



**Privacy Advisory Commission**  
**August 1, 2024; 5:00 PM**  
**Oakland City Hall**  
**Hearing Room 1**  
**1 Frank H. Ogawa Plaza, 1<sup>st</sup> Floor**  
***Regular Meeting Agenda***

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**Commission Members:** *District 1 Representative: Reem Suleiman, District 2 Representative: Don Wang, District 3 Representative: Brian Hofer, Chair, District 4 Representative: Lou Katz, District 5 Representative: Vacant, District 6 Representative: Gina Tomlinson, District 7 Representative: Sean Everhart, Council At-Large Representative: Henry Gage III, Vice Chair, Mayoral Representative: Jessica Leavitt*

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*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.*

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1. Call to Order, determination of quorum
2. Open Forum/Public Comment for non-agenda items
3. Surveillance Technology Ordinance – OPW – Report On OPD Request For Video Footage From Illegal Dumping Cameras
  - a. Review and take possible action
4. Surveillance Technology Ordinance – OPW – Illegal Dumping Camera Program Proposed Use Policy Amendments
  - a. Review and take possible action
5. Assembly Bill 645 – DOT – Automated Speed Camera Implementation Impact Statement and Proposed Use Policy
  - a. Review and take possible action

*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.*

Members of the public can view the meeting live on KTOP or on the City's website at <https://www.oaklandca.gov/topics/ktop-tv-10>.

Comment in advance. To send your comment directly to the Privacy Commission and staff BEFORE the meeting starts, please send your comment, along with your full name and agenda item number you are commenting on, to Felicia Verdin at [fverdin@oaklandca.gov](mailto:fverdin@oaklandca.gov). Please note that eComment submissions close one (1) hour before posted meeting time. All submitted public comment will be provided to the Privacy Commission prior to the meeting.

To observe the meeting via Zoom, go to: <https://us02web.zoom.us/j/85817209915>  
Or One tap mobile: +1 669 900 9128 Webinar ID: 858 1720 9915



# *INTER OFFICE MEMORANDUM*

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**TO:** Privacy Advisory Commission

**FROM:** Michael Kashiwagi,  
Interim Director, OPW

**SUBJECT:** Illegal Dumping Surveillance Camera  
Annual Surveillance Report

**DATE:** June 26, 2024

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## **Background**

According to **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 to the Privacy Advisory Commission (PAC). Oakland Public Works (OPW) first deployed the Portable Observation Device (POD) Surveillance System in March 2022 to enhance illegal dumping enforcement efforts. On June 1, 2023, staff presented the Illegal Dumping Surveillance Camera Program’s (Camera Program’s) first Annual Surveillance Report. This is the second Annual Report.

## **Illegal Dumping Surveillance Camera Program**

In accordance with the Surveillance Technology Ordinance, staff presents the following information for the Illegal Dumping Surveillance Camera Program for the reporting period of April 1, 2023 to March 30, 2024:

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

OPW deployed illegal dumping cameras near known dumping hotspots beginning March 2022 based on data from OPW’s work productivity and service request tracking system, Cityworks. The POD units use multiple pan/tilt/zoom (PTZ) cameras and stationary cameras to record videos locally to a digital video recorder (DVR) inside the unit.

Environmental Enforcement Unit’s (EEU’s) personnel – Environmental Enforcement Officers (EEOs), Clean Community Supervisor, and Administrative Analyst – review video footage a minimum of once and up to two times a day, Mondays through Fridays, looking for dumped material and related footage to identify the dumper and the dumper’s vehicle. The EEOs look for information such as:

- Location and specifics of dumped material
- Date and time of dumping
- Physical description of dumper(s)

- Description of vehicle used and license plate information

If sufficient evidence is present for enforcement, information is manually inputted into Cityworks, along with a copy of the citation issued and a screenshot photo of the dumper and vehicle taken from the video recording. From April 2023 to March 2024, EEU staff captured strictly screenshot photos from POD videos when issuing citations.

Neither the POD units nor the video viewing software applications (NETUS Pro and SmartEyes Pro) has the functionality to analyze video data captured by the surveillance system other than motion tracking.

- B. Data Sharing** – 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).

During the reporting period, staff shared video data with POD vendor Security Lines, U.S., who assisted EEOs with resolving routine technical issues with the PODs or with the NETUS Pro software platform.

- C. Installation & Application** – 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.

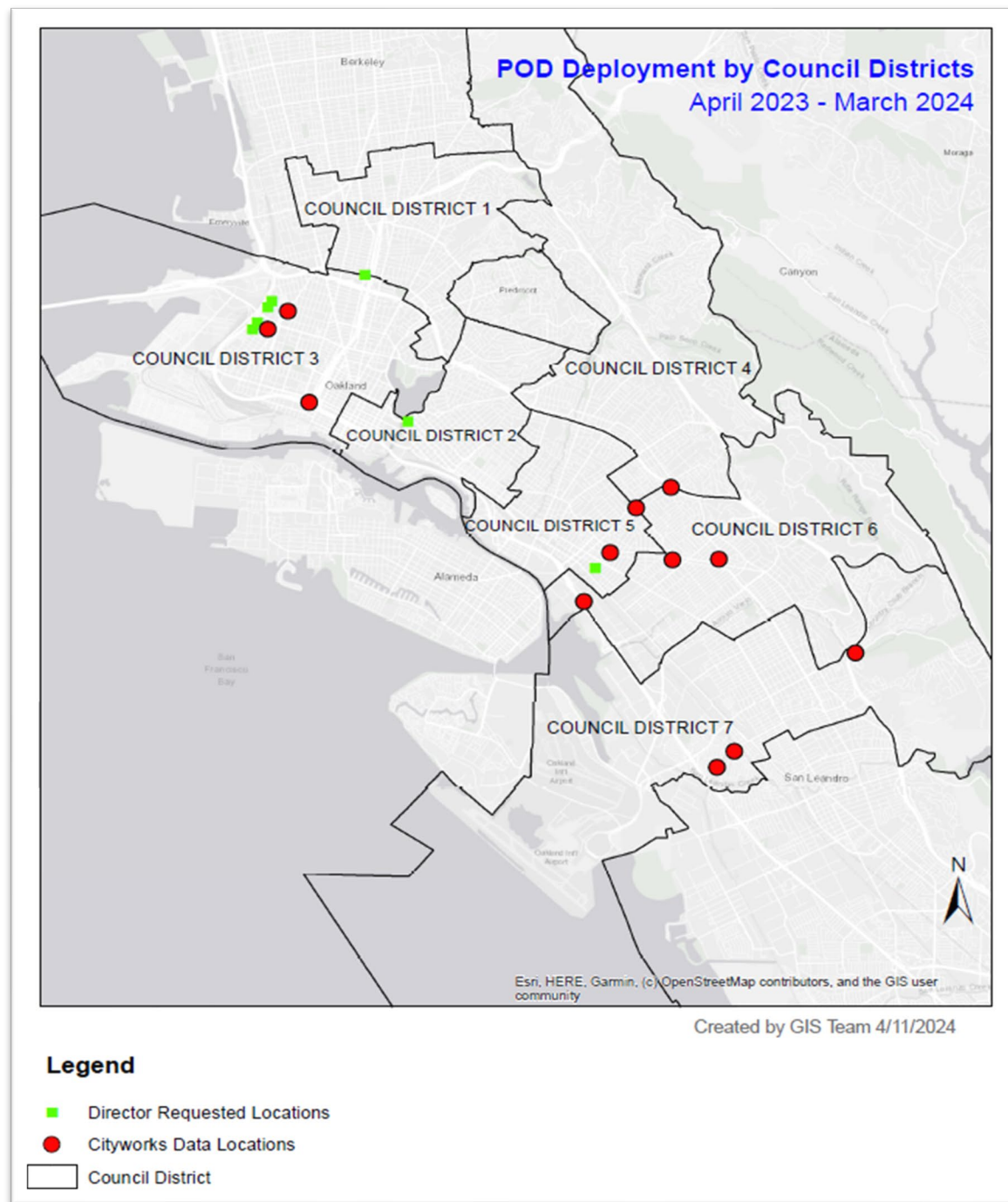
For the period of April 2023 - March 2024, all PODs were mounted on City-owned light poles located in the public right of way. The two surveillance technology software programs – NETUS Pro for computers and SmartEyes Pro for phones – were used to view and download POD video footage only when dumping evidence is present. There are no other functionalities for the two software products.

- D. Deployment Breakdown** – Where applicable, a breakdown of where the surveillance technology was deployed geographically, by each Police Area in the relevant year.

The EEU relies on Cityworks data to identify the most chronic hot spots to deploy the POD units. Staff believes a data-driven approach is the best way to ensure cameras are not deployed in a discriminatory, viewpoint-based, or biased manner. Staff routinely generate a hotspot report using service request and work order data to identify and prioritize the hottest dumping locations. Once dumping activity diminishes significantly or ceases altogether at one hotspot, the POD unit is moved to the next hottest dumping location.

For the reporting period, surveillance cameras were deployed to 19 locations. Of those, seven (7) deployments were to locations directed by the OPW Director. EEU staff continue to be challenged with relocating the cameras due to limited OPW personnel with bucket truck certification to move the PODs.





- E. **Community Complaints** – 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.

EEU staff did not receive any privacy-related complaints for the period of April 2023 - March 2024. All community complaints received for the surveillance cameras were that the PODs are *not* being deployed sooner and closer to the neighborhoods and locations constituents desired. The technology’s adopted Use Policy appears adequate in protecting

civil rights and civil liberties. Video data was downloaded in the reporting period for illegal dumping enforcement purposes only and promptly deleted after use. All routine video data is overwritten after 14 days.

- F. **Internal Audits & Compliance** – 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.

For the reporting period, PODs were deployed in the public right of way. EEU staff did apply the masking feature when a POD's range of view included private property. Therefore, no written waivers from property owners or current residents were requested for the reporting period.

- G. **Data Breaches or Other Unauthorized Access** – 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.

There were no reported data breaches for the period of April 2023 to March 2024. However, POD 1 was confirmed stolen on March 27, 2024. The POD was deployed in the proximity of a former large homeless encampment at the time of the theft. Staff filed a police report on March 27, 2024. The camera has not been recovered; however, in reviewing the system's access log, POD 1's data has not been breached. Access to the data from the stolen camera would require: 1) access the secure website specific to POD 1; and 2) username and password.

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

From its inception, the Camera Program's aim was to enhance illegal dumping enforcement by providing the EEOs another tool to help catch dumpers. The following data illustrates the tool's targeted effectiveness and unique limitations.

The Camera Program's second year saw changes and constraints that impacted the efficacy of the operation. As referenced earlier, the ability to move the PODs in a timely fashion is limited because there were only two bucket truck-certified staff<sup>1</sup> who were able to move the cameras for the reporting period. The classification of these staff are Painters and their primary assignment is to address graffiti citywide, which is a task for which there is significantly more work than the current personnel can address. There are no personnel whose primary assignment is the relocation of cameras. As a result, there have been delays in moving PODs from locations that no longer produce dumping activities to other active hotspots. To address this resource constraint, staff secured Council approval to establish a three-year technical service contract with POD vendor, Security Lines, U.S. In addition to providing technical maintenance for the surveillance cameras, the vendor will assist EEOs with relocating the PODs during their routine visits when needed. As OPW grows its fleet of surveillance cameras, however, having a dedicated City staff (i.e.,

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<sup>1</sup> KOCB has three painters; however, one was on medical leave during the reporting period.

a full-time bucket-truck certified Information Systems Specialist I) would increase the efficacy of the Camera Program.

