

~~SEC. 2. Article 3 (commencing with Section 22425) is added to Chapter 7 of Division 11 of the Vehicle Code, to read:~~

~~3. Speed Safety Systems Pilot Program~~

~~22425. As used in this article, the following definitions shall apply:~~

~~(a) "Individual with low income" means an individual with a household income less than 125 percent of the federal poverty level or who receives CalFresh benefits, Supplemental Security Income (SSI), or Medi-Cal benefits.~~

~~(b) "Local department of transportation" means a city, county, or city and county's department of transportation or, if a city or county does not have a department of transportation, the city or county administrative division, including, but not limited to, a public works department that administers the city's or county's transportation and traffic matters under this code.~~

~~(c) "Public safety vehicle" means an authorized emergency vehicle, as defined in Section 165.~~

~~(d) "Speed safety system" means a fixed or mobile radar or laser system or any other electronic device that utilizes automated equipment to detect a violation of speeding laws and is designed to obtain a clear photograph, video recording, or other visual image of a vehicle license plate.~~

~~(e) "Work zone" means a highway construction or maintenance area, during any time when traffic is regulated or restricted through or around that area pursuant to Section 21367.~~

~~22426. (a) On or before July 1, 2022, the Secretary of Transportation shall develop and adopt guidelines for the implementation of the pilot programs described in Section 22427 that, in the judgment of the secretary, are designed to promote the safe operation of vehicles and the reduction of speed-related fatalities and injuries by authorizing the limited use of speed safety systems. The secretary shall convene at least two public workshops to receive and consider public comments regarding draft guidelines prior to adoption, and shall post the draft guidelines on the Transportation Agency's internet website at least 30 days prior to the first public workshop.~~

~~(b) In developing the guidelines, the secretary shall do all of the following:~~

~~(1) Consult, at a minimum, with the Department of Transportation, the Department of the California Highway Patrol, the State Department of Public Health, local governments, and relevant stakeholder organizations. The~~

~~secretary shall also consider and incorporate best practices from speed enforcement camera systems operational guidelines from the National Highway Traffic Safety Administration (NHTSA):~~

~~(2) Work collaboratively with privacy stakeholders to consider and adopt guidelines regarding privacy and use of data, including, but not limited to, all of the following:~~

~~(A) The Department of Transportation or local department of transportation shall adopt a speed safety system use policy that includes the specific purpose for the system, the uses that are authorized and uses that are prohibited, the rules and processes required prior to that use, including policies on the data or information that can be collected, individuals who have access to that data, and provisions for protecting, retaining, and disposing of that data:~~

~~(B) The use of facial recognition technology in a speed safety system program shall be prohibited.~~

~~(C) Notwithstanding Sections 6253 and 6262 of the Government Code or any other law, photographic, video, or other visual or administrative records made by a speed safety system shall be confidential. The Department of Transportation and local departments of transportation shall use, and allow access to, these records only for the purposes authorized by this article or to assess the impact of the use of speed safety systems:~~

~~(D) If any confidential information is collected by the Department of Transportation or a local department of transportation from the Department of Motor Vehicles, that information shall be held confidential, and shall not be used for any other purpose:~~

~~(E) Information collected and maintained under a pilot program authorized under this article shall only be used to administer the speed safety system program, and shall not be disclosed to any other persons, including, but not limited to, any other state or federal agency or official for any other purpose, except as required by state or federal law, court order, or in response to a subpoena in an individual case or proceeding:~~

~~(3) Work collaboratively with racial equity and economic justice groups to ensure equity considerations are included in all aspects of the development and administration of the guidelines, including, but not limited to, both of the following:~~

~~(A) An evaluation of the impacts of the pilot programs on low income and predominantly minority communities where the pilot programs may be implemented:~~

~~(B) Consideration of the fiscal impacts of the pilot program on individuals with low income, including, for any civil penalties established under a pilot program, the Department of Transportation or a local department of transportation shall offer a diversion program for certain individuals with low income who are found in violation of a speed law under the pilot program, including, but not limited to, the option to pay applicable fines, fees, and penalties over time under a payment program, to enroll in a community service program in lieu of payment, and the establishment of reduced fines, fees, and penalties for qualifying individuals with low income:~~

~~(4) Determine procedures for issuing, contesting, and paying citations, and the amount of the citation. Notwithstanding any other law, a violation of Section 22350, or any other speed law, that is recorded by a speed safety system shall be subject only to a civil penalty, in a total amount, which includes any additional fees, not to exceed one hundred twenty-five dollars (\$125), and shall not result in the Department of Motor Vehicles suspending or revoking the privilege of a violator to drive a motor vehicle or in a violation point being assessed against the violator. The procedures for contesting a citation shall include an opportunity to appeal for a hearing on the matter, and the procedures for payment of the civil penalties shall be consistent with the considerations described in subparagraph (B) of paragraph (3):~~

~~(5) Evaluate and include best practices on speed safety system placement, speed thresholds, public notice, a warning phase, adjudication, use of revenue, system calibration, community engagement, program operations, and oversight:~~

~~(c) Upon adoption of the guidelines, the Secretary shall post the final adopted guidelines on the agency's internet website and submit the guidelines to the appropriate policy committees of the Legislature:~~

~~(d) The Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) does not apply to the development and adoption of guidelines pursuant to this article:~~

~~22427.(a) The pilot programs described in this section may commence 30 days after the secretary submits the adopted guidelines to the appropriate policy committees of the Legislature pursuant to Section 22426:~~

~~(b)The Department of Transportation, in collaboration with the Department of the California Highway Patrol, may establish a work zone pilot program using speed safety systems that meets all of the following requirements:~~

~~(1)The program policies comply with the guidelines adopted pursuant to Section 22426:~~

~~(2)The program is implemented in an active work zone on a highway under the department's jurisdiction:~~

~~(3)If the highway under the department's jurisdiction functions as a local road, the program shall have a written agreement with the local transportation department acting through its department head.~~

~~(4)The program requires the collection of data to support the evaluation report required pursuant to Section 22428:~~

~~(c)(1)A local department of transportation may, by ordinance or resolution, establish and implement a local streets pilot program using speed safety systems that meets all of the following requirements:~~

~~(A)The program policies comply with the guidelines adopted pursuant to Section 22426:~~

~~(B)The program requires community engagement to inform the community about the implementation of the program:~~

~~(C)A local department of transportation may include speed safety systems in school zones under its pilot program:~~

~~(D)The program requires the collection of data to support the evaluation report required pursuant to Section 22428:~~

~~(2)A local department of transportation may include speed safety systems in school zones:~~

~~(d)An operator of a public safety vehicle shall not be found to be in violation of a speed law under a pilot program established pursuant to this article:~~

~~22428.(a)The Department of Transportation, in collaboration with the Department of the California Highway Patrol, shall submit an evaluation report for a work zone pilot program it establishes pursuant to Section 22427 to the appropriate committees of the Legislature within two years from the date the pilot program commences and annually thereafter:~~

~~(b)A local department of transportation with a local streets pilot program established pursuant to Section 22427 shall submit an evaluation report for the pilot program to the appropriate committees of the Legislature within two years from the date the pilot program commences and annually thereafter:~~

~~(c)The pilot program evaluation reports shall include, at a minimum, an analysis of the impacts related to all of the guidelines described in subdivision (b) of Section 22426. An analysis of the guidelines specified in paragraph (3) of subdivision (b) of Section 22426 shall be developed in collaboration with racial equity and economic justice groups:~~

~~22429.This article shall remain in effect only until January 1, 2027, and as of that date is repealed:~~

SEC. 2. Section 70615 of the Government Code is amended to read:

70615. The fee for filing any of the following appeals to the superior court is twenty-five dollars (\$25):

(a) An appeal of a local agency's decision regarding an administrative fine or penalty under Section 53069.4.

(b) An appeal under Section 40230 of the Vehicle Code of an administrative agency's decision regarding a parking violation.

(c) An appeal under Section 99582 of the Public Utilities Code of a hearing officer's determination regarding an administrative penalty for fare evasion or a passenger conduct violation.

(d) A petition under Section 186.35 of the Penal Code challenging a law enforcement agency's inclusion of a person's information in a shared gang database.

(e) An appeal under Section 22428 of the Vehicle Code of a hearing officer's determination regarding a civil penalty for an automated speed violation, as defined in Section 22425 of the Vehicle Code.

(f) This section shall remain in effect only until January 1, 2027, and as of that date is repealed.

SEC. 3. *Section 70615 is added to the Government Code, to read:*

70615. *The fee for filing any of the following appeals to the superior court is twenty-five dollars (\$25):*

(a) An appeal of a local agency's decision regarding an administrative fine or penalty under Section 53069.4.

(b) An appeal under Section 40230 of the Vehicle Code of an administrative agency's decision regarding a parking violation.

(c) An appeal under Section 99582 of the Public Utilities Code of a hearing officer's determination regarding an administrative penalty for fare evasion or a passenger conduct violation.

(d) A petition under Section 186.35 of the Penal Code challenging a law enforcement agency's inclusion of a person's information in a shared gang database.

(e) This section shall become operative on January 1, 2027.

SEC. 4. *Article 3 (commencing with Section 22425) is added to Chapter 7 of Division 11 of the Vehicle Code, to read:*

Article 3. Speed Safety System Pilot Program: Automated Speed Enforcement System

22425. *(a) As used in this article, the following definitions shall apply:*

(1) "Automated speed violation" means a violation of a speed law detected by a speed safety system operated pursuant to this article.

(2) "Indigent" shall have the same meaning as defined in subdivision (c) of Section 40220.

(3) "Local department of transportation" means a city or city and county's department of transportation or, if a city or city and county does not have a department of transportation, their administrative division, including, but not limited to, a public works department that administers transportation and traffic matters under this code.

(4) "Speed safety system" or "system" means a fixed or mobile radar or laser system or any other electronic device that utilizes automated equipment to detect a violation of speeding laws and is designed to obtain a clear photograph, video recording, or other visual image of a vehicle license plate.

(b) (1) The Cities of Los Angeles, Oakland, San Jose, two southern California cities, and the City and County of San Francisco may establish a program utilizing a speed safety system for speed limit enforcement, to be operated by a local department of transportation, in the following areas:

(A) Within 2,500 feet of a school.

(B) Within 2,500 feet of a senior zone.

(C) Within 2,500 feet of a public park.

(D) Within 2,500 feet of a recreational center.

(E) On a street meeting the standards of a high injury network, as defined by the Department of Transportation.

(2) A municipality operating a speed safety system pilot program under this article may have speed safety systems operational on no more than 15 percent of the municipality's streets at any time during the pilot program.

(c) The Speed Safety System Pilot Program shall not be operated on any California state route, including all freeways and expressways, United States Highway, Interstate Highway or any public road in an unincorporated county where the Commissioner of the California Highway Patrol has full responsibility and primary jurisdiction for the administration and enforcement of the laws, and for the investigation of traffic accidents, pursuant to Section 2400.

(d) If a school zone is located on a street or portion of a street that is eligible for a speed safety system pursuant to subdivision (b), and the posted speed limit is 30 miles per hour or higher when children are not present, a city or city and county may operate a speed safety system two hours before the regular school session begins and two hours after regular school session concludes.

(e) A speed safety system for speed limit enforcement may be utilized pursuant to subdivision (b) if the program meets all of the following requirements:

(1) Clearly identifies the presence of the speed safety system by signs stating "Photo Enforced," along with the posted speed limit within 500 feet of the system. The signs shall be visible to traffic traveling on the street from the direction of travel for which the system is utilized, and shall be posted at all locations as may be determined necessary by the Department of Transportation through collaboration with the California Traffic Control Devices Committee.

(2) Identifies the streets or portions of streets that have been approved for enforcement using a speed safety system and the hours of enforcement on the municipality's internet website, which shall be updated whenever the municipality changes locations of enforcement.

(3) Ensures that the speed safety system is regularly inspected and certifies that the system is installed and operating properly. Each camera unit shall be calibrated in accordance with the manufacturer's instructions, and at least once per year by an independent calibration laboratory. Documentation of the regular inspection, operation, and calibration of the system shall be retained until the date on which the system has been permanently removed from use.

(4) Utilizes fixed speed safety systems that provide real-time notification when violations are detected.

(f) Prior to enforcing speed laws utilizing speed safety systems, the city or city and county shall do both of the following:

(1) Administer a public information campaign for at least 30 calendar days prior to the commencement of the program, which shall include public announcements in major media outlets and press releases. The public information campaign shall include the draft Speed Safety System Use Policy pursuant to subdivision (g), the Speed Safety System Impact Report pursuant to subdivision (h), information on when systems will begin detecting violations, the streets, or portions of streets, where systems will be utilized, and the city's internet website, where additional information about the program can be obtained. Notwithstanding the above, no further public announcement by the municipality shall be required for additional systems that may be added to the program.

(2) Issue warning notices rather than notices of violation for violations detected by the speed safety systems during the first 30 calendar days of enforcement under the program. If additional systems are utilized on additional streets after the initial program implementation, the city or city and county shall issue warning notices rather than notices of violation for violations detected by the new speed safety systems during the first 30 calendar days of enforcement for the additional streets added to the program.

(g) The local governing body shall adopt a Speed Safety System Use Policy before entering into an agreement regarding a speed safety system, purchasing or leasing equipment for a program, or implementing a program. The Speed Safety System Use Policy shall include the specific purpose for the system, the uses that are authorized, the rules and processes required prior to that use, and the uses that are prohibited. The policy shall include the data or information that can be collected by the speed safety system and the individuals who can access or use the collected information, and the rules and processes related to the access or use of the information. The policy shall also include provisions for protecting data from unauthorized access, data retention, public access, third-party data sharing, training, auditing, and oversight to ensure compliance with the Speed Safety System Use Policy. The Speed Safety System Use Policy shall be made available for public review, including, but not limited to, by posting it on the local governing body's internet website at least 30 calendar days prior to adoption by the local governing body.

(h) (1) The local governing body also shall approve a Speed Safety System Impact Report prior to implementing a program. The Speed Safety System Impact Report shall include all of the following information:

(A) Assessment of potential impact of the speed safety system on civil liberties and civil rights and any plans to safeguard those public rights.

(B) Description of the speed safety system and how it works.

(C) Fiscal costs for the speed safety system, including program establishment costs, ongoing costs, and program funding.

(D) If potential deployment locations of systems are predominantly in low-income neighborhoods, a determination of why these locations experience high fatality and injury collisions due to unsafe speed.

(E) Locations where the system may be deployed and traffic data for these locations.

(F) Proposed purpose of the speed safety system.

(2) The Speed Safety System Impact Report shall be made available for public review at least 30 calendar days prior to adoption by the governing body.

(3) The local governing body shall consult and work collaboratively with relevant local stakeholder organizations, including racial equity, privacy protection, and economic justice groups, in developing the Speed Safety System Use Policy and Speed Safety System Impact Report.

(i) The municipality shall develop uniform guidelines for both of the following:

(1) The screening and issuing of notices of violation.

(2) The processing and storage of confidential information and procedures to ensure compliance with confidentiality requirements.

(j) Notices of violation issued pursuant to this section shall include a clear photograph, video recording, or other visual image of the license plate and rear of the vehicle only, the Vehicle Code violation, the camera location, and the date and time when the violation occurred. Notices of violation shall exclude images of the rear window area of the vehicle.

(k) The photographic, video, or other visual evidence stored by a speed safety system does not constitute an out-of-court hearsay statement by a declarant under Division 10 (commencing with Section 1200) of the Evidence Code.

(l) (1) Notwithstanding Sections 6253 and 6262 of the Government Code, or any other law, photographic, video, or other visual or administrative records made by a system shall be confidential. Public agencies shall use and allow access to these records only for the purposes authorized by this article or to assess the impacts of the system.

(2) Confidential information obtained from the Department of Motor Vehicles for the administration of speed safety systems and enforcement of this article shall be held confidential, and shall not be used for any other purpose.

(3) Except for court records described in Section 68152 of the Government Code, or as provided in paragraph (4), the confidential records and evidence described in paragraphs (1) and (2) may be retained for up to 60 days after final disposition of the notice of violation. The municipality may adopt a retention period of less than 60 days in the Speed Safety System Use Policy. Administrative records described in paragraph (1) may be retained for up to 120 days after final disposition of the notice of violation. Notwithstanding any other law, the confidential records and evidence shall be destroyed in a manner that maintains the confidentiality of any person included in the record or evidence.

(4) Notwithstanding Section 26202.6 of the Government Code, photographic, video, or other visual evidence that is obtained from a speed safety system that does not contain evidence of a speeding violation shall be destroyed within five business days after the evidence was first obtained. The use of facial recognition technology in conjunction with a speed safety system shall be prohibited.

(5) Information collected and maintained by a municipality using a speed safety system shall only be used to administer an program, and shall not be disclosed to any other persons, including, but not limited to, any other state or federal government agency or official for any other purpose, except as required by state or federal law, court order, or in response to a subpoena in an individual case or proceeding.

(m) Notwithstanding subdivision (l), the registered owner or an individual identified by the registered owner as the driver of the vehicle at the time of the alleged violation shall be permitted to review the photographic, video, or visual evidence of the alleged violation.

(n) A contract between the municipality and a manufacturer or supplier of speed safety systems shall allow the local authority to purchase materials, lease equipment, and contract for processing services from the manufacturer or supplier based on the services rendered on a monthly schedule or another schedule agreed upon by the municipality and contractor. The contract shall not include provisions for payment or compensation based on the number of notices of violation issued by a designated municipal employee, or as a percentage of revenue generated, from the use of the system. The contract shall include a provision that all data collected from

the speed safety systems is confidential, and shall prohibit the manufacturer or supplier of speed safety systems from sharing, repurposing, or monetizing collected data, except as specifically authorized in this article. The municipality shall oversee and maintain control over all enforcement activities, including the determination of when a notice of violation should be issued.

(o) Notwithstanding subdivision (n), a municipality may contract with a vendor for the processing of notices of violation after a designated municipal employee has issued a notice of violation. The vendor shall be a separate legal and corporate entity from, and unrelated or affiliated in any manner with, the manufacturer or supplier of speed safety systems used by the municipality. Any contract between the municipality and a vendor to provide processing services may include a provision for the payment of compensation based on the number of notices of violation processed by the vendor.

(p) (1) A speed safety system shall no longer be operated on any given street if within the first 18 months of installation of a system, at least one of the following thresholds has not been met:

(A) Percentage of automated speed violations decreased by at least 25 percent.

(B) Percentage of violators who received two or more violations decreased by at least 50 percent.

(2) This subdivision shall not apply if a city or city and county adds traffic-calming measures to the street. "Traffic-calming measures" include, but are not limited to:

(A) Bicycle lanes.

(B) Chicanes.

(C) Chokers.

(D) Curb extensions.

(E) Median islands.

(F) Raised crosswalks.

(G) Road diets.

(H) Roundabouts.

(I) Speed humps or speed tables.

(J) Traffic circles.

(3) A city or city and county may continue to operate a speed safety system with a fixed or mobile vehicle speed feedback sign while traffic-calming measures are being planned or constructed, but shall halt their use if construction has not begun within two years.

(4) If the percentage of violations has not decreased by the metrics identified pursuant to paragraph (1) within one year after traffic-calming measures have completed construction, a city or county shall either construct additional traffic-calming measures or cease operation of the system on that street.

22426. *(a) Notwithstanding any other law, a violation of Section 22350, or any other speed law pursuant to this chapter that is recorded by a speed safety system authorized pursuant to Section 22425 shall be subject only to a civil penalty, as provided in subdivision (d), and shall not result in the department suspending or revoking the privilege of a violator to drive a motor vehicle or in a violation point being assessed against the violator.*

(b) The speed safety system shall capture images of the rear license plate of vehicles that are traveling 11 miles per hour or more over the posted speed limit and notices of violation shall only be issued to vehicles based on that evidence.

(c) No more than one notice of violation shall be issued for a violation recorded from a specific license plate within a 24-hour period.

(d) A civil penalty shall be assessed as follows:

(1) Fifty dollars (\$50) for a speed violation from 11 up to 15 miles per hour over the posted speed limit.

(2) One hundred dollars (\$100) for a speed violation from 15 up to 25 miles per hour over the posted speed limit.

(3) Two hundred dollars (\$200) for a speed violation from 25 up to 100 miles per hour over the posted speed limit.

(4) Five hundred dollars (\$500) for a speed violation 100 miles per hour or greater over the posted speed limit.

(e) A civil penalty shall not be assessed against an authorized emergency vehicle.

(f) The written notice of violation shall be issued to the registered owner of the vehicle within 15 calendar days of the date of the violation. The notice of violation shall include all of the following information:

(1) The violation, including reference to the speed law that was violated.

(2) The date, approximate time, and location where the violation occurred.

(3) The vehicle license number and the name and address of the registered owner of the vehicle.

(4) A statement that payment is required to be made no later than 30 calendar days from the date of mailing of the notice of violation, or that the violation may be contested pursuant to Section 22427.

(5) The amount of the civil penalty due for that violation and the procedures for the registered owner, lessee, or rentee to pay the civil penalty or to contest the notice of violation.

(6) An affidavit of nonliability, and information of what constitutes nonliability, information as to the effect of executing the affidavit, and instructions for returning the affidavit to the processing agency. If the affidavit of nonliability is returned to the processing agency within 30 calendar days of the mailing of the notice of violation, together with proof of a written lease or rental agreement between a bona fide rental or leasing company and its customer that identifies the rentee or lessee, the processing agency shall serve or mail a notice of violation to the rentee or lessee identified in the affidavit of nonliability.

(g) Mobile radar or laser systems shall not be used until at least two years after the installation of the first fixed radar or laser system.

(h) (1) Revenues derived from any program utilizing a speed safety system for speed limit enforcement shall first be used to recover program costs. Program costs include, but are not limited to the construction of traffic calming measures for the purposes of complying with subdivision (p) of Section 22425, the installation of speed safety systems, the adjudication of violations, and reporting requirements as specified in this section.

(2) Jurisdictions shall maintain their existing commitment of local funds for traffic-calming measures in order to remain authorized to participate in the pilot program, and shall annually expend not less than the annual average of expenditures for traffic-calming measures during the 2016–17, 2017–18, and 2018–19 fiscal years. For purposes of this subdivision, in calculating average expenditures on traffic-calming measures, restricted funds that may not be available on an ongoing basis, including those from voter-approved bond issuances or tax measures, shall not be included. Any excess revenue shall be used for traffic calming measures within three years. If traffic-calming measures are not planned or constructed after the third year, then excess revenue shall revert to the Active Transportation Program established pursuant to Chapter 8 (commencing with Section 2380) of the Streets and Highways Code, to be allocated by the California Transportation Commission pursuant to Section 2381 of the Streets and Highways Code.

22427. (a) For a period of 30 calendar days from the mailing of a notice of violation, a person may request an initial review of the notice by the issuing agency. The request may be made by telephone, in writing, electronically, or in person. There shall be no charge for this review. If, following the initial review, the issuing agency is satisfied that the violation did not occur, or that extenuating circumstances make dismissal of the notice of violation appropriate in the interest of justice, the issuing agency shall cancel the notice of violation. The issuing agency shall advise the processing agency, if any, of the cancellation. The issuing agency or the processing agency shall mail the results of the initial review to the person contesting the notice, and, if cancellation of the notice does not occur following that review, include a reason for that denial, notification of the ability to request an administrative hearing, and notice of the procedure adopted pursuant to paragraph (2) of subdivision (b) for waiving prepayment of the civil penalty based upon an inability to pay.

(b) (1) If the person contesting the notice of violation is dissatisfied with the results of the initial review, the person may, no later than 21 calendar days following the mailing of the results of the issuing agency's initial

review, request an administrative hearing of the violation. The request may be made by telephone, in writing, electronically, or in person.

(2) The person requesting an administrative hearing shall pay the amount of the civil penalty to the processing agency. The issuing agency shall adopt a written procedure to allow a person to request an administrative hearing without payment of the civil penalty upon satisfactory proof of an inability to pay the amount due.

(3) The administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing. The person requesting the hearing may request one continuance, not to exceed 21 calendar days.

(c) The administrative hearing process shall include all of the following:

(1) The person requesting a hearing shall have the choice of a hearing by mail, video conference, or in person. An in-person hearing shall be conducted within the jurisdiction of the issuing agency.

(2) If the person requesting a hearing is a minor, that person shall be permitted to appear at a hearing or admit responsibility for the automated speed violation without the appointment of a guardian. The processing agency may proceed against the minor in the same manner as against an adult.

(3) The administrative hearing shall be conducted in accordance with written procedures established by the issuing agency and approved by the governing body or chief executive officer of the issuing agency. The hearing shall provide an independent, objective, fair, and impartial review of contested automated speed violations.

(4) (A) The issuing agency's governing body or chief executive officer shall appoint or contract with qualified independent examiners or administrative hearing providers that employ qualified independent examiners to conduct the administrative hearings. Examiners shall demonstrate the qualifications, training, and objectivity necessary to conduct a fair and impartial review. The examiner shall be separate and independent from the notice of violation collection or processing function. An examiner's continued employment, performance evaluation, compensation, and benefits shall not, directly or indirectly, be linked to the amount of civil penalties collected by the examiner or the number or percentage of violations upheld by the examiner.

(B) (i) Examiners shall have a minimum of 20 hours of training. The examiner is responsible for the costs of the training. The issuing agency may reimburse the examiner for those costs. Training may be provided through any of the following:

(I) An accredited college or university.

(II) A program conducted by the Commission on Peace Officer Standards and Training.

(III) A program conducted by the American Arbitration Association or a similar organization.

(IV) Any program approved by the governing body or chief executive officer of the issuing agency, including a program developed and provided by, or for, the agency.

(ii) Training programs may include topics relevant to the administrative hearing, including, but not limited to, applicable laws and regulations, enforcement procedures, due process, evaluation of evidence, hearing procedures, and effective oral and written communication. Upon the approval of the governing body or chief executive officer of the issuing agency, up to 12 hours of relevant experience may be substituted for up to 12 hours of training. Up to eight hours of the training requirements described in this subparagraph may be credited to an individual, at the discretion of the governing body or chief executive officer of the issuing agency, based upon training programs or courses described in this subparagraph that the individual attended within the last five years.