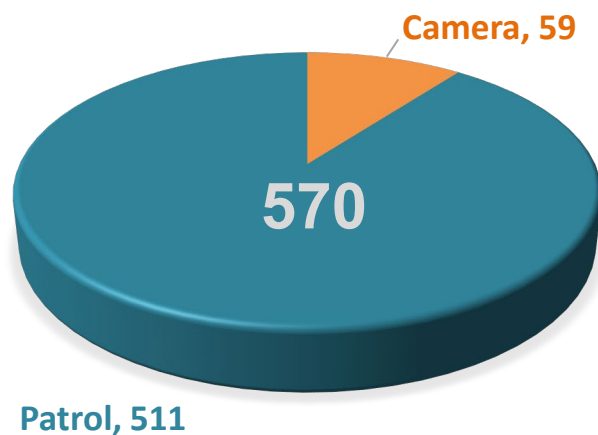
Lastly, seven (7) of the nineteen (19) deployments in the reporting period were deployed under the OPW Director's direction for "special projects" that were requested to be deployed in consultation with other departmental needs as potential illegal dumping and other illegal activity hot spots., which reduced the number of available POD for general illegal dumping enforcement.

***NOTE:*** Due to the February 8, 2023, ransomware attack, some enforcement data from November 15, 2022 – April 11, 2023, was permanently lost. Wherever this data lost impacted the year-to-year data analysis, the data set's timeframe will be clearly identified.

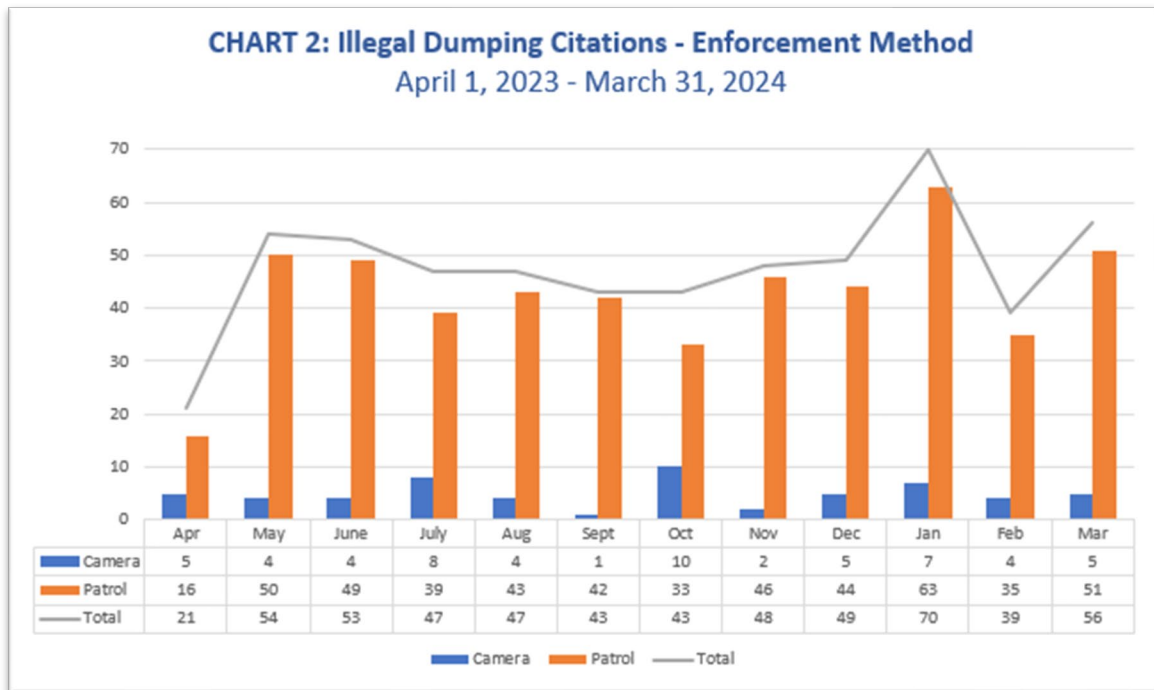
From April 1, 2023, to March 31, 2024, EEOs issued a total of 570 citations, with 59 citations from surveillance camera footage (10%) and 511 citations via traditional enforcement methods such as field patrol (**Chart 1**).

**CHART 1: Illegal Dumping Citations - Enforcement Method**

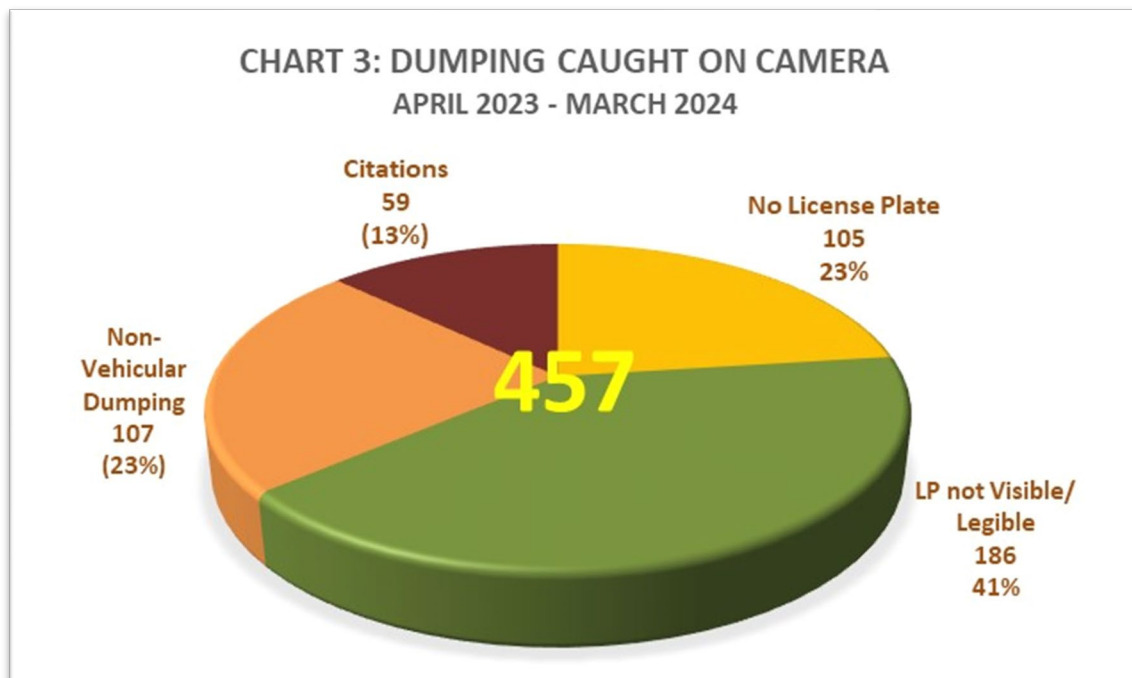
April 1, 2023 - March 31, 2024



**Chart 2** shows a month-to-month analysis of citations by method and quantity. Excluding outlying months such as April and January, the data reveals a relatively consistent rate of enforcement at an average of 48 citations per month.



For the reporting period, surveillance cameras captured a total of 457 illegal dumping incidents. Of those, 59 (13%) of the dumping incidents resulted in citations being issued.



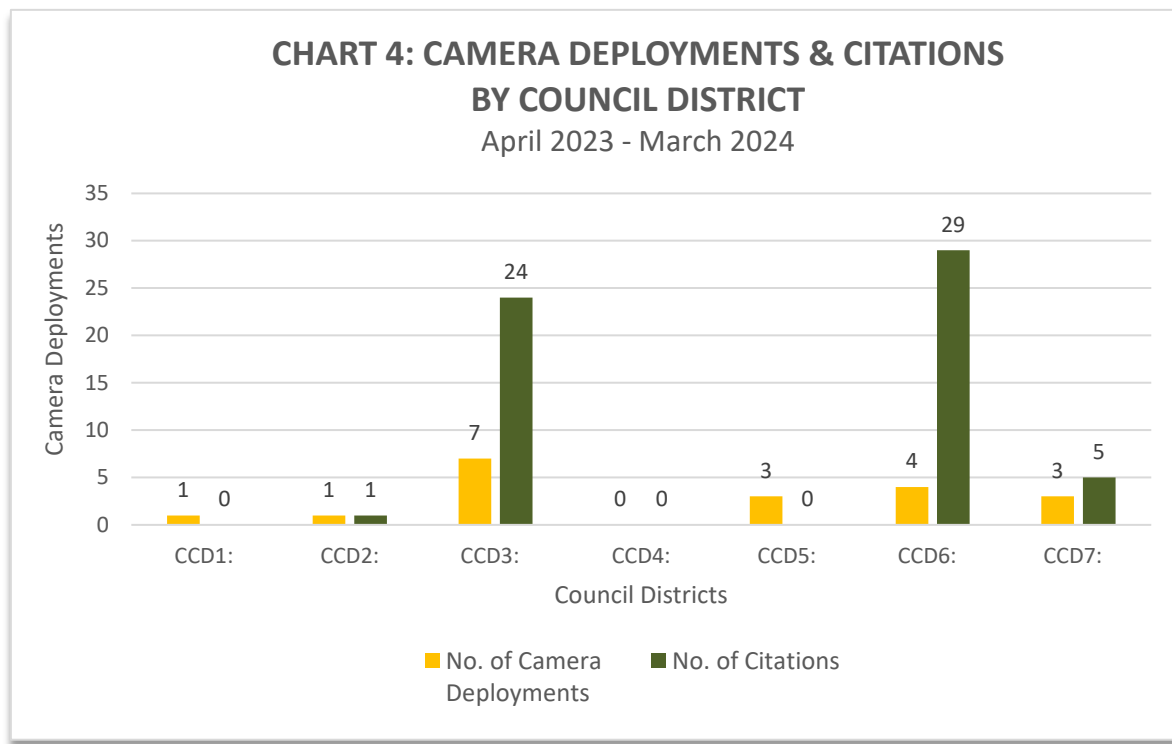
**Chart 3** shows the latest data for the same metrics reported in the first Annual Report. As with last year, the citation rate from the cameras remains limited without the use of License Plate Recognition (LPR) technology. From April 2023 to March 2024, 41% of the dumping incidents caught on camera were unenforceable due to the lack of license plate information. When combined with “no license plates” cases, the data indicates that 64% of

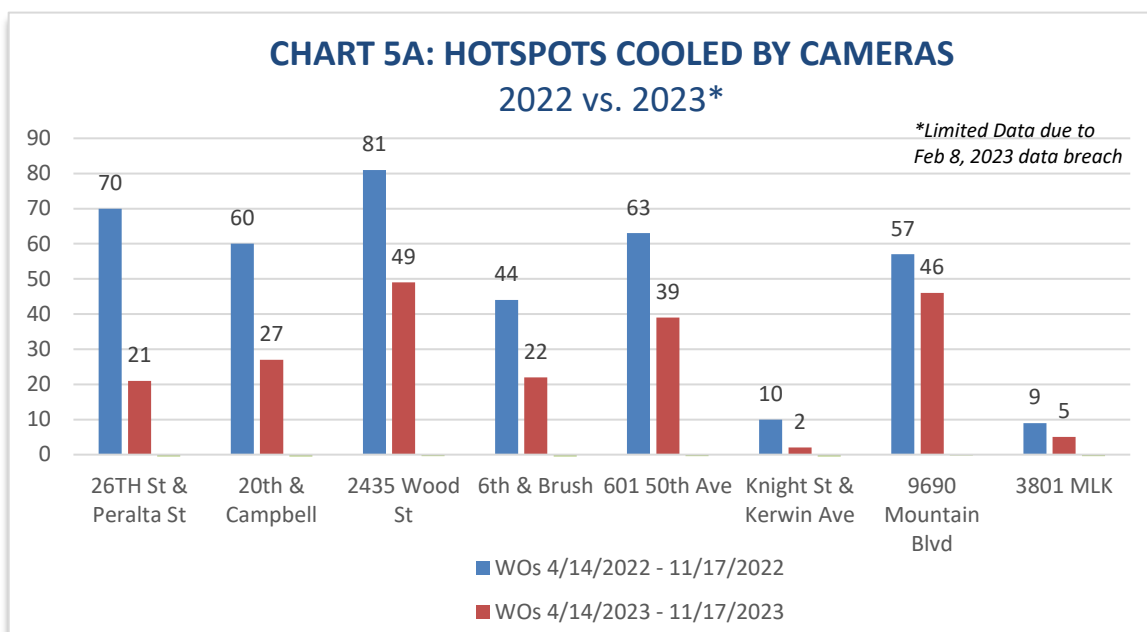
all unenforceable dumping caught on camera were conducted using motor vehicles. EEU staff anticipates an increase in citations once the new LPR cameras are deployed. However, greater enforcement of individuals operating vehicles without license plates will be necessary to reduce the number of bad actors using non-plated vehicles when dumping.

The proportion of non-vehicular dumping (i.e., dumping conducted by foot, on bicycles, via grocery carts, etc.) captured by the cameras was consistent with last year's statistic at approximately 23% of the total dumping incidents caught on camera.

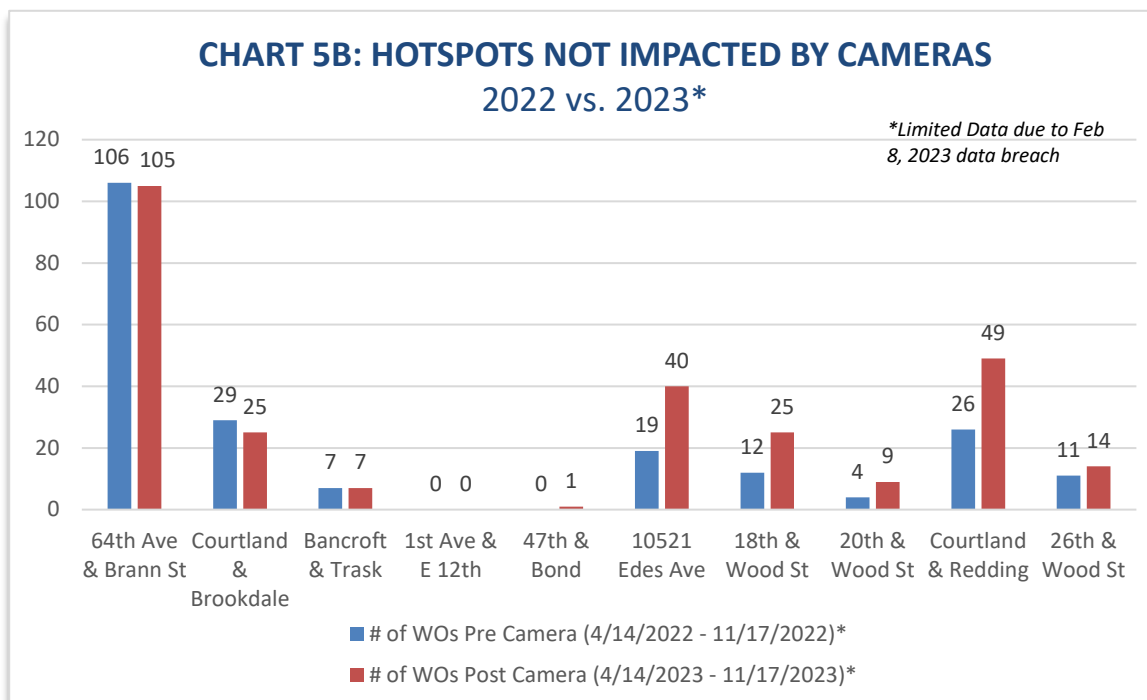
Based on findings from the first Annual Surveillance Report, Oakland City Council in July 2023 adopted a new Surveillance Use Policy to allow the use of LPR technology in the Camera Program. The process to identify an LPR camera vendor was, however, a protracted one because of the limited number of vendors offering portable LPR solutions that meet the City's surveillance technology guidelines. On March 8, 2024, staff secured Council approval to purchase LPR cameras from current POD vendor, Security Lines, U.S. The LPR camera does not possess facial recognition technology in compliance with the City's Surveillance Technology Ordinance. The first Security Lines U.S. LPR PODs are slated for deployment in May 2024.

For the reporting period, PODs were deployed in six of the seven Council Districts (**Chart 4**). As in Year 1, citations issued primarily came from Council Districts 3 and 6. EEOs will explore the potential factors that make surveillance cameras more effective in these two Council Districts to better inform enforcement efforts.

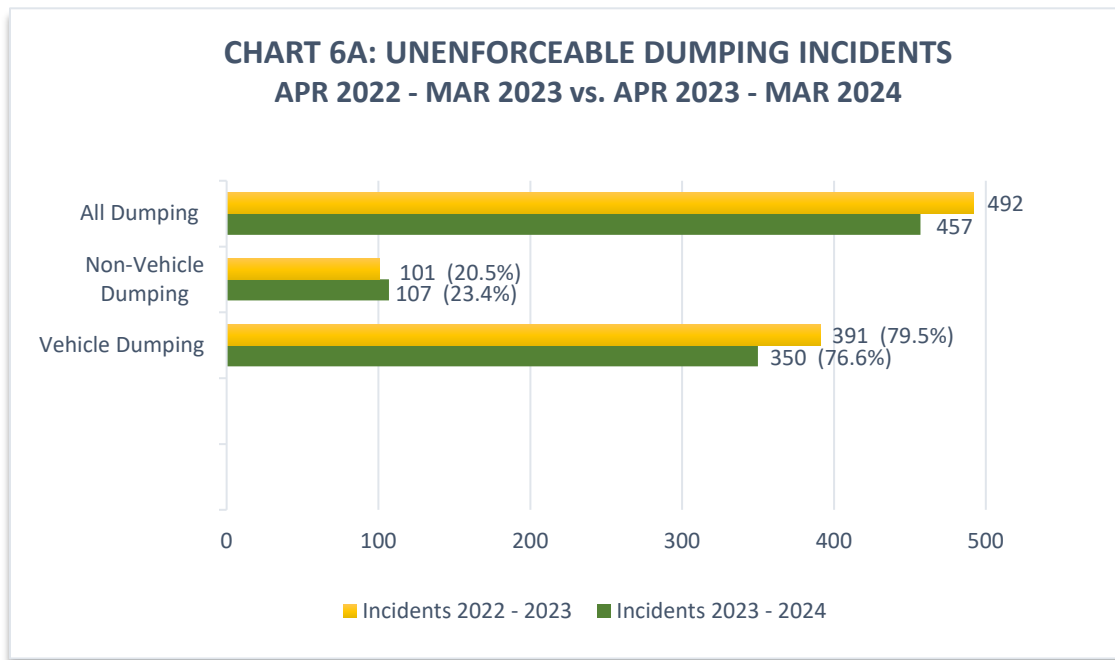




A majority of surveillance camera citations came from just a few hotspots that attract dumpers. Enforcement efforts were moderately effective at deterring this type of opportunistic dumping. More data is needed to confirm the PODs' effectiveness as visual deterrents that prevent dumpers from dumping in the first place, but work orders and EEO field intelligence suggest approximately eight (8) hotspots have cooled from surveillance and enforcement action taken using POD video data (**Chart 5A**). Illegal dumping data for the same 7-month period between 2022 and 2023 shows the number of illegal dumping work orders dropped by an average of 50% at the eight locations monitored/previously monitored by PODs.



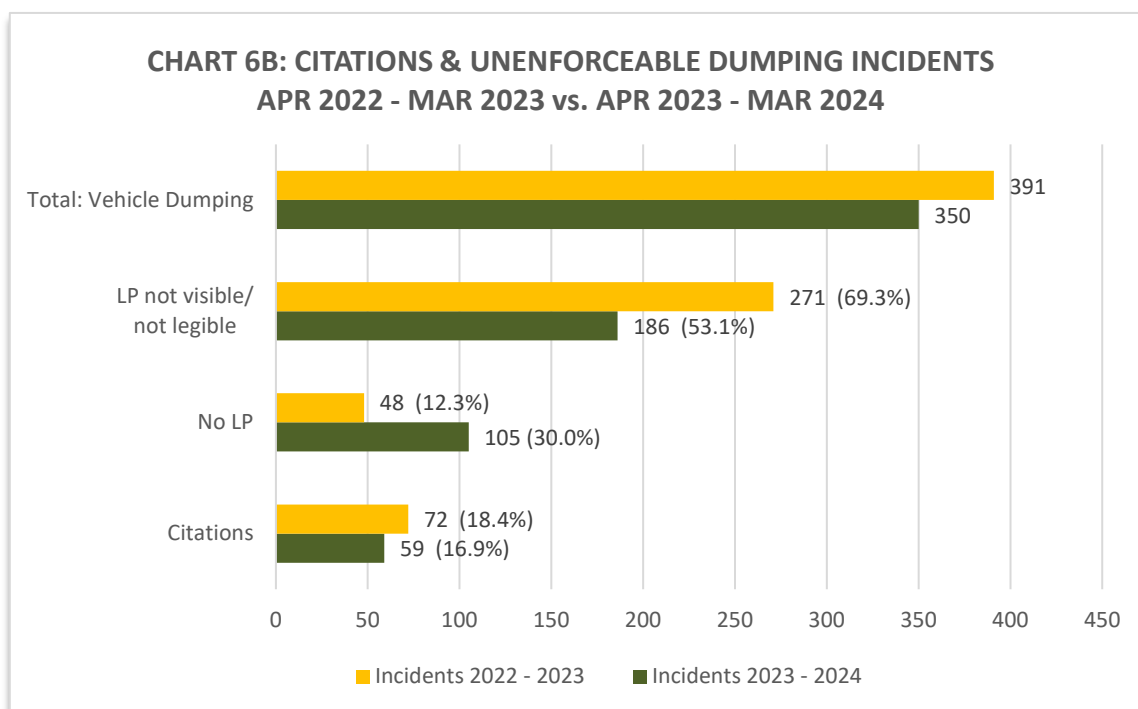
Year 2 work order data also presented EEOs with dumping activity that were not easy to interpret. As illustrated in **Chart 5B**, three locations saw virtually no change to dumping levels despite active surveillance and enforcement at the hotspots. Even more intriguing are the five locations where, despite active surveillance and enforcement, the amount of dumping notably increased. EEU staff will continue to analyze dumping activities at these hotspots to identify the factors that influence dumpers' behavior.



As they were last year, surveillance cameras are not effective at curbing dumpers who operate vehicles without license plates when dumping. The PODs are also not effective against non-vehicular dumping. As **Chart 6A** (above) shows, 107 dumping incidents – nearly a quarter of all dumping captured by the PODs – were “non-vehicle dumping,” where dumpers dispose of their debris by foot, by bicycle, or through the use of grocery or push carts. The EEOs have no means to identify such dumpers.

A comparison of the Camera Program's data from the first two years (**Chart 6B**) shows a 118.8% increase in the number of dumpers operating vehicles without license plates, which directly impacts EEOs' citation rate. OPW staff do not have sufficient data to ascertain whether Oaklanders driving vehicles without license plates is a general trend, or if dumpers are intentionally evading surveillance enforcement by removing their license plates prior to dumping. More data tracking over the coming months and years will be helpful to see what trends emerge.





The PODs continue to provide EEU staff a better understanding of the nature of dumping at hotspots. Consistent with EEU observations, surveillance cameras have proven to be an effective enforcement tool for a particular subset of dumping activities and as such should be looked at as just one of several tools in the toolbox in the fight against illegal dumping.

Staff are continually looking at ways to increase the efficacy and effectiveness of the cameras, such as the addition of the LPR technology and the addition of a technical support services component to the contract with Security Lines U.S. to reduce time the EEOs need to spend trouble-shooting technical issues with the cameras and increasing time available to review footage and issue citations.

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

There were no public records requests for the period of April 2023 to March 2024.