(5) The designated municipal employee who issues a notice of violation shall not be required to participate in an administrative hearing. The issuing agency shall not be required to produce any evidence other than, in proper form, the notice of violation or copy thereof, including the photograph, video, or other visual image of the vehicle's license plate, and information received from the Department of Motor Vehicles identifying the registered owner of the vehicle. The documentation in proper form shall be prima facie evidence of the violation.

(6) The examiner's final decision following the administrative hearing may be personally delivered to the person by the examiner or sent by first-class mail.

(7) Following a determination by the examiner that a person has committed the violation, the examiner may, consistent with the written guidelines established by the issuing agency, allow payment of the civil penalty in

installments, or an issuing agency may allow for deferred payment or payments in installments, if the person provides evidence satisfactory to the examiner or the issuing agency, as the case may be, of an inability to pay the civil penalty in full. If authorized by the governing body of the issuing agency, the examiner may permit the performance of community service in lieu of payment of the civil penalty.

(8) If a notice of violation is dismissed following an administrative hearing, any civil penalty, if paid, shall be refunded by the issuing agency within 30 days.

22428. *(a) Within 30 days after personal delivery or mailing of the final decision described in subdivision (c) of Section 22427, the contestant may seek review by filing an appeal to the superior court, where the case shall be heard de novo, except that the contents of the processing agency's file in the case on appeal shall be received in evidence. A copy of the notice of violation shall be admitted into evidence as prima facie evidence of the facts stated in the notice. A copy of the notice of appeal shall be served in person or by first-class mail upon the processing agency by the contestant. For purposes of computing the 30-day period, Section 1013 of the Code of Civil Procedure shall be applicable. A proceeding under this subdivision is a limited civil case.*

(b) The fee for filing the notice of appeal shall be as provided in Section 70615 of the Government Code. The court shall request that the issuing agency's file on the case be forwarded to the court, to be received within 15 calendar days of the request. The court shall notify the contestant of the appearance date by mail or personal delivery. The court shall retain the fee under Section 70615 of the Government Code regardless of the outcome of the appeal. If the appellant prevails, this fee and any payment of the civil penalty shall be promptly refunded by the issuing agency in accordance with the judgment of the court.

(c) The conduct of the hearing on appeal under this section is a subordinate judicial duty that may be performed by a commissioner or other subordinate judicial officer at the direction of the presiding judge of the court.

(d) If a notice of appeal of the examiner's decision is not filed within the period set forth in subdivision (a), the decision shall be deemed final.

(e) If the civil penalty has not been paid and the decision is adverse to the contestant, the processing agency may, promptly after the decision becomes final, proceed to collect the civil penalty under Section 22426.

22429. *(a) A city or city and county shall offer a diversion program for indigent speed safety system violation recipients, to perform community service in lieu of paying the penalty for an automated speed system violation.*

(b) A city or city and county shall offer the ability for indigent speed safety system violation recipients to pay applicable fines and penalties over a period of time under a payment plan with monthly installments of no more than twenty-five dollars (\$25) and shall limit the processing fee to participate in a payment plan to five dollars (\$5) or less.

(c) Notwithstanding subdivisions (a) and (b), a city or city and county shall reduce the applicable fines and penalties by 80 percent for indigent persons, and by 50 percent for individuals 200 percent above the federal poverty level.

22430. *A city or city and county shall each develop and submit to their respective governing body a Speed Safety System Report, two years after initial implementation of the program and at the end of the pilot program that includes all of the following information:*

(a) A description of how the speed safety system was used.

(b) Whether and how often any system data was shared with outside entities, the name of any recipient entity, the type or types of data disclosed, and the legal reason for the disclosure.

(c) A summary of any community complaints or concerns about the speed safety system.

(d) Results of any internal audits, information about any violations of the Speed Safety System Use Policy, and any actions taken in response.

(e) Information regarding the impact the speed safety system has had on the streets where the speed safety system was deployed.

(f) A summary of any public record act requests.

(g) A list of system locations that did not meet the threshold for continuance of a program pursuant to paragraph (1) of subdivision (p) of Section 22425, and whether further traffic-calming measures are in planning or construction, or there is a decision to halt operation of the program in those locations.

22431. *Any city or city and county that used speed safety systems shall, on or before March 1 of the fifth year in which the system has been implemented, submit to the transportation committees of the Legislature an evaluation of the speed safety system in their respective jurisdictions to determine the system's impact on street safety and the system's economic impact on the communities where the system is utilized. The report shall be made available on the internet websites of the respective jurisdictions and shall include all of the following information:*

(a) Data, before and after implementation of the system, on the number and proportion of vehicles speeding from 11 to 19 miles per hour over the legal speed limit, inclusive, from 20 to 29 miles per hour over the legal speed limit, inclusive, from 30 to 39 miles per hour over the legal speed limit, inclusive, and every additional 10 miles per hour increment thereafter on a street or portion of a street in which an system is used to enforce speed limits. To the extent feasible, the data should be collected at the same time of day, day of week, and location.

(b) The number of notices of violation issued under the program by month and year, the corridors or locations where violations occurred, and the number of vehicles with two or more violations in a monthly period and a yearly period.

(c) Data, before and after implementation of the system, on the number of traffic collisions that occurred where speed safety systems are used, relative to citywide data, and the transportation mode of the parties involved. The data on traffic collisions shall be categorized by injury severity, such as property damage only, complaint of pain, other visible injury, or severe or fatal injury.

(d) The number of violations paid, the number of delinquent violations, and the number of violations for which an initial review is requested. For the violations in which an initial review was requested, the report shall indicate the number of violations that went to initial review, administrative hearing, and de novo hearing, the number of notices that were dismissed at each level of review, and the number of notices that were not dismissed after each level of review.

(e) The costs associated with implementation and operation of the speed safety systems, and revenues collected by each jurisdiction.

(f) A racial and economic equity impact analysis, developed in collaboration with local racial justice and economic equity stakeholder groups.

22432. *This article shall remain in effect only until January 1, 2027, and as of that date is repealed.*

SEC. 5. *The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances with traffic speed enforcement in southern California, the Cities of Los Angeles, Oakland, and San Jose, and the City and County of San Francisco.*

SEC. 3. ~~SEC. 6.~~ *The Legislature finds and declares that Section ~~2 4~~ of this act, which adds Section ~~22426~~ 22425 to the Vehicle Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:*

To protect the privacy interests of persons who are issued notices of violation under a speed safety systems pilot program, the Legislature finds and declares that the photographic, video, or other visual or administrative records generated by the program shall be confidential, and shall be made available only to alleged violators and to governmental agencies solely for the purpose of enforcing these violations and assessing the impact of the use of speed safety systems, as required by this act.

PROPOSED USE POLICY
Mobile Parking Payment Systems for
Parking Management and Enforcement

Quinn Wallace
Parking & Mobility Division
Department of Transportation
City of Oakland
April 4 May 6, 2021

1. Purpose^[BH1]_[WQ2]

The City of Oakland Department of Transportation (DOT) intends to enter into an agreement with either a single or multiple mobile parking payment providers (Providers), whose services permit individuals to pay for parking sessions through a mobile phone application (app), website, or text message in Oakland. This agreement would allow these Providers to share parking data with DOT. This dataset would include parking date and start and stop times, customer information like a phone number or email address, credit card type such as Visa or Mastercard, payment amounts, transaction fees for the Providers, and “zones” corresponding to parking location. Zones may match meter ID numbers or may be created by staff for each block, and customers must enter the zone number when paying for parking through a Provider.

DOT is pursuing a new multi-vendor mobile parking payment system in order to increase the convenience of this service to parkers, promote the use of this contactless payment method through a City-branded system, and more holistically support the active management of the parking system. A key improvement will be City of Oakland-branded signs in the PROW that will direct parkers to a webpage with all available Providers and promotions. It is anticipated that positive consumer experiences with contactless payments, such as pay-by-phone parking services, will make more individuals interested in using this payment type, even after the pandemic eases.

By allowing multiple vendors to operate in Oakland, visitors will likely not need to download any additional applications (apps) and share their information with another vendor; rather, they are more likely to be able to use an existing app on their phone and conveniently pay for their parking session. This may also minimize the number of Providers with whom users, especially visitors to Oakland, must share their information to access this payment option. Residents will also benefit from having multiple vendor options, as vendors may compete for long-term customers with lower user fees and promotions.

DOT requires parking data from Providers in order to analyze parking revenues and demand and to enforce parking restrictions, such as time limits and meter payments. These uses ultimately inform parking policies and practices that support the City’s Parking Principles (Resolution No. 84664 CMS) and shape a more equitable mobility system.

In providing DOT with parking data, DOT can ensure that parking rates are accurately charged to parkers and that the City receives accurate parking payments, particularly from numbered block zones in demand-responsive parking program areas. In these areas, meter rates change by time of day and block; without seeing the zones in transaction data, DOT would not be able to program these specific areas' rates or confirm the accuracy of Providers' rates or revenues in reconciliations and audits. — Suggest they leverage a provider in CA or one that aligns with CCPA laws^[BH3]

Parking data published to the Provider's online platform will be provided from parker transactions and include parking date and start and stop times, payment amounts, transaction fees for the Providers, and "zones" corresponding to parking location. This data will include no personally identifiable information or license plate information, and DOT staff will use this data for financial and parking analyses. Outside the portal, DOT staff's parking data analyses may summarize this data by zone, date, hour, transaction type, device type, parking duration, or amount.

2. Authorized Use

Only designated DOT and Finance Department staff will have access to data received from Providers. This data will be used solely to analyze parking revenues and demand, enforce parking restrictions, and shape parking policies and practices.

Parking policies and practices are intended to support the City's Parking Principles (Resolution No. 84664 CMS) and shape a more equitable mobility system. Specific applications of mobile parking payment data that supports this effort may include, but are not limited to^[BH4] will include only for the following purposes:

- a) Estimating parking demand, occupancy, and revenues
- b) Evaluating parking payment options
- c) Monitoring demand-responsive parking areas and compliance
- d) Reconciling payment transactions with total parking revenues received
- e) Promoting compliance and enforcing parking restrictions, permits, and payment

3. Data Collection

DOT does not collect mobile parking payment data and does not have access to user account information. Mobile parking payment users generate data by making transactions. This dataset would will include ^[BH5] parking date and start and stop-end times, customer information like a phone number or email address, credit card numbers, payment amounts, transaction fees for the Providers, and numbered "zones" corresponding to parking location. —The Providers then collect this data in order to process the financial transactions. A subset of this Transaction data is will then aggregated be anonymized and shared with DOT for staff's financial and parking analyses. DOT staff will require that no personally identifiable information or license plate

~~information be included in this dataset. Parking data may be summarized by zone, date, hour, transaction type, device type, parking duration, or amount.~~

4. Data Access

Authorized staff may be from the DOT Parking and Mobility Division ~~and~~ the City's Finance Department, ~~and other City departments, divisions, or teams that help manage the parking system.~~ [BH6][WQ7]

Data will be accessed through Providers' online platforms. Authorized users of the online platforms will require a unique username and password. ~~Because all data in the platform will have no personally identifiable information or license plate numbers, a~~Any data shared outside the platform, ~~such as through public records requests or court orders, will have first been anonymized~~be anonymous, removing privacy risk [BH8], ~~and will therefore not require strict access controls. - Ensure provider aligns with CCPA law [BH9]~~

5. Data Protection

DOT will depend on each Provider to securely store, transmit, and audit transaction and user data per industry best practices. ~~Because DOT has not yet procured the Providers, DOT staff does not yet know official data protection protocols that each Provider will use.~~ [BH10][WQ11] DOT will require that every Provider has a secure gateway service for secure (encrypted) credit card data transmission to the City's merchant account Provider. Additionally, Providers' credit card data transmission will be required to provide a current certification through the Payment Card Industry Data Security Standards (PCI DSS). Major Providers such as ParkMobile, Passport, and PayByPhone maintain PCI DSS Level 1 certification. ~~This was the security requirement that the City sought when procuring mobile parking payment services in 2015. - Ensure provider aligns with CCPA law. Is this the only foundational security requirement that DOT asks?~~ [BH12]

6. Data Retention

~~Providers may store raw (unaggregated) parking payment transaction data for no more than two (2) years. This amount of time represents the precedent that was required in the 2016 agreement between ParkMobile and the City of Oakland.~~ [BH13][WQ14] If the contract between a Provider and DOT is severed, the Provider will be required to delete all raw parking payment transaction data collected in Oakland. ~~The proposed contract will be three (3) years with the option of up to two (2) one-year extensions. This precedent is the amount of time provided in the current agreement between the City and ParkMobile. - Where is the current data from ParkMobile App? How long is the proposed contract? Oakland needs to be able to get that data regardless of the duration or cessation of the contract. Can user info and data from Park Mobile be migrated to the new provider?~~ [BH15]

Staff currently do not have access to any user account information and will continue to not have this access to protect user privacy. Staff will not ask ParkMobile to migrate user information or data to any new Provider(s) operating under the new mobile parking payment system.