- J. Total Annual Costs – 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 Annual Costs for Fiscal Year 2024-2025 are projected as follows:

ILLEGAL DUMPING SURVEILLANCE CAMERA PROGRAM PROJECTED COSTS (FY2024-2025)				
Equipment-Related Costs	Quantity	Cost	One-Time	Ongoing
Additional LPR PODs	15	\$6,495	\$97,425	
Cellular Boosters	15	\$425	\$6,375	
Miscellaneous Replacement Parts	-			\$1,000
Monthly Technical Support	10	\$5,000		\$50,000
Shipping/Handling/Labor (15% of cost)			\$15,570	
SUBTOTAL			\$119,370	\$51,000
Personnel Costs	Quantity	Annual Personnel Cost (Fully Burdened)	Percentage of Surveillance Work	Surveillance Personnel Cost
Clean Community Supervisor*	1	\$213,687	15%	\$32,053
Analyst I	1	\$214,717	15%	\$32,208
EEOs	7	\$211,613	20%	\$296,258
Painter	1	\$231,448	5%	\$11,572
SUBTOTAL	10			\$372,091
TOTAL PROJECTED ANNUAL COST (FY24-25)			One-Time	Ongoing
			\$119,370	\$423,091

\*Position funded out of Fund 2270.

Fund 2270 fully burdened costing formula is less because it cannot include internal service funds

Funding for this program is budgeted and available in KOCB's Fiscal Year 2023-2024 O&M budget in Illegal Dumping (ORG 30674) and Environmental Enforcement (ORG 30676) Units. Staff will request City Council's approval for additional funding during future Budget Development processes.

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

The EEU is scheduled to be reorganized under OPW's Environmental Services Division in FY2024-2025. In anticipation of the reorganization, staff seeks the following modification to the Surveillance Use Policy:

#### D. Data Access

Only designated City of Oakland staff have access to POD video data and LPR camera license plate data. However, the vendor is authorized to access the surveillance system to provide ongoing technical support. The following individuals are authorized to access and/or view surveillance camera information:

Oakland Public Works –

- OPW Director and OPW Bureau of Environment's Assistant Director will be given access to view video data.
- Environmental Services Manager and Recycling Program Manager, who oversee the EEU, will be able to add/delete users and will be granted admin/super user access.

- EEU staff – Clean Community Supervisor, EEU Administrative Analyst, EEU Administrative Assistant, and EEOs – who are tasked with checking cameras for illegal dumping activities and remote monitoring the POD/ LPR POD units – will be given access to view video, control PTZ cameras, as well as search and download video evidence. EEU staff will not have the ability to add/delete users.

Security Lines US. –

- Technical staff for ongoing technical support

**E. Data Protection and F. Data Retention**

- Replace references to DVRs with NVRs

OPW is committed to holding dumpers accountable while remaining transparent in its surveillance protocol and activities. This Annual Report is consistent with the department's continued effort to strengthen trust and collaboration with the Oakland community.

*Michael Kashiwagi*

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Michael Kashiwagi  
Interim Director, Oakland Public Works

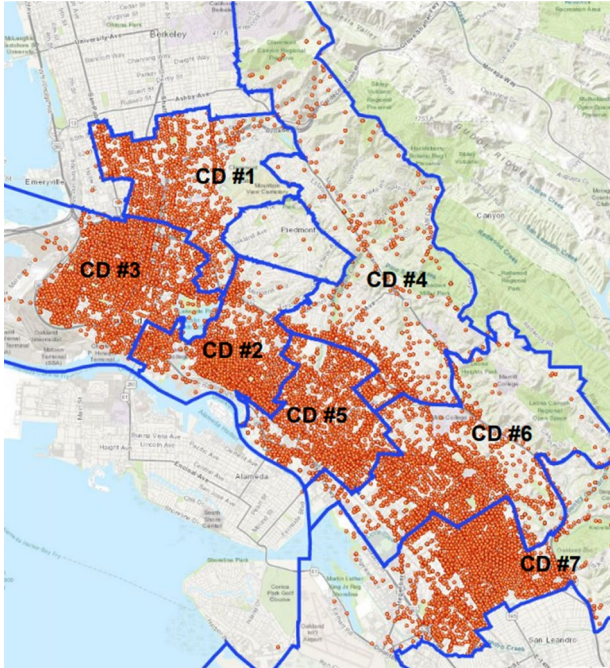
Reviewed by:  
Kristin Hathaway  
Assistant Director, Oakland Public Works

For questions, please contact Victoria Chak, Administrative Services Manager, at x5446.

# City of Oakland

## Public Works Department Proposed Surveillance Technology Use Policy for Illegal Dumping Surveillance Cameras

### A. Purpose



FY21-22\* Illegal Dumping Work Orders Completed by KOCB

Illegal dumping is a complex and multi-faceted problem that has been impacting the City of Oakland (City) for a number of years. City leaders have been working to develop a variety of strategies and programs to combat the rise of debris on city streets and public lands. Illegal dumping reduces the health and safety of Oakland's neighborhoods and disproportionately affects economically disadvantaged communities of color. The City's Illegal Dumping Surveillance Camera Program (Camera Program) is a critical component of these efforts. The goal of the Camera Program is to enforce against those who are illegally dumping debris throughout the city. The surveillance cameras offer the City a

viable tool to enhance the investigative work performed by Oakland Public Works' (OPW's) Environmental Enforcement Unit (EEU) that is comprised of eight (8) Environmental Enforcement Officers (EEOs)\*\*, a Clean Community Supervisor, and an Administrative Analyst. The EEOs are primarily tasked with enforcing illegal dumping using various tactics to hold illegal dumpers accountable for their actions, including forensic investigations involving thorough inspections of illegally dumped debris, and as of March 2022, monitoring video footage captured by surveillance cameras installed at illegal dumping hotspots throughout the city.

This is an updated Use Policy for the operation of the **Portable Observation Device** or POD – a surveillance system by Security Lines US (SLUS) – and adds two products to the surveillance system to increase the efficacy and success of the camera program. These products are the Satellite PODs and License Plate Reader (LPR) cameras.

The goal of installing PODs, Satellite PODs and LPR Cameras near chronic dumping hotspots is to capture video evidence that identifies dumpers that produces supporting information needed to build credible cases for citations and prosecution. The issuance of citations and the prosecution of chronic illegal dumpers using video evidence serve as a deterrent to would-be dumpers who must weigh the benefits of dumping against the

\* Current Illegal Dumping Work Orders data (FY22-23) not available due to FEB 8, 2023 data breach

\*\* Of the Eight (8) budgeted Full-time EEO positions, three (3) positions are currently vacant

higher risk of getting caught by the cameras. By raising awareness of the presence of the cameras and the frequency with which dumpers are caught and cited, the cameras will increasingly serve as an ongoing visual deterrent to potential dumpers.

**Satellite PODs** allow EEOs to increase viewing angles and viewable range to a dumping site by linking wirelessly one or more PODs to the main POD. Satellite PODs' additional point/tilt/zoom (PTZ) cameras are particularly useful when surveilling locations with multiple ingress and egress points or large stretches of roadway.

**LPR Camera** is a video camera with infrared lighting and filters that specializes in enhancing a license plate's readability. Surveillance data from March 2022 through February 2023 revealed that, of the 492 illegal dumping incidents captured by the PODs, 55% or 271 incidents were cases where citations could not be issued because EEOs were unable to see or read the license plate information clearly. Most often, the difficulty with reading license plates was a result of poor camera angles or poor video imaging. Adding Satellite PODs and LPR cameras to the current POD surveillance system will optimize the EEOs' ability to identify dumpers and to issue more citations.

## **B. Authorized Use**

The use of the POD surveillance system, Satellite POD, and LPR camera is authorized solely for surveilling illegal dumping activity in the City of Oakland.

Only staff with a need to know and a right to know will have access to recordings captured by the POD system. See sections **D. Data Access**, and **H. Third Party Data Sharing**, for a list of individuals who will be authorized to access and/or view surveillance data.

Camera Placement: PODs are installed based on a hotspot list to maintain unbiased, non-viewpoint-based deployments. The hotspot list used is a ranked list of the most frequently dumped sites in Oakland. It is derived from analyzing top dumping locations based on the number of constituents' service requests and on the volume of KOCB work orders as per OPW's work productivity software Cityworks. The hotspot list is refreshed every two to three months to provide EEOs the most current dumping locations for camera placement. Additionally, cameras may be deployed at the Public Works Director's direction or for illegal dumping sting operations.

Redeployment: A POD may be moved to the next location on the hotspot list once an EEO confirms there has been no recorded dumping for 14 consecutive days. Cameras remain in location until bucket truck-certified staff are arranged to move the POD.

## **C. Data Collection**

Data collection occurs inside a POD housing unit. Video captured from the cameras are recorded directly to the network video recorder's (NVR's) four (4) TB SATA hard drive.

The LPR POD model is not capable of analytics such as facial recognition.

Audit Log – The audit log tracks system ties each action to a user for events such as:

- User Log-ins/ Log-outs by IP address
- User Management (add, edit, delete users; settings imported/exported)

Audit Log data resides locally on each NVR and requires an explicit query to be accessed. OPW owns the Audit Log data. It is accessible by password protected staff only.

Enforcement Data – Enforcement data is information that an EEO captures when he/she issues a citation or takes other enforcement action. Enforcement data is entered into custom fields in OPW's Cityworks application and is accessible by a query from City staff with Cityworks access. EEU staff also retain a manual log separate from Cityworks that shows when they check POD footage, if any dumping was found, and a brief description of the dumper(s) and dumped materials. The document is only accessible by EEU staff through a secure shared folder.

#### **D. Data Access**

Only designated City of Oakland staff have access to POD video data and LPR camera license plate data. However, with the new three-year technical support contract, SLUS technicians will have access to the surveillance system and video data on an as-needed basis. The following individuals are authorized to access and/or view surveillance camera information:

Oakland Public Works –

- OPW Director and OPW Bureau of Environment's Assistant Director will be given access to view video data.
- Environmental Services Manager and Recycling Program Manager, who oversee the EEU, will be able to add/delete users and will be granted admin/super user access.
- EEU staff – Clean Community Supervisor, EEU Administrative Analyst, EEU Administrative Assistant, and EEOs – who are tasked with checking cameras for illegal dumping activities and remote monitoring the POD/ LPR POD units – will be given access to view video, control PTZ cameras, as well as search and download video evidence. EEU staff will not have the ability to add/delete users.
- Security Lines US. – Technical staff for as-needed technical support

#### **E. Data Protection**

POD NVRs are Linux-based. Downloaded video is encrypted, and video recordings

cannot be played using standard video players (e.g., Windows Media Player).

There are three different levels of security to safeguard the POD's video data.

1. Cellular router level: An authorized user's computer must be recognized by the cellular router ("Router") before s/he can gain access to the POD system. Personnel with "admin/super user" profiles can specify which computers' IP addresses the Router recognizes. A unique username/password is required to configure the Router.
2. Desktop software level: To interface with the POD system, proprietary POD software is installed on an authorized user's computer. A unique username/password is required to access software. Different levels of POD access – view only, PTZ camera control, video search & download, and admin/super user access – may be assigned to different personnel by the admin/super user.
3. NVR level (for mobile phone and web browser applications): Each POD has its own NVR. To access a specific POD's recordings, a separate log-in is required to access each NVR. Like the desktop software, users may be added or removed and given different levels of access.

Video data encryption takes place as the POD cameras record to the NVR. Satellite POD's video data is stored on the Main POD's NVR. LPR camera's video data will record to the POD's NVR, similar to PTZ cameras on a POD. The LPR camera's license plate data are enhanced images of license plates. These images are also stored locally on the POD's hard drive.

Downloaded video images and license plate information in the form of screenshots are stored in the Cityworks app as supporting documentation for citations issued.

Downloaded video clips are saved to a secure EEU shared folder.

## **F. Data Retention**

There are 3 ways video data are retained.

1. NVR hard drive: The POD NVR records video to the hard drive housed inside the POD unit. The hard drive automatically overwrites the oldest recordings every 14 days. Routine video recordings not downloaded are overwritten automatically and permanently by the NVR, when new video is saved on top of the oldest recordings.
2. Video from the License Plate Reader (LPR) camera is recorded to the POD's NVR, similar to the POD's other PTZ cameras and follows the same 14-day overwrite schedule. The enhanced license plate images are stored in the POD's NVR.
3. Downloaded videos and images: Video will only be downloaded when it contains adequate illegal evidence of dumping to warrant possible enforcement actions. An authorized user will download the video clips via the POD desktop software to a

secure OPW folder. License Plate information captured by LPR cameras will be downloaded from the NVR. The image will include a picture of some, if not all, of the subject vehicle and the license plate information.

The POD cameras are not monitored in real-time. Video footage on each POD is reviewed by EEU staff Monday through Friday up to two times a day between the hours of 7am and 4pm. Screenshot photos of dumper, dumper's vehicle, dumped material, and license plate information used in citation and appeal processes will be stored as attachments in EEO Work Orders in Cityworks. Downloaded video clips are saved to a secure EEU shared folder and will be purged per legal guidance once filed claims, pending litigation, and/or criminal investigations and prosecutions conclude.

#### **G. Public Access**

Except where prohibited or limited by law, the public may access the City's video data through public records requests. However, prior to the release of any information to a surveillance-related public records request, staff will consult with the City Attorney's Office for review and guidance.

#### **H. Third Party Data Sharing**

Data may only be shared with the following departments or non-city entities in compliance with this policy: 1) City Attorney staff handling illegal dumping investigations; 2) City Attorney staff responding to a lawful court order or public record request; 3) Administrative Hearing Officer adjudicating illegal dumping cases; 4) Oakland Police Department and/or Alameda County District Attorney for illegal dumping investigations; 5) Vendor, solely to perform its contractual obligations; 6) At the discretion of the OPW Director, video data and license plate information may be shared with the City Administrator's Office and City Councilmembers. However, prior to the release of any information to a surveillance-related data request, staff will consult with the City Attorney's Office for review and guidance.

In the event the cameras capture general illegal activity that reasonably appears to constitute "violent forcible crimes" as defined by OPD's Departmental General Order J-04 – Pursuit Driving Appendix A, Paragraph H: "Violent Forcible Crime," Environmental Enforcement Unit (EEU) staff shall promptly download the relevant video footage, forward said recording to OPD for possible investigatory and enforcement action, and log the incident. This log shall be incorporated into the annual report required by O.M.C. [Oakland Municipal Code] 9.64.040.

Within 72 hours of any Oakland Police Department (OPD) request for video recordings, OPW shall notify the Chief Privacy Officer and Privacy Advisory Commission (PAC) Chair of the request. OPD's request will describe the nature of the investigation for which the video data is being requested. This information will be reported to the PAC at its next

regularly scheduled meeting.

## I. Training

Training is available in video tutorials and written formats on vendor Security Lines US's website in a members-only area. One on one remote training is also available. OPW staff will conduct periodic training with authorized POD users as needed. Trainings include review of this Use Policy and reviewing operational procedures required to adhere to the Policy.

## J. Auditing and Oversight

The Environmental Services Manager or assigned staff shall conduct annual assessments to ensure authorized users comply with the Use Policy.

There are two logs with the POD/ LPR POD upgrade. All user and device activity are logged in the EZStation software. Designated admin/super users can access and view audit logs at the camera level.

*Example of EZStation audit log.*

Log Time	Username	Log Description
2024-05-17 11:18:00	admin	User admin stop live view, operation result: succeeded
2024-05-17 11:18:00	admin	User admin stop live view, operation result: succeeded
2024-05-17 11:18:00	admin	User admin stop live view, operation result: succeeded
2024-05-17 11:18:00	admin	User admin stop live view, operation result: succeeded
2024-05-17 11:18:21	admin	User admin start live view(IP Camera 02), operation result: succeeded
2024-05-17 11:18:21	admin	User admin start live view(IP Camera 03), operation result: succeeded
2024-05-17 11:18:21	admin	User admin start live view(IP Camera 01), operation result: succeeded
2024-05-17 11:18:21	admin	User admin start live view(IP Camera 04), operation result: succeeded
2024-05-17 11:15:29	admin	User admin stop live view, operation result: succeeded
2024-05-17 11:15:29	admin	User admin stop live view, operation result: succeeded
2024-05-17 11:15:29	admin	User admin stop live view, operation result: succeeded
2024-05-17 11:00:10	admin	User admin stop live view, operation result: succeeded
2024-05-17 11:00:10	admin	User admin stop live view, operation result: succeeded
2024-05-17 11:00:10	admin	User admin stop live view, operation result: succeeded
2024-05-17 10:59:35	admin	User admin start live view(IP Camera 02), operation result: succeeded
2024-05-17 10:59:35	admin	User admin start live view(IP Camera 01), operation result: succeeded
2024-05-17 10:59:35	admin	User admin start live view(IP Camera 03), operation result: succeeded
2024-05-17 10:59:20	admin	User admin stop live view, operation result: succeeded
2024-05-17 10:59:20	admin	User admin stop live view, operation result: succeeded
2024-05-17 10:59:20	admin	User admin stop live view, operation result: succeeded
2024-05-17 10:59:20	admin	User admin start live view(IP Camera 01), operation result: succeeded
2024-05-17 10:59:20	admin	User admin start live view(IP Camera 03), operation result: succeeded
2024-05-17 10:59:20	admin	User admin start live view(IP Camera 02), operation result: succeeded
2024-05-17 10:59:18	admin	User admin stop live view, operation result: succeeded

There is a second log inside each NVR which logs actions from the specific POD with which the NVR is paired.



No.	Username	Operation Time	IP	Camera ID	Main Type	Sub Type	Details
1	admin	05-21-2024 12:42:45	192.168.123.11		Operation	Login	
2		05-21-2024 12:43:17	192.168.123.146	D18	Alarm	Video Loss Started	
3		05-21-2024 12:43:16	192.168.123.123	D4	Alarm	Motion Detection Ended	
4		05-21-2024 12:43:13	192.168.123.146	D18	Alarm	Video Loss Ended	
5		05-21-2024 12:43:12	192.168.123.146	D18	Alarm	Video Loss Started	
6		05-21-2024 12:43:12	192.168.123.126	D10	Alarm	Motion Detection Ended	
7		05-21-2024 12:43:08	192.168.123.141	D8	Alarm	Video Loss Ended	
8		05-21-2024 12:43:08	192.168.123.146	D18	Alarm	Video Loss Ended	
9		05-21-2024 12:43:08	192.168.123.143	D11	Alarm	Motion Detection Started	
10		05-21-2024 12:43:07	192.168.123.146	D18	Alarm	Video Loss Started	
11		05-21-2024 12:43:07	192.168.123.141	D8	Alarm	Video Loss Started	
12		05-21-2024 12:43:07	192.168.123.124	D5	Alarm	Motion Detection Ended	
13		05-21-2024 12:43:05	192.168.123.161	D20	Alarm	Motion Detection Started	
14		05-21-2024 12:43:03	192.168.123.146	D18	Alarm	Video Loss Ended	
15		05-21-2024 12:43:03	192.168.123.146	D18	Alarm	Video Loss Started	

The audit log tracks system ties each action to a user for events such as:

- User Log-ins/ Log-outs by IP address
- User Management (add, edit, delete users; settings imported/exported)

The audit log also tracks device specific events such as:

- Recordings stopped and started
- Reboots
- Power On
- Time syncs

## K. Maintenance

The POD's/ LPR POD's simple, rugged design requires minimal maintenance. However, as the City relocates its PODs more often than other agencies, EEU staff are routinely experiencing logistical challenges such as insufficient power source and poor cellular signals that impact the cameras' deployments. To address these challenges, OPW has entered into a three (3) year technical service contract with Security Lines, US to provide routine equipment tune-ups, installation services, and system support to ensure reliable performance.

Date of Hearing: April 25, 2023

ASSEMBLY COMMITTEE ON PRIVACY AND CONSUMER PROTECTION

Jesse Gabriel, Chair

AB 645 (Friedman) – As Amended March 30, 2023

As Proposed to be Amended

**SUBJECT:** Vehicles: speed safety system pilot program

**SYNOPSIS**

*This author sponsored bill proposes establishing an automated speed enforcement (ASE) system pilot project in the cities of Glendale, Long Beach, Los Angeles, Oakland, San Francisco, and San Jose. According to one of the bill's co-sponsors, the City of San Jose, 2022 proved to be their deadliest year on record when it came to traffic fatalities. The purpose of this bill, according to the author, is for California to join 18 other states and the District of Columbia by authorizing the use of speed safety systems in order to slow traffic and reduce the number of traffic fatalities.*

*It is important to note that one of the intentions of this bill is also to reduce the burden associated with receiving a speeding ticket on lower income people. The cost of fines and fees associated with traffic and parking citations has steadily increased over the last few decades. 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 those burdensome fines.*

*The question of whether these systems will help to reduce reckless driving and increase traffic safety is within the jurisdiction of the Transportation Committee.*

*For this Committee, the primary consideration is whether or not this bill contains adequate measures to protect people's privacy. The author has included a significant number of provisions to ensure that the privacy of drivers is protected. For example, the bill requires that photographic or administrative records generated by the speed safety system be confidential, and allows them only be used to administer the program, and not be disclosed to any other person, including any other state or federal government agency or official for any other purpose, except as required by state or federal law, or court order. In addition, in this Committee, the bill will be amended to limit the systems to taking photographic evidence, rather than video. This amendment will further increase privacy protections by insuring that the camera captures the image of the car violating the speed limits and not capture information on other cars or bystanders.*

*Substantially similar bills have been introduced four times over the last five years. Two of those bills were held in the Assembly Appropriations Committee, one died in the Assembly Transportation Committee, and one in the Senate Transportation Committee. Two of these bills passed this Committee before dying.*

*This bill is co-sponsored by the City of San Jose and the Glendale Police Department and is supported by a number of other organizations. The Western States Trucking Association, ACLU*

*California Action, Oakland Privacy, and the Electronic Frontier Foundation are all in opposition.*

*This bill previously passed the Transportation Committee on a 12-0-3 vote.*

**SUMMARY:** Establishes a five-year pilot program to give local transportation authorities in the cities of San Jose, Oakland, Los Angeles, Glendale, Long Beach, 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 in San Jose, Oakland, Los Angeles, Glendale, Long Beach, and San Francisco to enforce speed limits on the following streets:
  - a) The streets with the highest injuries and fatalities in the jurisdiction, referred to as a safety corridor.
  - b) Streets that a local authority has determined to have had a high number of incidents for motor vehicle speed contests or motor vehicle exhibitions of speed.
  - c) School zones.
- 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 of a vehicle license plate.
- 3) Defines “automated speed violation” as a violation of a speed law detected by a speed safety system.
- 4) Sets a maximum number of cameras each city may deploy depending on the city’s population:
  - d) A jurisdiction with a population over 3,000,000 may deploy no more than 125 cameras.
  - e) A jurisdiction with a population between 800,000 and 3,000,000 may deploy no more than 33 cameras.
  - f) A jurisdiction with a population of 300,000 up to 800,000 may deploy no more than 18 cameras.
  - g) A jurisdiction with a population of less than 300,000 may deploy no more than 9 cameras.
- 5) Specifies that speed safety systems are not to be operated on any California state route (including freeways and expressways), U. S. Highway, Interstate Highway, and 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.
- 6) 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) A reduction in the 85th percentile speed of vehicles compared to data collected before the system was in operation.
  - b) A 20% reduction in vehicles that exceed the posted speed limit by 10 miles per hour or more compared to data collected before the system was in operation.
  - c) A 20% reduction in the number of violators who received two or more violations at the location since the system became operational.
- 7) Provides that cameras may continue to operate if traffic calming measures are added to the street and authorizes 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.
- 8) 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, and traffic circles.
- 9) Permits the enforcement of school zone speed limits two hours before school and two hours after school ends, if there is a flashing beacon indicating that the school zone speed limit is in effect. Authorizes the enforcement of the regular speed limit outside of those hours.
- 10) Prohibits the use of mobile systems for the first two years of the pilot unless they are kept at a fixed location.
- 11) 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 the California Department of Transportation (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 speed safety systems; 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 of peace officer and municipal training, and proof of successful completion 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 (like a camera flash) when violations are detected.
- 12) 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 60 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 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. Authorizes pilot cities to retain license plate data for 3 years in order to evaluate repeat offenses, but not location data.
  - 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 evidence of the alleged violation.
  - g) Prohibit the use of facial recognition software.
  - h) Require information collected and maintained using a speed safety system to be used only to administer a 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.
  - i) Meet vendor contracting requirements, as specified, including a requirement that any speed safety system data collected be confidential and not be shared, repurposed, or monetized for purposes other than speed safety system enforcement.
  - j) Issue violations only for violation of speeding 11 miles per hour (mph) or more over the posted speed limit, that carry a civil penalty of \$50, \$100, \$200 or \$500, that cannot be used to suspend or revoke a driver's license, and that cannot be used to assess a point against the driver.
  - k) Specifies that a person shall not be subject to both a notice of civil violation under this section and a notice to appear for the same violation.
  - l) Provides an appeals process, as specified, including a diversion program for indigent violators, as specified.