7. Public Access

The public may access anonymized data through public records requests, subpoenas, warrants, and other court orders. ~~However, DOT will only release data in a highly aggregated and obfuscated form to the point where privacy risk is removed.~~ [BH16][WQ17]

8. Third-Party Data-Sharing

Data shared by users under this agreement will be generated, ingested, and stored by a third party, the Provider(s), to reduce privacy risk. Under this agreement, DOT will not have any access to user account information and thus, sensitive user information will be protected from public records requests and court orders. This third-party service reduces the risk of surveillance and eliminates the possibility of user identification by City staff. Further, DOT does not have the capacity or means to create a mobile parking payment service in-house specific to Oakland parkers. This data will not be shared with unauthorized staff or non-City entities, unless obtained through public records requests. [BH18]. ~~Communication must be sent out to App users notifying them of these data requests. With a possible option to opt out (CCPA law)~~ [BH19][WQ20] DOT will require that Providers have a user agreement in place that includes a provision about sharing data for legal proceedings and requirements.

9. Training

Each Provider will provide web-based or on-site training for authorized City staff. These staff will be in the DOT Parking & Mobility Division or in the Finance Department. Staff will require every Provider to incorporate this use policy ~~and related privacy policies and procedures~~ [BH21] into their operating procedures.

10. Audit and Oversight

DOT will require each Provider to provide a fully auditable mobile parking payment service, which was also a requirement of the 2016 agreement between the City of Oakland and ParkMobile. DOT ~~or Finance~~ staff will audit [BH22][WQ23] Providers through their respective back-end online data portals, in addition to Providers going through PCI DSS audits. Audits by DOT staff will occur on as-needed basis, such as audits of a sub-set of zones where meter rates were recently changed. General oversight of the Providers will be the responsibility of the Parking & Mobility Division Manager.

Providers' audits may vary depending on the services that they provide. The legally enforceable sanctions for violations of the policy include relevant administrative instructions as well as provisions in the Surveillance and Community Safety Ordinance.

11. Maintenance

Providers will maintain and manage all data generated through their respective app, website, and text message services. Providers may also depend on other companies for certain functions, such as for cloud data storage services; staff will ask that selected Providers disclose all additional companies in the procurement process. ~~—Need to know providers storage management policies, and ensure all CCPA laws are being followed.~~ [BH24]

Questions or comments concerning this draft Use Policy should be directed to Michael Ford, Division Manager, Parking and Mobility Division, via email at mford@oaklandca.gov or phone at (510) 238-7670.

DRAFT ANTICIPATED IMPACT REPORT

Mobile Parking Payment Systems for Parking Management and Enforcement

Quinn Wallace
Parking & Mobility Division
Department of Transportation
City of Oakland
~~April 4~~ May 6, 2021

1. Information Describing the Proposed Data Sharing Agreement and How It Works

The City of Oakland Department of Transportation (DOT) intends to enter into an agreement [BH1][WQ2] with either a single or multiple [BH3][WQ4] mobile parking payment providers (Providers), whose services permit individuals to pay for parking sessions through their mobile phones in Oakland. Parkers may be able to initiate a parking session through a mobile phone application (app), website, text message, or phone call, depending on the Providers' services. To initiate a parking session, parkers are required to enter their payment information (such as a credit card or Google Pay), "zones" corresponding to parking location, and license plate number with the Provider. Zones may match meter ID numbers or may be created by staff for each block, and customers must enter the zone number when paying for parking through a Provider.

DOT requires parking data from mobile parking payment Providers in order to enforce parking restrictions, such as time limits and meter payments, and to analyze parking revenues and demand. License plate and zone information are pushed to DOT's automated license plate readers (ALPR)¹ through an application programming interface (API) between other vendors who support the City's parking enforcement system. Parking Control Technicians use ALPR to scan vehicles' license plates and check for an active ParkMobile session associated with the license plate and location (numbered zone). In addition to pushing data to enforcement technologies, the Providers also collect data from parking sessions and "publishes" these datasets to an online platform that authorized staff can access through a unique username and password. The data published to the online platform ~~includes [BH5] will be provided from parker transactions and include~~ parking date and start and stop times, ~~customer information like a phone number or email address [BH6], credit card type such as Visa or Mastercard,~~ payment amounts, transaction fees for the Providers, and "zones" corresponding to parking location. ~~This data will include no personally identifiable information or license plate information, and A subset [BH7] of this data is then aggregated and shared with~~ DOT staff will use this data for financial and parking analyses. ~~Outside the portal, DOT staff's p~~ Parking data analyses may ~~be~~ summarize this data by zone, date, hour, transaction type, device type, parking duration, or amount. ~~.~~

¹ See the Privacy Advisory Commission's approved use policy and anticipated impact report for automated license plate readers. Available online at: <https://www.oaklandca.gov/documents/automated-license-plate-reader>

This agreement would allow Providers to share parking data^{[BH8][WQ9]}, including location-based information corresponding to numbered block zones and payment information, with DOT. In providing DOT with parking data, DOT can ensure that parking rates are accurate to parkers and that the City receives accurate parking payments, particularly from numbered block zones in demand-responsive parking program areas. In these areas, meter rates change by time of day and block; without seeing the zones in transaction data, DOT would not be able to program these specific areas' rates or confirm the accuracy of Providers' rates or revenues in reconciliations and audits. ~~—Ensure Providers and DOT abide with CCPA laws^{[BH10][WQ11]}~~

2. Proposed Purpose

Data from mobile parking payment services shapes parking policies, plans, and practices in Oakland. Analyses of this data guide staff's active management of the parking system and access to finite, valuable curb space. Mobile parking payment services also expand the available payment options for parkers, in turn increasing the convenience and ease of parking. Making parking easy and more actively managing the parking system are two of the City's Parking Principles (Resolution No. 84664 CMS) and shape a more equitable mobility system.

Under the current mobile parking payment system, a single Provider is permitted to operate in Oakland. From 2015 to 2019, parking payments made through this Provider comprised 10% to 15% of the City's total on-street parking revenue, generating a total of approximately \$6.5 million in parking revenues. Signage promoting this Provider's brand is posted in the public right-of-way (PROW) but given maintenance challenges, is not always readable. The City's current Provider, ParkMobile, is also supporting an ongoing pilot at the LaSalle Garage in the Montclair District to promote an operational shift to integrate the City's off-street facilities into the on-street system and thus, eliminate costly one-time expenses such as traditional parking access and revenue control systems (PARCS), and ongoing expenses, such as administrative and accounting overhead, maintenance of equipment, and back-office labor. From the pilot's launch in early November 2020 through March 2021, approximately \$7,500 of transient parking payments were made through ParkMobile, representing approximately 8% of the total garage revenues of \$99,615.

DOT is pursuing a new multi-vendor mobile parking payment system in order to increase the convenience of this service to parkers, promote the use of this contactless payment method through a City-branded system, and more holistically support the active management of the parking system. A key improvement will be City of Oakland-branded signs in the PROW that will direct parkers to a webpage with all available Providers and promotions, as well as supporting future pilots and innovations like the LaSalle Garage. In addition to meeting rising demand for contactless payment options during the pandemic and supporting positive parker experiences,² contactless payment options support the health and safety of both consumers and frontline workers working in the parking system, such as the Meter Collection Unit and Meter Repair

² Retail Leader. "Will Consumers Stick With Contactless Payments?" August 6, 2020. Available online here: <https://retailleader.com/will-consumers-stick-contactless-payments>

Team. It is anticipated that positive consumer experiences with contactless payments, such as pay-by-phone parking services, will make more individuals interested in using this payment type, even after the pandemic eases.

By allowing multiple vendors to operate in Oakland, visitors will likely not need to download any additional applications (apps) and share their information with another vendor; rather, they are more likely to be able to use an existing app on their phone and conveniently pay for their parking session. This may also minimize the number of Providers with whom users, especially visitors to Oakland, must share their information to access this payment option. Residents will also benefit from having multiple vendor options, as vendors may compete for long-term customers with lower user fees and promotions. Under the new system, DOT staff will also seek financial support for the installation and maintenance of City-branded signs. As this is a unique “ask” within the industry, staff do not yet know if this will be met.

Specific applications of mobile parking payment data that supports this effort ~~may will~~ include only the following, but are not limited to:

- a) Estimating parking demand, occupancy, and revenues
- b) Evaluating parking payment options
- c) Monitoring demand-responsive parking areas and compliance
- d) Reconciling payment transactions with total parking revenues received
- e) Promoting compliance and enforcing parking restrictions, permits, and payment

3. Locations of Deployment

The data shared under this proposed agreement is user-generated within the City’s parking system and therefore collected for any and all neighborhoods with parking meters or public parking facilities. Parking meters and public parking facilities are typically found in commercial zones, near public transit stations, or in other areas with high demand for parking.

4. Potential Impact on Civil Liberties & Privacy

DOT acknowledges the private and sensitive nature of personally identifiable information and block-level location data included in mobile parking payment data. Mobile parking payment data may be vulnerable to privacy risks such as re-identification, as users’ names are collected within these datasets. In order to minimize privacy and surveillance risk, DOT has developed a set of guidelines for how mobile parking payment data will be handled and obfuscated, using mitigations outlined below. ~~—Must follow CCPA laws with appropriate “opt-in/out” policies~~^[BH12]

5. Mitigations

DOT recognizes the sensitive nature of parking data generated through mobile parking payment Providers and has developed the following guidelines for the responsible handling of this data:

1. DOT will not release parking data with personally identifiable information included to any staff outside of those who have access. The public may access anonymized data through public records requests, subpoenas, warrants, and other court orders. Requests for this data may come internally from other City departments or through Public Records Requests.^[BH13]
 - a. In seeking proposals from potential Providers, DOT will ask-require that all personally identifiable information, such as phone number and email address, and license plate information be removed from the portal. If Providers are able to do this, this^[BH14]^[WQ15] This mitigation would effectively eliminate privacy risk by anonymizing parking data.^[BH14]^[WQ15] Staff will not have access to any user account information.
2. DOT will seek and select Providers whose data security, storage, and encryption practices meet or exceed industry standards. DOT expects that these best practices will primarily address user payment methods to protect credit card information. In the procurement process, DOT ~~intends to identify any existing~~will only select Providers ~~who extend privacy practices to personally identifiable information and may be able to obfuscate this information before or within their portal~~that will not include any personally identifiable information or license plate information in their online portal.^[BH16]^[WQ17]
3. Login credentials to each Provider's online portal will be unique to each authorized staff who has been granted access to this data. Login credentials will not be shared outside of authorized staff. ~~There needs to be some mention of CCPA law~~^[BH18]

6. Data Types and Sources

In this proposed agreement, mobile parking payment Providers will “publish” parking data on their respective online platforms. While these platforms vary by Provider, parking data available within the platform ~~would will~~ include the following ~~at minimum~~:

- Numbered zone indicating approximate parking location
- Parking date and start and end times
- Parking transaction amount
- Transaction fee (to be paid to the Provider)

In the procurement process, DOT will require that dData in the platform may also will not include any personally identifiable information—such as a customer ID, name, phone number, and email address, depending on Providers’ services and capabilities^[BH19]. This personally identifiable information may shall be removed from the dataset by the Provider before being pushed to the portal. Though not personally identifiable information and publicly visible, license plate numbers are necessary for enforcement purposes because license plate numbers are scanned or entered by Parking Control Technicians only to check if the vehicle has an active parking session. In the procurement process, DOT staff will require that Providers^[BH20]^[WQ21] but may also be also removed license plate numbers^[BH22]^[WQ23] from the portal's parking dataset by the Provider to ensure that vehicle owners cannot be identified from this dataset. Staff will not have access to any user account information.

Only authorized staff in DOT and the Finance Department with unique usernames and passwords may log in and access this data, unless requested through a public records request.

When shared through a public records request, all personally identifiable information (if Providers are unable to remove from their portals) will be removed. [BH24][WQ25]

7. Data Security

DOT will require mobile parking payment Provider(s) to securely store, publish, and audit the data according to industry standards and best practices. DOT will require each Provider to provide a fully auditable mobile parking payment service, which was also a requirement of the 2016 agreement between the City of Oakland and ParkMobile. DOT or Finance staff will audit [BH26][WQ27] Providers through their respective back-end online data portals, in addition to Providers going through PCI DSS audits. Audits by DOT staff will occur on as-needed basis, such as audits of a sub-set of zones where meter rates were recently changed.

~~DOT has not yet procured this a multi-vendor mobile parking payment system and therefore, does not know the official data protection protocol that each potential Provider will use~~ [BH28][WQ29]. ~~The City's current mobile parking payment Provider, ParkMobile, has published information regarding account and payment security on its website:~~

~~<https://support.parkmobile.io/hc/en-us/articles/203299650-Is-my-account-and-credit-card-information-safe->~~

Additionally, Providers' credit card data transmission will be required to provide a current certification through the Payment Card Industry Data Security Standards (PCI DSS). Major Providers such as ParkMobile, Passport, and PayByPhone maintain PCI DSS Level 1 certification. This was the primary security requirement that the City sought when procuring mobile parking payment services in 2015. ~~Is this the only foundational security requirement that DOT asks?~~

8. Fiscal Cost

Mobile parking payment Providers operate at no cost to the City of Oakland [BH30][WQ31]. Individuals who use the Providers' services pay a fixed fee to the Provider per parking session. Currently, the user fee is \$0.30 per transaction, with an average total parking transaction of \$2.57 in 2019. To adhere to generally accepted accounting principles (GAAP), the agreement will require to remit all collected revenues, including ParkMobile's transaction fee, to the City and to invoice the City for reimbursement of the transaction fee. Thus, the Providers' user fees temporarily pass through the City. ~~S;~~ staff have allocated up to \$600,000 of user fees that will be reimbursed to the Providers.