- m) 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).
  - n) Submit a Speed Safety System Report to the Legislature after the fifth and final year of the pilot.
  - o) 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 with household incomes less than 200% of the Federal Poverty Level.
- 12) Makes various findings and declarations regarding development of automated speed enforcement (ASE) programs.

**EXISTING LAW:**

- 1) Provides, pursuant to the California Constitution, that all people have inalienable rights, including the right to pursue and obtain privacy. (Cal. Const., art. I, § 1.)
- 2) 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. (Veh. Code § 22362.)
- 3) 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. (Veh. Code § 21455.5.)
- 4) 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. (Veh. Code § 21455.5.)
- 5) 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. (Veh. Code § 21455.5.)

**FISCAL EFFECT:** As currently in print this bill is keyed fiscal.

**COMMENTS:**

1) **Purpose.** This bill seeks to reduce traffic fatalities by establishing a five-year pilot program allowing the cities of Glendale, Long Beach, Los Angeles, Oakland, San Francisco, and San Jose to install automated speed safety systems. This bill is author sponsored.

2) **Author's statement.** According to the author:

Since the 1980s communities around the world have been using speed safety systems to slow drivers down. These cameras have proven to be widely effective. A 2005 systematic review of 14 studies of speed safety systems 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 speed safety system locations after program implementation. Speed safety systems are used in over 150 communities across the United States, and more recently became eligible for federal funding under the Bipartisan Infrastructure Investment and Jobs Act as part of a new nationwide goal to achieve zero traffic fatalities. It is finally time for California to join 18 other states and the District of Columbia and authorize the use of speed safety systems.

3) **Background.** AB 2363 (Friedman, Chap. 650, Stats. 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, the California State Transportation Agency (CalSTA) formed the 25-member Task Force on June 5, 2019. Members of the Task Force included representatives from 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 its *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. Last year the Legislature passed AB 43 (Friedman, Chap. 690, Stats. 2021), which enacted several of the recommendations of that task force to give cities more flexibility to lower speed limits, including on the highest injury streets. Based on those recommendations, this bill would authorize cameras to be placed on safety corridors, which AB 43 defined as 20% of local authorities' streets with the highest injuries.

The City of San Jose, writing on the need for this bill, states:

In 2022, San Jose experienced its deadliest year in traffic fatalities with 65 deaths on its streets, approximately half of whom were pedestrians or bicyclists. Between 2018 and 2022, 33% of traffic deaths in San Jose were attributed to speeding as a contributing factor. Speeding is a fundamental predictor of crash survival, as many streets with the highest incidence of fatal and severe injury crashes are also plagued by excessive speeding. Exacerbating this crisis is that many of these corridors are disproportionately impacting disadvantaged communities.

San Jose has made substantial investment towards infrastructure improvements such as quick-build and complete streets projects as well as enhanced education and outreach efforts to promote traffic safety. However, additional tools are needed to modify driver behavior and reduce this epidemic of speeding in San Jose.

Automated speed enforcement has demonstrated to be a proven safety technique that is currently being used in many communities across the country to deter speeding and improve safety for all road users, with results including:

- A reduction in drivers traveling more than 10 mph over the speed limit;
- A reduction in citations issued as drivers change their dangerous driving behaviors; and
- Most significantly, a reduction in crashes that result in serious injury or death.

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.

The Western States Trucking Association, writing in opposition to the bill as it is currently in print, argues:

While WSTA appreciates your efforts to improve the safety of the motoring public, AB 645 is excessively overbroad for a “pilot program.” It authorizes an undefined number of speed cameras to enforce any speed law, either through a fixed or mobile radar or laser system or any other electronic device, within 6 California cities. Further, the bill allows speed cameras to be used on “a street a local authority has determined to have had a high number of incidents for motor vehicle speed contests or motor vehicle exhibitions of speed,” however, problematically there is no standard for what might meet the threshold of “a high number of incidents,” thus this could potentially permit the cameras on any major street. Additionally, such cameras would only be required to cease operations within 18 months if one of the following thresholds has not been met: 1) a reduction in the 85th percentile speed of vehicles compared to data collected before the system was in operation; 2) a 20% reduction in



vehicles that exceed the posted speed limit by 10 mph or more compared to data collected before the system was in operation; or 3) a 20% reduction in the number of violators who received two or more violations at the location since the system became operational. Nevertheless, such thresholds can be ignored entirely, and the speed cameras can continue to be used, if certain “traffic calming measures” are implemented – many of which, including adding bike lanes and raised crosswalks, are not true traffic calming measures.

Further, the proliferation of speed cameras throughout the state, as authorized by AB 645, will unquestionably lead to severe hardship for those of lesser means.

The opposition raises valid concerns of “severe hardship for those of lesser means.” It is important to note that one of the intentions of this bill is to *reduce* that hardship, not increase it. 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 if one is stopped by a law enforcement officer. 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, speeding tickets result in negligent operator points which DMV uses 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.

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.

In addition, speed cameras have often been viewed as a potential solution to discriminatory traffic stops. Because these violations will be captured by the cameras, rather than police officers, depending on the placement of the cameras, it may ultimately reduce the current disparities.

The Racial and Identity Profiling Act of 2015 established the Racial and Identity Profiling Advisory (RIPA) board within the DOJ (AB 953 (Weber), Chap. 466, Stats. 2015) in an effort to eliminate racial and identity profiling and to improve diversity and racial and identity sensitivity in law enforcement. The board is required to investigate and analyze state and local law enforcement agencies’ racial and identity profiling policies and practices across geographic areas in California and to annually publicize its findings and policy recommendations. In their 2023

report, they include the following information that demonstrates the on-going racial disparity in traffic stops in 2021:

- To provide context for the racial distribution of stops by the reporting agencies, the Board compared the stop data to residential population data from the American Community Survey that was weighted to correspond with the jurisdictions of the reporting agencies. Black and Hispanic/Latine(x) individuals represented a higher proportion of stopped individuals than their relative proportion of the weighted California residential population.



(RIPA Annual Report 2023, Racial and Identity Profiling Advisory (RIPA) board (Jan. 1, 2023) available at <https://oag.ca.gov/ab953/board/reports#current>.)

However, not to dismiss the very real concerns of the WSTA, the placement of cameras in cities will need to be carefully considered so that they are not all clustered in communities that are populated primarily by people of color or in communities with lower household incomes who then could be disproportionately impacted by the fines. On the other hand, it is also important to make sure that the cameras are not disproportionately placed in predominantly white, affluent communities, thus only reducing incidents of dangerous driving in those communities. National data shows that some of the most dangerous roads in California and in the United States are in communities where the residents are disproportionately people of color. As a result of these dangerous roads, people of color are disproportionately effected by traffic collisions. According to the United States Department of Transportation's National Roadway Safety Strategy (NRSS), Black, Latine(x) and Native American pedestrians are more likely to be killed in a traffic collision. 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. (Information on the NRSS is available at <https://www.transportation.gov/NRSS>.)

In an attempt to address equity concerns regarding the enforcement of traffic laws, this bill requires organizations that represent minority communities be involved in decisions related to the placement of these cameras.

4) **Privacy protections in this bill.** The author has included a number of provisions in this bill to ensure that the privacy of drivers is protected in the cities authorized to use speed safety systems. For example, the bill requires that photographic or administrative records generated by the speed safety system be confidential, and only used to administer a program. The bill prohibits the

information from being disclosed to any other person, including any other state or federal government agency or official for any other purpose, except as required by state or federal law, or court order.

The pilot cities are only 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, after which the data, evidence, and administrative records must be destroyed in a manner that maintains the confidentiality of any person included in the evidence. Cities are also required to destroy any speed safety system data within five days if the data shows no evidence of a speeding violation. Finally, the bill also ensures that any vendors are held to these same standards and provides 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. The bill additionally prohibits the use of facial recognition software.

5) **Committee amendments.** The amendments being taken in this committee are intended to accomplish three things:

A. The first amendment is intended to further protect the privacy of individuals by limiting the ability of the cameras to passively capture video footage of cars that are not speeding or people walking or bicycling along the street. To accomplish that added layer of privacy protection, the traffic cameras will only take photographs, rather than video footage.

B. The second amendments remove the blanks in the bill related to the maximum number of cameras. Under these amendments, the limits are as follows:

1. A jurisdiction with a population over 3,000,000 may deploy no more than 125 cameras.

2. A jurisdiction with a population between 800,000 and 3,000,000 may deploy no more than 33 cameras.

3. A jurisdiction with a population of 300,000 up to 800,000 may deploy no more than 18 cameras.

4. A jurisdiction with a population of less than 300,000 may deploy no more than 9 cameras.

C. Finally, in order to further the consumer protection provisions in this bill, the last amendment clarifies that a person cannot be subject to a fine from the ASE and a traffic citation for the same incident.

6) **Related legislation.** AB 2336 (Friedman, 2022) was substantially similar to this bill. That bill was held on suspense in the Assembly Appropriations Committee.

AB 43 (Friedman, Chap. 690, Stats. 2021) granted Caltrans and local authorities greater flexibility in setting speed limits based on recommendations the Zero Traffic Fatality Task Force (Task Force) made in January 2020.

AB 550 (Chiu, 2021) was substantially similar to this bill. That bill was held on suspense in Assembly Appropriations Committee.

SB 735 (Rubio, 2021) would have authorized the use of ASE cameras in school zones. That bill died in the Senate Transportation Committee.

AB 2363 (Friedman, Chap. 650, Stats.2018) created the Zero Traffic Fatalities Task Force.

AB 342 (Chiu, 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.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

City of San Jose (co-sponsor)  
Glendale Police Department (co-sponsor)  
Streets are For Everyone (SAFE) (co-sponsor)  
Streets for All (co-sponsor)  
Walk San Francisco (co-sponsor)  
Active San Gabriel Valley  
Alameda-contra Costa Transit District (ac Transit)  
Association of Pedestrian and Bicycle Professionals (APBP)  
Bahati Foundation  
Barbary Coast Neighborhood Association  
Bay Area Council  
Berkeley Path Wanderers Association  
BikeLA  
CalBike  
City of Long Beach  
City of San Jose, Councilmember David Cohen,  
City of San Jose, Councilmember Dev Davis  
City of San Jose, Councilmember Pam Foley  
City of West Hollywood  
Conor Lynch Foundation  
Culver City Democratic Club  
Faith for Safer Streets  
Kidsafe Sf  
Livable Cities  
Livable Communities Initiative  
Los Angeles County Bicycle Coalition  
Los Angeles; City of  
Lyft, INC.  
Marin County Bicycle Coalition  
Mayor of City & County of San Francisco London Breed  
Move Santa Barbara County  
Norwalk Unides  
San Diego County Bicycle Coalition  
San Francisco Bay Area Families for Safe Streets  
San Francisco Bicycle Coalition  
Santa Monica Safe Streets Alliance

Santa Monica Spoke  
Silicon Valley Bicycle Coalition  
So Cal Cycling  
Socal Families for Safe Streets  
Spur  
Stop4aidan  
Street Racing Kills  
Streets for Everyone  
West Hollywood Bicycle Coalition

**Opposition**

ACLU California Action  
Anti Police-Terror Project  
Electronic Frontier Foundation  
Oakland Privacy  
Safer Streets LA  
Western States Trucking Association

**Analysis Prepared by:** Julie Salley / P. & C.P. / (916) 319-2200

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**SENATE COMMITTEE ON TRANSPORTATION****Senator Lena Gonzalez, Chair****2023 - 2024 Regular**

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<b>Bill No:</b>	AB 645	<b>Hearing Date:</b>	6/27/23
<b>Author:</b>	Friedman		
<b>Version:</b>	5/1/2023 amended		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Randy Chinn		

**SUBJECT:** Vehicles: speed safety system pilot program

**DIGEST:** This bill authorizes an automated camera speed enforcement pilot program in the cities of Los Angeles, Long Beach, San Francisco, Oakland, Glendale and San Jose.

**ANALYSIS:**

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. (Vehicle Code Section (VEH) 22362)
- 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. (VEH 21455.5)
- 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. (VEH 21455.5)
- 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. (VEH 21455.5)
- 5) Establishes the Active Transportation Program (ATP), a grant program administered by the California Transportation Commission (CTC) to encourage increased use of active modes of transportation, such as walking and biking. (Streets and Highway Code Section 2380)
- 6) Defines "Safety Corridor" as the 20% of a local jurisdictions streets with the highest injuries and fatalities, with a definition to be determined by the California Department of Transportation (Caltrans) in the next revision of the California Manual on Uniform Traffic Control Devices. (VEH 22358.7)
- 7) Authorizes jurisdictions to lower speed limits in safety corridors by 5 mph from the existing speed limit established by an engineering and traffic survey. (VEH 22358.7)

This bill:

- 1) Authorizes the use of automated cameras to enforce speed limits in the cities of Los Angeles, San Jose, Oakland, Glendale, Long Beach and San Francisco. Los Angeles may use up to 125 cameras, San Jose and San Francisco may use up to 33 cameras, Oakland and Long Beach may use up to 18 cameras, and

Glendale may use up to 9 cameras. The cameras may be used for up to five years or until January 1, 2032, whichever is sooner.

- 2) Limits the placement of the cameras to school zones, streets that local authorities have determined to have a high number of incidents of speed contests or exhibitions of speed, and streets that are safety corridors, as defined, but does not allow them on freeways, expressways, or any road in an unincorporated part of the county where the California Highway Patrol (CHP) has jurisdiction.
- 3) Requires the local authority to develop a Speed Safety System Impact Report prior to implementing the program which would assess any impact on civil liberties, a description of the program, program cost, if potential deployment locations are predominantly in low-income neighborhoods, and a determination of why those locations experience high fatality and injury collisions due to unsafe speed. The report shall be available for public review prior to adoption and consultation with racial equity, privacy protection, and economic groups is required.
- 4) Requires that a public information program be commenced for at least 30 days prior to the implementation of the camera program and that for the first 60 days of enforcement only warning notices be issued.
- 5) Requires signage indicating the use of the automated enforcement cameras along with the posted speed limit, with additional signage in school zones.
- 6) Requires that the local authority establish guidelines for the screening and issuing of notices of violation and for the processing and storage of confidential information. The notice shall include a clear photograph of the license plate and rear of the vehicle only, the Vehicle Code violation, the location, and the date and time the violation occurred.
- 7) Provides for a fine to the registered owner of the vehicle of \$50 for a speed violation from 11 to 15 miles per hour over the posted speed limit, \$100 for a speed violation from 16 to 25 miles per hour over the posted speed limit, \$200 for a speed violation of 26 miles per hour or more over the posted speed limit, and \$500 for traveling at a speed of 100 miles per hour or greater. The fine is a civil penalty and shall not result in a loss of the driving privilege or in a violation point being assessed against the violator. If an individual is indigent, as defined, the individual must be offered community service in lieu of the fine, or the fine is reduced by 80%. The fine is reduced by 50% if the individual makes 200% above the federal poverty level.



- 8) Provides that the revenue from the fines remain with the cities and shall pay for the installation of the cameras, the adjudication of violations, and construction of traffic calming measures to encourage speed limit compliance. If traffic calming measures aren't deployed within three years the funds revert to the state for use in the ATP.
- 9) Establishes a process where the registered owner can request a review of the fine by the issuing agency and a hearing on the fine by the issuing agency.
- 10) Establishes that the photos and administrative records shall be confidential, and that public agencies shall use and allow access to these records only for the purposes of the automated speed enforcement system. Limits on how long records can be retained are established and disclosures to others prohibited.

#### COMMENTS:

- 1) *Author's Statement.* "Since the 1980s communities around the world have been using speed safety systems to slow drivers down. These cameras have proven to be widely effective. A 2005 systematic review of 14 studies of speed safety systems 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 speed safety system locations after program implementation. Speed safety systems are used in over 150 communities across the United States, and more recently became eligible for federal funding under the Bipartisan Infrastructure Investment and Jobs Act as part of a new nationwide goal to achieve zero traffic fatalities. It is finally time for California to join 18 other states and the District of Columbia and authorize the use of speed safety systems."
- 2) *Increasing Use of Photo and Video Enforcement.* Photo enforcement of traffic rules has been in place for a while, but efforts to expand its usage have recently surged. In California, red light cameras were authorized in the 1990's and are deployed in 26 local jurisdictions at 235 intersections. In the last ten years California has authorized photo enforcement of transit-only lanes and the Legislature has considered several bills to authorize photo enforcement of speed limits and school-bus traffic control. Nationally, photo enforcement of speed limits is not common, and is prohibited in some states, but is being used in the cities of New York and Chicago as well as parts of Seattle.

- 3) *Will Automated Photo Enforcement Decrease Speeding?* The evidence seems to support the notion that photo enforcement of speed limits reduces speeding. A report by the New York City Department of Transportation found that their speed camera program has proven effective and efficient in reducing speeding. As of December 2021, speeding at fixed camera locations had dropped on average 73%.<sup>1</sup> An analysis of Chicago's speed camera program showed less dramatic improvement<sup>2</sup>. The expected number of fatal and severe injury crashes was reduced by 15%. Looking at specific camera sites, about 70% of the sites had a positive safety improvement.
- 4) *Color-blind, but Fair?* Automated enforcement can be seen as fair because it is color-blind: The camera only sees a vehicle. But where the enforcement occurs (e.g. the location of the cameras) makes a difference. If, for example, all the cameras were installed in disadvantaged communities, or on streets where people living in disadvantaged communities were more likely to travel, then the ticketing could be unfair. A related question is equity impact. A \$50 ticket is less burdensome to an upper-middle income person than a minimum-wage worker. An analysis of Chicago's automated enforcement system, which includes speed cameras and red-light cameras, showed that Black, Latino and low-income residents pay a disproportionate share of both fines and fees relative to income.<sup>3</sup>
- 5) *Taking Ownership.* A local government wanting to deploy automated speed enforcement should take full ownership of the decision and ensure the public is fully aware, including the specific locations of the speed cameras. This is envisioned in the bill but it would be clearer to specify that the decision must be made in a public hearing. The author and committee may wish to make this clarification.
- 6) *Fair Warning.* Drivers should be made aware of the requirements of the speeding laws so that they can comply. This bill requires a 30 day public information campaign before installing the automated cameras, a 60 day period where only warning notices are issued, and signage warning of the use of the automated enforcement system and of the speed limit. Because the use of an automated system to police speeding is new to Californians it seems fair to also warn drivers for a first inadvertent offense. The author and committee may wish to consider such an amendment for the first tier of speeding violations.

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<sup>1</sup> New York City Automated Speed Enforcement Report; 2022 Report; p 2.

<sup>2</sup> Red-Light and Speed Cameras: Analyzing the Equity and Efficacy of Chicago's Automated Camera Enforcement Program, by Sutton and Tilahun, Department of Urban Policy and Planning, University of Illinois Chicago; January 10, 2022.

<sup>3</sup> *Ibid.*

- 7) *How to Choose Where to Locate.* The bill provides local governments with broad discretion on where to place the cameras provided they are within school zones, in safety corridors, which are areas with high concentrations of bicyclists and pedestrians, and on streets with high incidences of speeding. Nothing prevents all of the cameras from being placed in low income communities under the well-meaning justification that there is more speeding in those communities. To prevent this the author and committee may wish to consider establishing a policy of geographic and income diversity in the placement of these cameras.
- 8) *Placement in School Zones.* School zones are one of the locations where speed cameras may be placed. In some school zones it can be difficult to determine the speed limit because it is dependent on when children are present, which is ambiguous. The bill generally allows for automated enforcement in a school zone if flashing beacons are activated on the school zone speed limit sign. The author and committee may wish to narrow the interval around which the signs can be activated as 2 hours before and after the start of school seems very broad and clarify that the flashing beacon should be used in all school zones where automated enforcement is employed.
- 9) *Where Does the Money Go?* Speeding convictions result in significant fines, which are made much larger because of numerous additional state and local fees, and a point on the driver's record, which, when enough points are accumulated, can result in increased insurance costs and a loss of the driving privilege. Under this bill the fines are significantly lower, no additional fees are added, and no point is attached to the driver's record. (The violation accrues to the vehicle owner, not the driver). The fines collected under this program go to the city. After covering the cost of the program the funds must be spent on traffic calming measures within the city. These are physical changes to the road, such as speed tables, raised crosswalks and curb extensions, which cause drivers to slow down. As an incentive for cities to deploy these measures, if the funds aren't spent within three years they revert to the state for the ATP, which funds statewide bicycle and pedestrian projects.
- 10) *Discounted Fines.* The bill provides for an 80% reduction in the fines for indigent individuals. The author's intent is to provide a lesser reduction for low-income individuals, and the author is proposing an amendment to provide a 50% reduction for individuals earning 250% or less of the federal poverty line.
- 11) *Reporting on the Pilot.* The bill provides for the local jurisdiction to provide to the Legislature by March 1 of the fifth year a program evaluation, which includes specific data on violations and results before and after the

implementation of the automated enforcement cameras. Also required is a racial and economic equity impact analysis. Missing from this evaluation is data on the location of the households where the fines are assessed which would support the racial equity analysis. This can be remedied by tabulating the zip codes for the violations. The author, concerned that using zip codes could lead to misleading conclusions, suggests using instead the number of violations that are below 250% of the poverty line. That may help with an economic impact analysis but it doesn't help with a racial equity analysis. While zip codes aren't perfect, it might be better to be imperfect than to not have any data on this. The author and committee may wish to consider requiring the tabulation of violations by zip code as a means of supporting the racial equity impact analysis.

- 12) *Automated Enforcement v. Traditional Enforcement*. The automated speed enforcement program authorized by this bill has significant differences from traditional officer-based enforcement. The automated program operates 24x7, avoids interaction with an officer, has lower financial penalties, fines the vehicle owner who might not be the driver, does not assess points on a driver's license, and presumes guilt.
- 13) *Double Referral*. This bill has been double-referred to the Senate Judiciary Committee.

## RELATED LEGISLATION:

**AB 43 (Friedman) Chapter 690, Statutes of 2021** grants the Caltrans and local authorities greater flexibility in setting speed limits based on recommendations of the Zero Traffic Fatality Task Force.