Additionally, DOT staff are considering asking [BH32] will ask that mobile parking payment interested Providers contribute to the City's expenses to operate and maintain signage

and marketing efforts supporting this service; as this is a unique “ask” to Providers in the industry, DOT staff are not certain Providers will meet this.

9. Third Party Dependence

Raw (unaggregated) parking payment transaction data will be received and stored by the mobile parking payment Providers on an ongoing basis to reduce privacy risk. DOT staff will not have access to any user account information or raw parking payment transaction data, such as data including full credit card numbers or personally identifiable information. Staff ~~and~~ will instead be able to access Providers’ online portals with processed parking data^{[BH33][WQ34]} that excludes personally identifiable information, and license plate numbers. Staff will not have access to any user account information. DOT does not have the staff capacity or technological resources to run a mobile parking payment system itself. Providers may also depend on other companies for certain functions, such as for cloud data storage services; these given the recent ParkMobile data breach, staff will require that selected Providers disclose all additional companies may in the procurement process become known after staff procure the mobile parking payment system.^{[BH35][WQ36]} ~~—Must know how all data is stored/managed with the provider and with their 3rd party storage service.~~^[BH37]

10. Alternatives

The primary alternative to the proposed data sharing agreement is removing location-based zones from the mobile parking payment system. This would reduce privacy and surveillance risk but result in several key trade-offs.

First, this may limit which mobile parking payment Providers can operate in Oakland and result in user difficulties, as zones are how users indicate where they are parking to a Provider that operates across multiple cities.

Secondly, removing zones would halt the development and implementation of the City’s federally funded Demand-Responsive Parking and Mobility Management Initiative, in which parking prices flex by time of day and location to reflect demand. Thus, this alternative is not a feasible option because it would eliminate the possibility of implementing a federally-funded, Council-approved DOT program. ~~—CCPA for opt in/out policies.~~^[BH38]

11. Track Record

Mobile parking payment services are available in cities throughout California, the United States, and the world. However, the City’s 10 years of experience with mobile parking payment services is most pertinent to the purpose of this report. ParkMobile has been the City’s mobile parking payment Provider since 2011. Approximately 10 to 15% (\$1.4 to \$1.9 million) of annual on-street parking payment transactions were made through ParkMobile between 2015 and 2019. Key challenges with this technology have related to the maintenance of signage showing the zone number.

In March 2021, ParkMobile experienced a data breach of over 20 million users' information. In an email sent by ParkMobile on April 13, DOT staff were notified of the following: "[Parkmobile's] investigation has confirmed that basic account information – license plate numbers and, if provided by the user, email addresses and/or phone numbers, and vehicle nicknames – was accessed. In a small percentage of cases, mailing addresses were affected. No credit cards or parking transaction history were accessed, and [Parkmobile does] not collect Social Security numbers, driver's license numbers, or dates of birth." In response to community members' concerns regarding the breach, DOT provided more information and resources about the breach on the City's website (<https://www.oaklandca.gov/topics/parkmobile-march-2021-data-breach>).

Staff will not ask ParkMobile to migrate user information or data to any new Provider(s) operating under the new mobile parking payment system in order to avoid any compromise of the company's marketing and customer retention efforts. Any new users in Oakland will be required to sign up with the Provider(s) of their choice, and they may hold multiple accounts with multiple providers if they choose to do so. If users have an existing account with a Provider that is newly operating in the City of Oakland, users will continue to be able to use their account in Oakland and simply enter the zone corresponding to a parking space in Oakland in a parking session. The planned multi-vendor system may also minimize the number of Providers with whom users must share their information to access this payment option.

A key improvement of the new mobile parking payment system will be City of Oakland-branded signs in the PROW that will direct parkers to a webpage with all available Providers and promotions, as well as supporting future pilots and innovations like the LaSalle Garage. Under the new system, DOT staff will also seek financial support for the installation and maintenance of City-branded signs. As this is a unique "ask" within the industry, staff do not yet know if potential Providers can meet this.

What would be the desire or expectation to the provider to maintain the placards and signage? How is/should signage issues be reported to DOT or the provider to help ensure response? [BH39] No data breaches or other adverse privacy impacts have become known in the last 10 years of providing this service to the public. [BH40] Can user info and data from Park Mobile be migrated to the new provider? [BH41]

This service supports the City's Parking Principles (Resolution No. 84664 CMS) by making parking easier. Data sharing is in line with DOT's Strategic Plan goal to be a responsive and trustworthy government agency. Through data sharing, DOT can adjust on-street parking rates to be demand-responsive, reconcile parking revenues, and support data-driven decisions on DOT parking policies, programs, and practices. Additionally, data sharing will contribute to DOT's open data efforts, making ~~aggregated and~~ anonymized parking data more accessible and transparent to the public. ~~CCPA laws notwithstanding~~ [BH42]

Questions or comments concerning this draft Use Policy should be directed to Michael Ford, Division Manager, Parking and Mobility Division, via email at mford@oaklandca.gov or phone at (510) 238-7670.

Exhibit 1

Statement of Work

The following Statement of Work (“SOW”) is Exhibit 1 to the Agreement to provide Professional Services and related products herein between Parkmobile USA, Inc. (“Contractor”) and the City of Oakland (“City”) (“Agreement”) and is incorporated by this reference as if fully set forth therein. This SOW defines the principal activities and responsibilities of Contractor and the City for the development, deployment and support services related to the offer to motorists the ability and the convenience to pay for parking via Contractor’s proprietary mobile application (“app”), automated phone system, also known as Interactive Voice Response system, or at www.parkmobile.com.

1. CONTRACTOR’S RESPONSIBILITIES

System Integration

During and subject to the term of this Agreement, Contractor shall host, manage, and maintain the mobile payment solution at no cost to the City.

Contractor shall furnish a system capable of accepting payment from customers by mobile phone or other mobile device for the City’s on-street, off-street parking meters and other selected revenue control equipment.

- The system shall integrate with and be compatible with the City’s Parking Citation Administration and Revenue Collection (“CARR) System
- The system shall integrate in real-time with and be compatible with the City’s parking enforcement handheld units (Xerox’s PocketPEO)
- The system shall have the ability to integrate with the City’s existing IPS (single) and Cale (multi-space) meters
- Validly paid vehicles are shown through any Internet browser,
- Individual meter, street or block can search vehicles.

Customer Service Requirements

- Contractor shall provide City with the capability through means acceptable to the City, to access the parking history, active users and parking revenues in Contractor’s system and related services.
- Contractor shall provide City with reports within three (3) business days after the end of the month through the Internet or other digital means regarding parking revenues for the preceding month.
- Contractor shall also provide training sessions to City staff for the usage of the system.
- Contractor shall maintain (a) a full set of accounting records in accordance with generally accepted accounting principles and procedures for all funds received under this Agreement; and (b) full and complete documentation of performance related matters such as deliverables or revenues associated with this Agreement.

- Contractor shall (a) permit the City to have access to those records for the purpose of making an audit, examination or review of financial and performance data pertaining to this Agreement; and (b) maintain such records for a period of four years following the last fiscal year during which the City paid an invoice to Contractor under this Agreement.
- In addition to the above, Contractor agrees to comply with all audit, inspection, recordkeeping and fiscal reporting requirements incorporated by reference.

Contractor shall provide a system which allows a driver located at a point of service parking space or in transit to a point of service parking space to:

- Start parking transaction via Contractor App, Interactive Voice Response (IVR), Short Message Service (SMS), or Internet browser
- Be alerted prior to a parking session expiring via text message
- Extend a parking session via Contractor App, IVR, SMS, or Internet browser
- Create an account via Contractor App, over any phone through an automated system, or over the Internet
- Add multiple license plates to a single account
- Application and Voice system in English
- Review previous parking transactions via Contractor App or over the Internet
- Sign up for an account and park immediately at the point of purchase via App, IVR, SMS, or Internet Browser
- Extend a parking session without re-entering complete location information,
- Park at a previous location without re-entering complete location information even if the parking session has expired,
- Receive email receipts of parking transactions.

Setting Requirements

- Utilize meter numbers containing up to eight (8) alphanumeric characters,
- Allow settings to vary at each individual meter or block
- Set and/or modify maximum stay restrictions,
- Offer rates that support the City's rate structure,
- Include the transaction fee in parking fee.
- Notify parker the transaction fee over the IVR system,
- Create locations to capture meter or parking space number,
- Group meters together for enforcement.
- Set permission restrictions on customer accounts based on their logins, such as restrictions from parking or from obtaining automatic refunds.
- Allow staff to add meters or spaces to system,
- Allow staff to remove meters or spaces from the system.

Customer Base System Requirements

Contractor shall provide telephone helpdesk and Customer Support Center to assist City and customers with any technical and/or customer-related matters.

- Transfer to customer service agent at any time
- Set their account in English
- Modify text message, license plate, credit card details, and language settings through the Contractor App, IVR, SMS, or Internet Browser
- Modify account details, PIN, text message, license plate, credit card details, email receipt, and language settings through the Contractor application or over the Internet.

Payment System Settings

Contractor is responsible for the security of cardholder data that it possesses, including functions relating to storing, processing, viewing and remitting of the cardholder data.

Contractor represents and warrants that any System used by the Contractor and the software applications it provides for the purpose of performing services related to storing, processing or remitting payment cardholder data, at any point during the term of this contract shall be secured and certified to meet Payment Card Industry Data Security Standard ("PCI-DSS") and Payment Application Data Security Standard ("PA-DSS") established by the Payment Card Industry Security Standards Council as set forth online at <https://www.pcisecuritystandards.org>, as may be amended by the PCI Security Standards Council from time to time.

- All reports provided by the system are exportable to the City's computer network and server in Excel or comparable format
- The system authorizes payments in real time
- The system uses the City's credit card merchant account
- All credit card information is encrypted
- Credit card information is validated upon entry to prevent typographical errors
- Rejected transactions are reported to the customer during the phone call or other method in which customer is requesting service
- The customer is given one (1) opportunity to try a different credit or debit card for rejected transactions
- The system prevents parking for declined transaction
- System records and reports rejected transactions
- The system can synchronize batch settlement times for the merchant account and reports of the same can be sent via the Internet to the City,
- The system accepts Visa, MasterCard, Discover and American Express credit cards and all debit cards.
- The system has expansion capacity, and states how much expansion capacity the system has in terms of spaces, meters or any other criteria.

2. CITY'S RESPONSIBILITIES

City shall reimburse the transaction fees to Contractor within 30 days after receipt of invoices from Contractor. The total amount of transaction fee to be reimbursed to Contractor is capped at a maximum of \$250,000 annually. Late payment interest of 10% per annum may be assessed by Contractor on any invoice past due, in which case such interest shall accrue from the payment due date to the date the payment is received.



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Thanks for using our products and services ("Services")! The Services at Parkmobile, LLC ("ParkMobile"), located at 1100 Spring Street, NW, Suite Georgia 30309, United States.

By using our Services, you are agreeing to these terms and our [priv](#) read them carefully.

We offer a variety of Services so sometimes additional terms may apply. will be available with the relevant Services, and those additional terms wi of your agreement with us, if you use those Services.

Changes to the Terms

We may modify these terms or any additional terms that apply to a Servic reflect changes to the law or changes to our Services. You should look at regularly. We'll post notice of modifications to these terms on this page. V modified additional terms in the applicable Service. Changes will not app will become effective no sooner than fourteen days after they are postec changes addressing new functions for a Service or changes made for le effective immediately. If you do not agree to the modified terms for a Serv discontinue your use of that Service.

Using our Services

You may use our Services only if you can legally form a binding contract accordance with these terms and all applicable laws. You can't use our S be prohibited by U.S. sanctions. Any use or access by anyone under the allowed. Using ParkMobile may include downloading software to your pf

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we are a technology company. we do not own, operate, or maintain any parking facilities. we do not provide parking enforcement services. Parking facilities are owned and operated by third parties. Parking restrictions (i.e. no parking signs) take precedence over any information you receive from us. All applicable parking rules and regulations apply to the use of the Services does not excuse you from following the rules.

Your ParkMobile Account

You may need a ParkMobile account in order to use some of our Services. You may have your own ParkMobile account, or your ParkMobile account may be assigned to you by an administrator, such as your employer. When you create your ParkMobile account, you must provide us with accurate and complete information. If you are using a ParkMobile account assigned to you by an administrator, different or additional terms may apply. An administrator may be able to access or disable your account.

Limited License to Use Our Services

Subject to your compliance with these terms, ParkMobile grants you a limited, non-exclusive, non-sublicensable, revocable, non-transferable license to: (i) use the Services and applications on your personal device solely in connection with your use of the Services; and (ii) access and use any content, information and related materials that may be made available through the Services, in each case solely for your personal, non-commercial use. Any rights not expressly granted herein are reserved by ParkMobile and its licensors.

Text Messaging

Text2Park (Shortcode: 77223)

You can cancel the SMS service at any time. Just text "STOP" to 77223. We will send you a text message to confirm that you have been unsubscribed from the Text2Park program. After this, you will no longer receive text messages from the Text2Park program. If you have opted into our other SMS services (i.e. pay-as-you-go), you may continue to receive text messages originating from those programs.

If you experience issues with our Text2Park service, just text "HELP" to 77223 or contact our customer care center [online](#) or by calling us at **(877) 727-5444**.

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Q If you have any questions regarding privacy, please visit our [privacy policy](#)

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SMS Parking Notifications

By providing your phone number to opt-in to receive parking notifications, you will receive a text message when your parking session is about to expire, and after your parking session has ended. Message and data rates may apply. You can change your notification preferences at any time through your account settings. For more information, contact our customer care center [online](#) or by calling us at **(877) 727-5464**.

Network Access and Devices

You are responsible for obtaining the data network access necessary to use the Services. Your mobile network's data and messaging rates and fees may apply if you use the Services from your device. You are responsible for acquiring and updating the hardware or devices necessary to access and use the Services and any software updates. We do not guarantee that the Services will function on any particular hardware or device, and the Services may be subject to malfunctions and delays inherent in the use of wireless and electronic communications.

Payment

You understand that use of the Services may result in charges to you for which you will be responsible to receive ("Charges"). We will receive and/or enable your payment of the Charges for services obtained through your use of the Services. Charges will be in addition to any applicable taxes where required by law. Charges may include other applicable processing fees.

All Charges and payments will be enabled by ParkMobile using the preferred payment method designated by you in your account, after which you will receive a notification. If your primary account payment method is determined to be expired, invalid, or unable to be charged, you agree that we may use a secondary payment method, if available. Charges paid by you are final and non-refundable, unless otherwise stated or determined by ParkMobile.

As between you and ParkMobile, ParkMobile reserves the right to establish, modify, or revise Charges for any or all services obtained through the use of the Services.



Q certain users with promotional offers and discounts that may result in different charges for the same or similar services or goods obtained through the Services and you agree that such promotional offers and discounts, unless also made available to you, shall have no bearing on your use of the Services or the Charges applicable to you.

In certain cases, with respect to third party providers, Charges you incur directly to third party providers, and ParkMobile will collect payment of those Charges from you, on the third party provider's behalf as their limited payment collection agent. Payment of the Charges shall be considered the same as payment made directly to the third party provider.

Sweepstakes and Other Promotions

In addition to these terms, sweepstakes, contests or other promotions (collectively "Promotions") made available through the Services may have specific rules that differ from these terms. By participating in a Promotion, you will become subject to those rules. We urge you to review the rules before you participate in a Promotion. Promotions may take control over any conflict with these terms.

Intellectual Property

We reserve all of our intellectual property rights in the Services. Trademarks and service marks in connection with the Services are the trademarks of their respective owners. "P" logos and other ParkMobile trademarks, service marks, graphics and logos used in our Services are trademarks or registered trademarks of ParkMobile, LLC.

Security

We care about the security of our users. While we work to protect the security of your account and content, we can't guarantee that unauthorized third parties won't attempt to defeat our security measures. We ask that you keep your password secure and notify us immediately of any unauthorized use of your account.

Modifying and Terminating our Services

We are constantly changing and improving our Services. We may add or remove features or functionalities or features, and we may suspend or stop a Service altogether at any time without notice.

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our Services at any time.

Q **Third-party Links**

Our Services may contain links to other websites and resources provide that are not owned or controlled by us. We have no control over the content of these websites or resources. If you access any third-party content from our Services, you do so at your own risk and subject to the terms and conditions of use for such third-party content.

Disclaimer of Warranties

Our Services are provided on an "as is" basis without warranty of any kind, whether express or implied, statutory or otherwise. We specifically disclaim any and all warranties, including but not limited to, merchantability, non-infringement, and fitness for a particular purpose.

Limitation of Liability

TO THE MAXIMUM EXTENT ALLOWED BY LAW, IN NO EVENT WILL PARKMOBILE OR ITS SUBSIDIARIES AND AFFILIATES, INCLUDING RESPECTIVE LICENSORS, SERVICE PROVIDERS, EMPLOYEES, AGENTS, CONTRACTORS, MEMBERS, MANAGERS AND DIRECTORS, BE LIABLE TO ANY PARTY (REGARDLESS OF FORM OF ACTION, WHETHER IN CONTRACT, TORT, OR OTHERWISE) FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, OF ANY KIND, INCLUDING THE AMOUNT YOU HAVE PAID TO PARKMOBILE TO USE THE SERVICES.

Business Uses of Our Services

If you want to use ParkMobile for commercial purposes, you must create a business account and agree to our Business Terms of Service. If you do open an account on behalf of a company, organization, or other entity, then "you" includes you and that entity, and you promise that you are authorized to grant all permissions and licenses provided in our Business Terms of Service and bind the entity to these terms, and that you agree to these terms on behalf of the entity.

General Terms

If there is a conflict between these terms and the additional terms, the additional terms shall control for that conflict.

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If you do not comply with these terms, and we don't take action right away that we are giving up any rights that we may have (such as taking action in

If it turns out that a particular term is not enforceable, this will not affect a

The laws of the State of Georgia, U.S.A., excluding Georgia's conflict of law to any disputes arising out of or relating to these terms or the Services. A of or relating to these terms or the Services will be litigated exclusively in courts of Fulton County, Georgia, USA, and you and ParkMobile consent jurisdiction in those courts.

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MEMORANDUM

TO: LeRonne Armstrong,
Chief of Police

FROM: Drennon Lindsey, Deputy Chief
OPD, Bureau of Investigations

SUBJECT: Live stream transmitter–
2020 Annual Report

DATE: March 15, 2021

Background

Oakland Municipal Code (OMC) 9.64.040: Surveillance Technology “Oversight following City Council approval” requires that for each approved surveillance technology item, city staff must present a written annual surveillance report for Privacy Advisory Commission (PAC). After review by the Privacy Advisory Commission, city staff shall submit the annual surveillance report to the City Council. The PAC shall recommend to the City Council that:

- The benefits to the community of the surveillance technology outweigh the costs and that civil liberties and civil rights are safeguarded.
- That use of the surveillance technology cease; or
- Propose modifications to the corresponding surveillance use policy that will resolve the concerns.

Oakland Police Department (OPD) I-23: Live Stream Transmitter Use Policy governs OPD’s use of Live Stream Transmitters; the policy was approved by the City Council on April 21, 2020 through Resolution No. 88099 C.M.S., as well as OMC 9.64.040, requires that OPD provide an annual report to the Chief of Police, the Privacy Advisory Commission (PAC), and the City Council. The information provided below is compliant with the annual report policy requirements of OMC 9.64.040 and DGO I-23.

Sergeant Inez Ramirez is currently the Live Stream / Video Team Program Coordinator.

2020 Annual Report Details

- A. A description of how the surveillance technology was used, including the type and quantity of data gathered or analyzed by the technology:

There were 11 requests in 2020. However, OPD only used the transmitters during seven incidents. In all these incidents, OPD utilized information such as open-source social media which indicated the likelihood of large gatherings with a potential for acts of violence and vandalism. The Report on Video Stream Usage August 28-29, 2020 report (shared with the PAC Chair and Chief Privacy Officer) shows that, “The organizer(s) posted language referring to “burning it down”. The recent protests and social media displaying similar language consistently resulted in acts of violence, vandalism, and scars on our downtown community. The “Report on Video Stream Usage: August 26, 2020” Report mentions that, “intelligence gathered from open-source social media indicated a large group of people were gathering for an anti-police protest in solidarity with protesters in Wisconsin. The social media posts spoke of violence on police officers and lighting fires in Oakland. Nationally, other agencies had seen days of violence starting on Aug 23, 2020 (the day of the

Wisconsin shooting¹). Since the George Floyd event, OPD has noted people coming to Oakland to mirror non-peaceful criminal behavior.”

- B. Whether and how often data acquired through the use of the surveillance technology was shared with outside entities, the name of any recipient entity, the type(s) of data disclosed, under what legal standard(s) the information was disclosed, and the justification for the disclosure(s):

Seven (total times used); DGO I-11 does provide that OPD may share live stream data with other law enforcement agencies that have a right to know and a need to know¹, such as an inspector with the District Attorney’s Office. However, no live stream data would be downloaded, retained, or shared with different agencies. Video was streamed into the EOC/DOC. Any supporting agency inside the EOC would have viewed the live stream. No live stream video was saved/downloaded at the EOC/DOC. No live stream video was shared with other law enforcement agency, unless they viewed it live on the screen at the EOC/DOC.

- C. Where applicable, a breakdown of what physical objects the surveillance technology hardware was installed upon; using general descriptive terms so as not to reveal the specific location of such hardware; for surveillance technology software, a breakdown of what data sources the surveillance technology was applied to:

The transmitters are attached to video cameras which are handheld by officers monitoring the events.

- D. Where applicable, a breakdown of where the surveillance technology was deployed geographically, by each police area in the relevant year:

The live stream transmitters were deployed in areas where the protests and marches occurred in parts of downtown Oakland.

- E. A summary of community complaints or concerns about the surveillance technology, and an analysis of the technology's adopted use policy and whether it is adequate in protecting civil rights and civil liberties:

OPD is not aware of community complaints regarding the use of live stream transmitters in 2020; staff believes that the policy provides strong protocols for notification of use and transparency, that these protocols provide adequate civil rights and civil liberties protections.

- F. The results of any internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response unless the release of such information is prohibited by law, including but not limited to confidential personnel file information:

*OPD did not initially provide notice to the PAC Chair and Chief Privacy Officer (CPO) within the 72-hour rules set forth in DGO I-23. 2020 was the first full year in which OPD was using livestream transmitters with the newly adopted DGO I-23. Four deployment memos (see **Appendix A** below) were submitted to the PAC in September 2020, outlining the required*

¹ DGO I-23 explains that a right to know is the legal authority to receive information pursuant to a court order, statutory law, or case law.

use notifications between May-August 2020. These uses occurred during the 2020 global Coronavirus Pandemic, during very large events, where social media posts spoke of violence on police officers and lighting fires in Oakland. OPD has since developed better protocols to ensure PAC / CPO notifications occur within the 72-hour rule.

OPD is not aware of any other policy violations from use of the live stream transmitters. Usage for 2020 was reviewed/audited and no corrective actions were found to be needed. In 2019 there was also no corrective actions needed. Reviews of the usage confirm that video transmitted to the EOC and PAB was not recorded; therefore, there is zero data resulting from use. The technology only allowed real-time views of the hand-held video cameras.

- G. Information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response:

OPD is not aware of any data breaches.

- H. Information, including crime statistics, that helps the community assess whether the surveillance technology has been effective at achieving its identified purposes:

See 2020 Quarterly Crowd Control Events (Attachments A-D).

- I. Statistics and information about public records act requests regarding the relevant subject surveillance technology, including response rates:

There were no PRRs related to live stream transmitters in 2020.

- J. Total annual costs for the surveillance technology, including personnel and other ongoing costs, and what source of funding will fund the technology in the coming year:

One hundred thirty thousand dollars (\$130,000) in one-time purchase cost. OPD upgraded the video streaming system that was originally purchased in 2011. This included camera equipment, transmitters, receivers and software licensing.

The Oakland Police Department (OPD) will use funding from the 2017 JAG local allocation to fund technology upgrades (new computers and gunshot locator system cameras), and Department-wide training. OPD will use funding from the 2018 JAG local allocation to purchase equipment upgrades (portable high-definition video streaming technology and related software and helicopter maintenance), and to fund Community Police Academy training as well as other Department-wide training.

- K. Any requested modifications to the Surveillance Use Policy and a detailed basis for the request:

No requests for changes at this time.

OPD is committed to providing the best services to our community while being transparent and instilling procedural justice through daily police activity. This report is compliance with these OPD commitments as well as the reporting requirements of Resolution 86585 C.M.S. OPD hopes that this report helps to strengthen our trust within the Oakland community.

Respectfully submitted,

Drennon Lindsey, Deputy Chief
OPD, Bureau of Investigations

Reviewed by,
Randell Wingate, Captain
OPD, Support Operations Section

Prepared by:
Inez Ramirez, Sergeant
OPD, Bureau of Services, Information Technology Unit

Bruce Stoffmacher, Legislation and Privacy Manager
OPD, Research and Planning Unit

Attachments (1)
Appendix A: 2020 Video Stream Deployment Memos

CITY OF OAKLAND

Memorandum

ATTN: Director Joe Devries
FROM: Captain Randell Wingate
DATE: September 23, 2020
RE: Report on Video Stream Usage: May - June, 2020

This memorandum summarizes the use of Live Stream Transmitters by the Oakland Police Department (OPD), in support of the George Floyd event.

Departmental General Order (DGO) I-23: Live Stream Transmitter Use Policy requires that for each use of live stream transmitters, OPD shall articulate the facts and circumstances surrounding the use in a written statement filed with the Chief Privacy Officer and/or Chair of the Privacy Advisory Commission within 72 hours.

RD# or Incident #: 20-026713

- **Date of Incident:** 30 MAY 20
- **Type of Event:** Protest
- **Was EOC/DOC activated:** YES
- **Number of Video Streams provide to EOC/DOC:** 2 video streams

RD# or Incident #: 20-026817

- **Date of Incident:** 31 MAY 20
- **Type of Event:** Protest
- **Was EOC/DOC activated:** YES
- **Number of Video Streams provide to EOC/DOC:** 2 video streams

RD# or Incident #: 20-027034

- **Date of Incident:** 01 JUN 20
- **Type of Event:** Protest
- **Was EOC/DOC activated:** YES
- **Number of Video Streams provide to EOC/DOC:** 2 video streams

RD# or Incident #: 20-027193

- **Date of Incident:** 02 JUN 20
- **Type of Event:** Protest
- **Was EOC/DOC activated:** YES
- **Number of Video Streams provide to EOC/DOC:** 2 video streams

RD# or Incident #: 20-027341

- **Date of Incident:** 03 JUN 20
- **Type of Event:** Protest
- **Was EOC/DOC activated:** YES
- **Number of Video Streams provide to EOC/DOC:** 2 video streams

The nationwide protests that started on May 29, 2020 was the most devastating crowd control event in the history of Oakland. The George Floyd video created outrage with countless numbers of people locally, nationally, and globally. OPD officers and professional staff share in this outrage. OPD Command had very limited time to plan for protests once it became clear that large protests were likely to occur; OPD lacked specific intelligence signaling likely protests until late afternoon on May 28th; there is no Video Team request for the first evening of protests on 29 May 20.

The protests in late May and early June occurred somewhat continuously over several days; for this reason, the usage dates are included above and described here with one narrative. The usage continued until large protest activity ceased on 4 Jun 20. Captain Wingate requested the use of the video teams each day. The full activation of the Emergency Operations Center (EOC) was ordered by the City Administrator during this entire operational period.

The devastation which occurred on 29 May 20 justified the use of video teams on subsequent evenings. The downtown area had over 15,000 people massed in about three different clusters. The largest cluster occurred at 8th and Broadway; people in this area posted on social media the intent to burn down OPD's main Police Administration Building at 455 7th Street. Several other police department buildings nationwide had been set on fire. OPD was on a full deployment and had to call mutual aid before the sun went down.

Throughout the night Oakland was looted, burned, and destroyed by the unruly and very violent crowds. OPD and the several hundred personnel from outside police agencies were extremely outnumbered. Additionally, OPD was responding to the murder of a Federal Security Agent (which occurred at the Federal Building blocks from City Hall), burning businesses, and widespread acts of looting.

The use of the live stream video teams on the above listed nights was necessary to provide commanders with real time situational information. It is important to note the incredibly difficult task of commanding and controlling outside agencies in the field assisting OPD. When a directive is given by the Incident Commander, the most rapid way to ensure the message is clear and being executed is to see the officers in the field carrying out these directives. The average operational period would have up to 900 officers in Oakland participating in crowd management and addressing criminal activity.

The Video Teams were only used from a distance to capture the totality of the crowd size, activity, officer posture, and field supervision.

Randell Wingate
Captain of Police
Support Operations Division
Oakland Police Department

Inez Ramirez III
Sergeant of Police
Bureau of Services Administration
Oakland Police Department

CITY OF OAKLAND

Memorandum

ATTN: Director Joe Devries
FROM: Captain Randell Wingate
DATE: September 23, 2020
RE: Report on Video Stream Usage: July 25, 2020

This memorandum summarizes the use of Live Stream Transmitters by the Oakland Police Department (OPD), in support of the specified event.

Departmental General Order (DGO) I-23: Live Stream Transmitter Use Policy requires that for each use of live stream transmitters, OPD shall articulate the facts and circumstances surrounding the use in a written statement filed with the Chief Privacy Officer and/or Chair of the Privacy Advisory Commission within 72 hours.

RD# or Incident #: 20-036638
Date of Incident: 25 JUL 20
Type of Event: Protest
Was EOC/DOC activated: YES

Basis for Use: Video Teams were requested by Captain Wingate on 23 JUL 20, after analysis of this event. The intelligence gathered from open source social media outlets indicated a large group of people were gathering on 25 Jul 20, to commit acts of violence and vandalism. The group planned to start the protest with shield training. This activity is indicative of known agitator groups who hijack large peaceful protests. The shield training indicates a greater expectation – if not intent - for a violent intent.

The use of the live stream transmitters met the DGO requirements as the EOC was placed in operation by the City Administrator and the crowd size was predicted to be large enough to make command and control difficult. The late starting protest also reduced the Air Unit's usefulness and flight duration capacity. The Air Unit (helicopter) provides one of the only means OPD Command possesses for real-time information regarding crowd size and activity. Two video streams were provided by the Video Teams to the EOC.

The Video teams were effectively used to monitor officer conduct, supervision, crowd size, crowd activity, and for real time situational awareness. There were no political speakers and the crowd was not willing to communicate with OPD.

Number of Video Streams provide to EOC/DOC: 2 video streams

Randell Wingate
Captain of Police
Support Operations Division
Oakland Police Department

Inez Ramirez III
Sergeant of Police
Bureau of Services Administration
Oakland Police Department

CITY OF OAKLAND

Memorandum

ATTN: Director Joe Devries
FROM: Captain Randell Wingate
DATE: September 23, 2020
RE: Report on Video Stream Usage: August 26, 2020

This memorandum summarizes the use of Live Stream Transmitters by the Oakland Police Department (OPD), in support of the specified event.

Departmental General Order (DGO) I-23: Live Stream Transmitter Use Policy requires that for each use of live stream transmitters, OPD shall articulate the facts and circumstances surrounding the use in a written statement filed with the Chief Privacy Officer and/or Chair of the Privacy Advisory Commission within 72 hours.

RD# or Incident #: 20-042337
Date of Incident: 26 AUG 20
Type of Event: Protest
Was EOC/DOC activated: YES

Basis for Use: Video Teams were requested by Captain Wingate on 25 Aug 20, after analysis of the upcoming protest event - intelligence gathered from open source social media indicated a large group of people were gathering for an anti-police protest in solidarity with protesters in Wisconsin. The social media posts spoke of violence on police officers and lighting fires in Oakland. Nationally, other agencies had seen days of violence starting on Aug 23, 2020 (the day of the Wisconsin shooting¹). Since the George Floyd event, OPD has noted people coming to Oakland to mirror non-peaceful criminal behavior.

The use of the live stream transmitter met the DGO requirements as the EOC was placed in full operation by the City Administrator and the crowd size was predicted to be large enough to make command and control difficult. The California wildfires impacted the air quality and Air Unit visibility. The Air Unit is also used as a tool to give updates on crowd size and activity. The single Video Team was used to send real time images to the EOC.

The Video team was effectively used to monitor officer conduct, supervision, crowd size, crowd activity, and for real time situational awareness.

¹ In the August 23, 2020 incident, Kenosha PD officers shot Jacob Blake, an African American male seven times related to a domestic dispute call for service; the event was captured on phone video by a bystander.

Number of Video Streams provide to EOC/DOC: 1 video stream

Randell Wingate
Captain of Police
Support Operations Division
Oakland Police Department

Inez Ramirez III
Sergeant of Police
Bureau of Services Administration

CITY OF OAKLAND

Memorandum

ATTN: Director Joe Devries
FROM: Captain Randell Wingate
DATE: September 23, 2020
RE: Report on Video Stream Usage: August 28-29, 2020

This memorandum summarizes the use of Live Stream Transmitters by the Oakland Police Department (OPD), in support of the specified event.

Departmental General Order (DGO) I-23: Live Stream Transmitter Use Policy requires that for each use of live stream transmitters, OPD shall articulate the facts and circumstances surrounding the use in a written statement filed with the Chief Privacy Officer and/or Chair of the Privacy Advisory Commission within 72 hours.

RD# or Incident #: 20-042759

- **Date of Incident:** 28 AUG 20
- **Type of Event:** Protest
- **Was EOC/DOC activated:** YES
- **Number of Video Streams provide to EOC/DOC:** 3 video streams

RD# or Incident #: 20-042912

- **Date of Incident:** 29 AUG 20
- **Type of Event:** Protest
- **Was EOC/DOC activated:** YES
- **Number of Video Streams provide to EOC/DOC:** 3 video streams

Basis for Use: Video Teams were requested by Captain Wingate on 27 Aug 20, after analysis of the event (28 Aug 20). The intelligence gathered from open source social media outlets indicated a large group of people were gathering on 28 Aug 20, to commit acts of violence and vandalism. The organizer(s) posted language referring to “burning it down”. The recent protests and social media displaying similar language consistently resulted in acts of violence, vandalism, and scars on our downtown community.

The use of the live stream met the DGO requirements as the EOC was placed in operation by the City Administrator and the crowd size was predicted to be large enough to render oversight and control difficult. The late evening start time reduced the Air Unit’s (helicopter) flight duration. The Air Unit provides practically the only means of achieving active crowd size and activity information. Three video streams were provided

by the Video Teams to the EOC. The Video teams were effectively used to monitor officer conduct, supervision, crowd size, and crowd activity. OPD could not identify political speakers nor anyone willing to communicate with OPD.

The event for 28 Aug 20, ended with social media posts calling all protesters back for the night of 29 Aug 20. This created a second request for the video teams for this event. The information gathered from public sources again justified live transmitter use for upcoming protests; crowd size was again anticipated to be large enough to make command and control very difficult. The video teams were effective in gaining real time information on the officers' posture, crowd activity, crowd size, effectiveness of the filed supervision, and need for police presence.

Randell Wingate
Captain of Police
Support Operations Division
Oakland Police Department

Inez Ramirez III
Sergeant of Police
Bureau of Services Administration
Oakland Police Department



MEMORANDUM

TO: LeRonne Armstrong,
Chief of Police

FROM: Trevelyan Jones, Captain,
Ceasefire Section

SUBJECT: Gunshot Location Detection
System (ShotSpotter) – 2020
Annual Report

DATE: March 19, 2021

Background

Oakland Municipal Code (OMC) 9.64.040: Surveillance Technology “Oversight following City Council approval” requires that for each approved surveillance technology item, city staff must present a written annual surveillance report for Privacy Advisory Commission (PAC). After review by the Privacy Advisory Commission, city staff shall submit the annual surveillance report to the City Council. The PAC shall recommend to the City Council that:

- The benefits to the community of the surveillance technology outweigh the costs and that civil liberties and civil rights are safeguarded.
- That use of the surveillance technology cease; or
- Propose modifications to the corresponding surveillance use policy that will resolve the concerns.

The PAC recommended adoption of OPD Department General Order (DGO) I-20: “Gunshot Location Detection System” at their October 3, 2019 meeting; the report was presented to the City Council on November 19, 2019 and adopted by the City Council via Resolution No. 87937 C.M.S. DGO I-20 requires that OPD provide an annual report to the Chief of Police, the Privacy Advisory Commission (PAC), and the City Council. The information provided below is compliant with OMC 9.64 and the annual report policy requirements.

2020 Data Details

- A. A description of how the surveillance technology was used, including the type and quantity of data gathered or analyzed by the technology:

ShotSpotter technology was used in the following ways/with the following outcomes in 2020:

- *The number of times ShotSpotter technology was requested: ShotSpotter alerted OPD to 6,053 unique gunshot incidents from January 1 – December 31, 2020. Of those alerts, 5,507 (91%) were not called in by the community and OPD would not have known about them nor have been able to respond in a timely fashion. This information is based on an analysis of calls with 15 minutes and 300 feet of a ShotSpotter alert.*
- *123 shooting victims related to ShotSpotter alert notification, 22 of which were homicides and 101 were injured.*
- *1,526 crime incident reports (26% of total activations)*

- 1,395 (91%) were for firearm-related crimes (**Table 1** below categories these crime incidents), **Table 2** further below illustrates gun recoveries resulting from ShotSpotter activations.
 - 131 (9%) were for non-firearm-related crimes.
 - 1,170 (77%) of these incidents resulted in OPD Crime Lab requests for further firearm forensic analysis.
- *These incidents are connected with the following further support from ShotSpotter:*
 - *Five detailed forensic reports*
 - *Expert witness and court preparation for eight cases*

B. Whether and how often data acquired through the use of the surveillance technology was shared with outside entities, the name of any recipient entity, the type(s) of data disclosed, under what legal standard(s) the information was disclosed, and the justification for the disclosure(s):

1. *OPD and the Oakland Housing Authority Police Department entered into a Memorandum of Understanding (MOU) in 2012, following City Council approval, to fund the initial ShotSpotter program in areas of the City and near OHA buildings known for higher levels of gun shots. This MOU allows OPD to share access to the ShotSpotter cloud-based portal with OHA PD personnel.*
2. *Personnel from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) who participate in the Council-approved OPD-ATF Taskforce also have access to the ShotSpotter System.*
3. *Staff from the Oakland Unified School District (OUSD) Police Department (disbanded by vote of the OUSD School Board in 2020) were formerly provided access to OPD's ShotSpotter System.*

C. Where applicable, a breakdown of what physical objects the surveillance technology hardware was installed upon; using general descriptive terms so as not to reveal the specific location of such hardware; for surveillance technology software, a breakdown of what data sources the surveillance technology was applied to:

OPD has contracted with ShotSpotter to install GLD sensors in different areas (phases) in several parts of the city. The total coverage area for the current ShotSpotter system comprises 15.38 square miles or approximately 25 percent of the city. OPD has chosen to install the sensors in areas most prone to gunshots based upon historical data. Many areas in East and West Oakland now benefit from the GLD system.

Most sensors are placed approximately 30 feet above ground level to maximize sound triangulation to fixed structures (e.g., buildings); at this altitude, the sensors can only record limited street-level human voice sounds. Furthermore, ShotSpotter only retains the audio for one second prior to a gun shot, and one second after.

D. Where applicable, a breakdown of where the surveillance technology was deployed geographically, by each police area in the relevant year:

Attachment A to this report provides the geographic areas of the City of Oakland that comprise the three ShotSpotter "phases" or areas covered under the current OPD-

*ShotSpotter contract. These areas intersect with all five official OPD Police Areas with a focus on areas where gunfire has historically occurred with greater regularity. **Attachment B** to this report is a weekly public ShotSpotter Activation Report for the week of March 8-14, 2021; this later report highlights areas of Oakland where ShotSpotter alerts have most recently occurred.*

- E. A summary of community complaints or concerns about the surveillance technology, and an analysis of the technology's adopted use policy and whether it is adequate in protecting civil rights and civil liberties:

Oakland Councilmembers have shared with OPD that members of the public are requesting greater ShotSpotter coverage into areas beyond the 15.36 square miles of current coverage (see #J below). OPD is not aware of complaints critical of the ShotSpotter system during 2020.

- F. The results of any internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response unless the release of such information is prohibited by law, including but not limited to confidential personnel file information:

Regular review of the system from OPD and ShotSpotter personnel did not result in any findings. The ShotSpotter coordinator maintains records of any time outside agencies request OPD ShotSpotter data.

- G. Information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response:

Neither OPD, ShotSpotter, nor the city's IT Department are aware of any data breaches of ShotSpotter data or technology in 2020.

- H. Information, including crime statistics, that helps the community assess whether the surveillance technology has been effective at achieving its identified purposes:

Table 1: ShotSpotter Activations Resulting in Incident Report for Firearm Crimes by Category

Cases by Firearm-Related Crime Type	No.
Homicide	15
Assault with a Firearm	129
Shoot at an Occupied Home/Vehicle	85
Shoot at an Unoccupied Home/Vehicle	17
Negligent Discharge of a Firearm	977
Weapons Violations (including exhibit/draw)	166
Robbery with a Firearm	6
Total Cases	1,395

Table 2: Firearm Recoveries in 2020 Connected to ShotSpotter Activations illustrate Guns Recovered

Firearm-Related Crime Type	No.
Homicide	1
Assault with a Firearm	21
Shoot at an Occupied Home/Vehicle	3
Negligent Discharge of a Firearm	9
Weapons Violations (including exhibit/draw)	24
Battery	2
Total Cases	60

- 69 weapons seized (more than one firearm may be from the same incident).
- 525 incidents when advanced situational awareness was provided to responding patrol officers on their way to crime scenes in high danger situations that required specific approach tactics such as multiple shooters, high capacity or automatic weapons being used, and drive-by shootings.

I. Statistics and information about public records act requests regarding the relevant subject surveillance technology, including response rates:

There were six (6) new ShotSpotter requests opened in 2020. Two are closed. Four are still open. There are ten total ShotSpotter Requests open as of the production of this 2020 data report.

J. Total annual costs for the surveillance technology, including personnel and other ongoing costs, and what source of funding will fund the technology in the coming year:

Total paid in 2020 was \$592,010 for 15.36 square miles of coverage. These fees encompass all services ShotSpotter currently provides to Oakland. There are no additional charges for meetings, reports, analysis and training. These funds come from OPD's General Purpose Fund.

K. Any requested modifications to the Surveillance Use Policy and a detailed basis for the request:

OPD is considering changes to DGO I:20; OPD will make a separate recommendation with specific policy change recommendations to the PAC.

OPD is committed to providing the best services to our community while being transparent and instilling procedural justice through daily police activity. This report is compliance with these OPD commitments as well as the reporting requirements of OMC 9.64. OPD hopes that this report helps to strengthen our trust within the Oakland community.

For any questions with this report, please contact Trevelyan Jones, Captain, OPD, Ceasefire Section, at tjones@oaklandca.gov

Respectfully submitted,

Trevelyan Jones

Trevelyan Jones, Captain, OPD, Ceasefire Section

Reviewed by,
Drennon Lindsey,
Deputy Chief, Bureau of Investigations

Paul Figueroa, Captain
OPD, Criminal Investigations Division

Prepared by:
Bruce Stoffmacher, Privacy and Legislation Manager
OPD, Bureau of Services

Attachment A - Shot Spotter Coverage Areas

Phase I with red borders (Activated in 2006): 6.2 square miles

East Oakland: East of High Street to 106th Avenue

West Oakland: East of Highway 980 to Frontage Road

Phase II with blue borders (Activated in 2013): 6.4 square miles

East Oakland: West of High Street to Park Boulevard

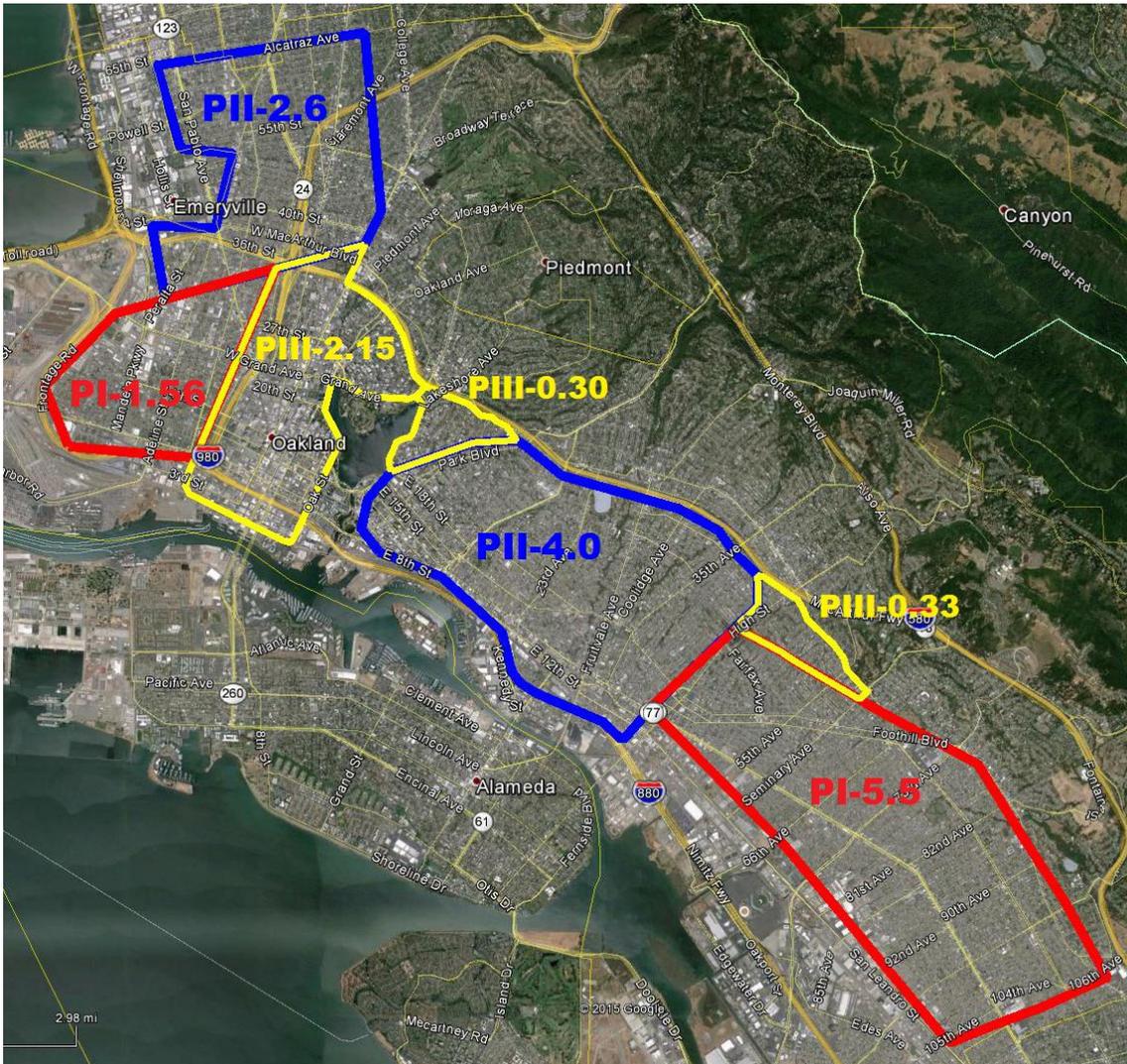
North Oakland: North of Highway 580 to Alcatraz Avenue

Phase III with yellow borders (Activated in 2016): 2.78 square miles

Downtown Oakland: Jack London Square to about West MacArthur Boulevard

Cleveland Height area: East of Lake Merritt to Highway 580 & Park Boulevard

Maxwell Park: East of High Street to Highway 580 & Mills College

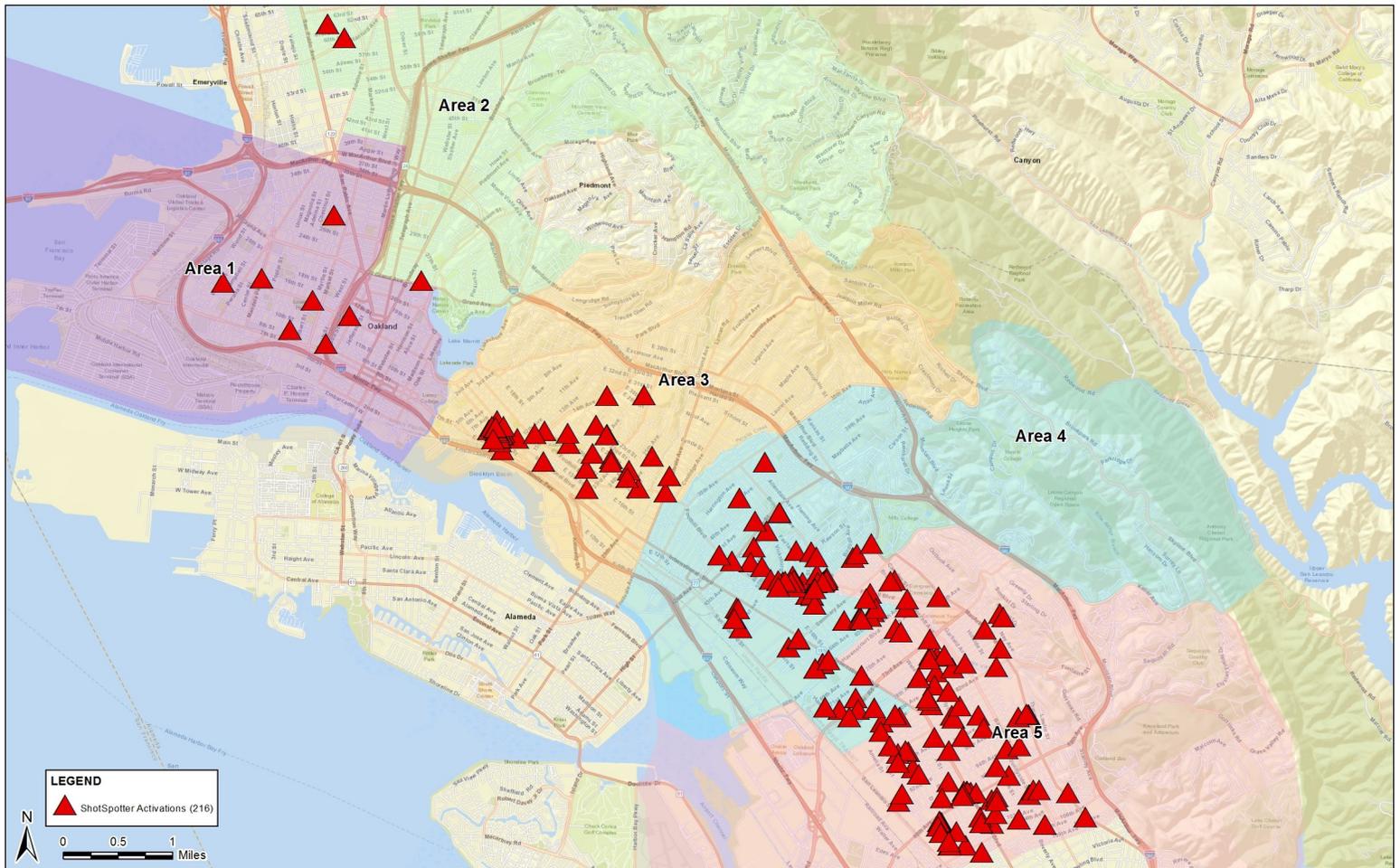




Weekly ShotSpotter Activations Report — Citywide

08 Mar., – 14 Mar., 2021

ShotSpotter Activations	Weekly Total	YTD 2020	YTD 2021	YTD % Change 2020 vs. 2021
Citywide	216	763	1,967	158%
Area 1	7	67	179	167%
Area 2	3	29	62	114%
Area 3	38	158	364	130%
Area 4	77	197	502	155%
Area 5	91	312	860	176%



All data sourced via ShotSpotter Insight.

Produced by the Oakland Police Dept. Crime Analysis Unit.