**AB 2336 (Friedman of 2022)** was substantially similar to this bill. *That bill was held on suspense in the Assembly Appropriations Committee.*

**AB 550 (Chiu of 2021)** was substantially similar to this bill. *That bill was held on suspense in Assembly Appropriations Committee.*

**SB 735 (Rubio of 2021)** would have authorized the use of Automated Speed Enforcement cameras in school zones. *That bill died in the Senate Transportation Committee.*

**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. *This bill failed passage in the Assembly.*

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

**FISCAL EFFECT:** Appropriation: No    Fiscal Com.: Yes    Local: No

From the Assembly Appropriations Committee:

No direct state costs.

Costs to any local government that implements a speed safety system pilot program will be significant. However, the state will not need to reimburse any such local costs because this bill does not obligate any local government to implement such a program.

**POSITIONS: (Communicated to the committee before noon on Wednesday, June 21, 2023.)**

**SUPPORT:**

Honorable London Breed, San Francisco Mayor (Sponsor)  
Abundant San Francisco  
Active San Gabriel Valley  
Alameda County Board of Supervisors  
Alameda County Supervisor Nate Miley  
Alameda County Transportation Commission  
Alameda-contra Costa Transit District (ac Transit)  
Association of Bay Area Governments (ABAG)  
Association of Pedestrian and Bicycle Professionals (APBP)  
Bahati Foundation  
Barbary Coast Neighborhood Association  
Bay Area Council  
Berkeley Path Wanderers Association  
Bike LA  
Calbike  
Central City Neighborhood Partners  
Circulate San Diego  
City of Long Beach  
City of Los Angeles  
City of Oakland

City of San Jose  
City of San Jose, Councilmember Batra  
City of San Jose, Councilmember Bien Doan  
City of San Jose, Councilmember David Cohen,  
City of San Jose, Councilmember Omar Torres  
City of San Jose, Councilmember Ortiz  
City of San Jose, Councilmember Pam Foley  
City of San Jose, Councilmember Sergio Jimenez  
Climate Action Santa Monica  
Conor Lynch Foundation  
Cruise  
Faith for Safer Streets  
Families for Safe Streets San Diego  
Investing in Place  
Japantown Task Force  
Kidsafe Sf  
Livable Cities  
Livable Communities Initiative  
Los Angeles Walks  
Lyft, INC.  
Marin County Bicycle Coalition  
Mayor of City & County of San Francisco London Breed  
Metropolitan Transportation Commission  
Move Santa Barbara County  
National Coalition for Safer Roads  
National Japanese American Historical Society, INC.  
Norwalk Unides  
Richmond Family Sf  
San Diego County Bicycle Coalition  
San Francisco Bay Area Families for Safe Streets  
San Francisco Bicycle Coalition  
Santa Monica Safe Streets Alliance  
Santa Monica Spoke  
Silicon Valley Bicycle Coalition  
So Cal Cycling  
Socal Families for Safe Streets  
South Pas Active Streets  
Spur  
Stop4aidan  
Street Racing Kills  
Streets are For Everyone (SAFE)  
Streets for All  
Streets for People  
Tenderloin Community Benefit District

Tenderloin Traffic Safety Task Force  
The League of American Bicyclists  
The Sequoias San Francisco Resident Association  
Transform  
Walk San Francisco  
West Hollywood Bicycle Coalition

**OPPOSITION:**

Abate of California - Motorcyclists Rights & Safety Organization  
ACLU California Action  
Anti Police-terror Project  
California Teamsters Public Affairs Council  
Decarcerate Sacramento  
Electronic Frontier Foundation  
National Motorists Association  
Oakland Privacy  
Peace Officers Research Association of California (PORAC)  
Safer Streets LA  
Western States Trucking Association

**-- END --**

## **City of Oakland**

### **DRAFT Surveillance Impact Report – Automated Speed Safety System**

#### **A. Description**

“Speed safety system” or “system” means a fixed or mobile radar or laser system or any other electronic automated detection equipment to detect a violation of speed laws and utilizes cameras to obtain a clear photograph of a speeding vehicle's rear license plate. These cameras are only triggered by speeding vehicles. They do not record data unless triggered by a speeding vehicle.

#### **B. Purpose**

The City of Oakland, Department of Transportation's (“Department” or “OakDOT”) mission is to envision, plan, build, operate and maintain a transportation system for the City of Oakland, in partnership with local transit providers and other agencies, and to assure safe, equitable, and sustainable access and mobility for residents, businesses and visitors.

The surveillance technology supports the Department's mission and provides important operational value in the following ways:

The surveillance technology functions to efficiently enforce vehicle speed laws. This use supports the Department's mission to achieve zero traffic-related fatalities (, as traffic enforcement is a critical component of the Safe Systems approach of the Safe Oakland Streets (SOS) initiative. Excessive speed is the leading contributor to traffic collisions causing serious injuries and fatalities, and this surveillance technology is proven to reduce vehicle speeding.

The Department shall use the surveillance technology only for the following authorized purposes:

##### **Authorized Use(s):**

1. Enforce speed limits on City streets in accordance with California Vehicle Code sections 22425-22434 (Speed Safety System Pilot Program)
2. Analysis of and reporting on speed enforcement, as required under the Speed Safety System Pilot Program

#### **C. Location**

The surveillance technology may be deployed in locations throughout Oakland on the city's high injury network. The surveillance technology will consist of vendor-owned automated speed enforcement cameras with onboard processing. These cameras will be mounted on city-owned poles (unless through prior arrangement with Pacific Gas



and Electric) at up to 18 locations. The cameras will be distributed among all 7 City Council Districts in the City's High-Injury Network. The cameras use cellular communication to transmit data to backend software that provides access to uploaded photographs, radar readings, and license plate information for authorized users. See Appendix 1 for a list of 18 proposed camera locations.

## **D. Impact**

The use of surveillance technology is intended to support and benefit the residents of Oakland while minimizing and mitigating all costs and impacts to potential civil rights and liberties. OakDOT recognizes that the use of Automated Speed Enforcement (ASE) technology raises privacy concerns, which include potential loss of dignity, discrimination, economic loss, loss of autonomy, loss of liberty, physical harm and loss of trust. The technology has several benefits, including: reductions of serious injuries and fatalities due to speed, as proven in hundreds of cities; removing bias from enforcement of traffic violations and limited contact with uniformed police officers; and improving overall public safety on roadways. Additional potential impacts and safeguards are described in the mitigations section below.

## **E. Mitigations**

The Department has considered the potential impacts and has identified the technical, administrative, and physical protections as mitigating measures:

- *Dignity loss*: Technical safeguards make this impact (e.g., embarrassment and emotional distress) unlikely because ASE cameras take photos of vehicle rear license plates; they do not capture images of drivers or vehicle occupants. Occasionally, images may capture people traveling by foot or by bicycle who are near violating vehicles, but these images are incidental and are purged from the ASE system by the vendor.
- *Discrimination*: Technical safeguards make this impact (i.e., unfair or unethical differential treatment of individuals or denial of civil rights) highly unlikely because ASE enforces speed limits equally to all vehicles. Administrative safeguards make this impact minimal because ASE technology is deployed equally in areas throughout the City where cameras are installed. Cameras will be distributed among all seven Council districts on the City's High-Injury Network.
- *Economic Loss*: Technical safeguards make this impact (i.e., identity theft/misidentification) minimal because the ASE system provides no external access to information identifying individuals, including vehicle owners or drivers.
- *Loss of Autonomy*: Technical safeguards make this impact (i.e., loss of control over decisions on how personal information is used or processed) highly unlikely because the ASE system provides no public access to information identifying

individuals, including vehicle owners or drivers. Moreover, since data is processed mostly by the ASE system, there is minimum human interaction.

- *Loss of Liberty:* Administrative safeguards make this impact (i.e., improper exposure to arrest or detainment due to incomplete or inaccurate data) highly unlikely because speed cameras are tested and calibrated annually before issuing violations. Moreover, speed camera violations are civil, not criminal, and have no impact on a person's criminal records or their driving records.
- *Physical Harm:* Technical safeguards make this impact (i.e., physical harm or death) highly unlikely because the ASE system has no access to information identifying individuals through the DMV system.
- *Loss of Trust:* Technical safeguards make this impact (i.e., breach of implicit or explicit expectations or agreements about the processing of data, or failure to meet subjects' expectation of privacy for information collected) minimal because license plate numbers are used to identify vehicles for purposes of speed violations. The Department limits access to the data to only authorized users.

#### **D. Data Types and Sources**

Speed cameras authorized under Assembly Bill 645 may only take photographs of rear license plates after being triggered by a vehicle traveling more than 10MPH over the speed limit. The system then compares license plates against DMV records in order to identify the vehicle's owner, and to issue a warning or citation. Speed cameras may also collect information on average vehicle speeds, and/or the number of vehicles traveling more than 10 MPH over the speed limit.

#### **E. Data Security**

OakDOT will secure Personally Identifiable Information (PII) against unauthorized or unlawful processing or disclosure; unwarranted access, manipulation or misuse; and accidental loss, destruction, or damage. Surveillance technology data collected and retained by OakDOT will be protected by the safeguards appropriate for its classification level(s) as defined by the National Institute of Standards and Technology (NIST) security framework 800-53, or equivalent requirements from other major cybersecurity frameworks selected by the department.

OakDOT will ensure compliance with these security standards through the following administrative safeguards: OakDOT will secure any PII against unauthorized access, processing, disclosure, and accidental loss, destruction, or damage. ASE data collected and retained by OakDOT will be protected by the safeguards appropriate for its classification level(s).

To protect ASE data from unauthorized access and control, including misuse, OakDOT will, at minimum, apply the following safeguards:

- Authorized users will use login credentials with MFA, if available, and use complex passwords to access the ASE technology.
- All access to and activity in the ASE system will be logged and be audited.

## F. Fiscal Cost

The fiscal cost, such as initial purchase, personnel and other ongoing costs, include:

Number of Budgeted FTE (new & existing) & Classification	The following positions will be used for this technology:		
	<u># of employees</u>	<u>Class #</u>	<u>Job Description</u>
	.05	Project Manager II	Director of Parking & Mobility
	.25	Project Manager I	Speed Safety Program Funding Manager
	1 .5	Public Service Representative Hearing Officer	Citation processing Citation administration; adjudication
	<b>Annual Cost</b>		<b>One-Time Cost</b>
Total Salary & Fringe	\$400,000		
Software			
Hardware/Equipment			
Professional Services	\$1,700,000		
Training			
Other			
Total Cost	\$2,100,000		\$450,000

The Department funds its use and maintenance of the surveillance technology through: Measure BB sales tax dollars and potential grant funding source.

## Fiscal Benefits

The Department's use of the surveillance technology yields the following business and operations benefits:

Benefit	Description
Time Savings	Helps staff remotely identify speeding violations at multiple locations, improving effectiveness and efficiency of speed enforcement.
Staff Safety	Enforces speed limits without the potential for in-person traffic stops.

Data Quality	Improves accuracy of data related to vehicles speeding over posted speed limits. Provides data to inform policies and regulations and allows for more immediate data to demonstrate the impacts of various traffic control measures on streets over time.
Other	Provides data regarding effectiveness of speed safety cameras, which will inform future statewide policies regarding ASE

### **G. Third Party Dependence**

OakDOT will rely upon third party technology vendors to install and provide maintenance for the ASE system. All data collected or processed by the surveillance technology will be handled and stored by an outside provider or third-party vendor on an ongoing basis. Vendor selection for ASE is not completed yet. The department will ensure that the selected vendor complies with all data access requirements under the state's Speed Safety Pilot Program by adding them to the final agreement.

### **H. Alternatives**

Speed cameras are the predominant technology used for automated speed enforcement. Prior to AB 645, speed cameras were illegal in the state of California. More than 4,000 people die annually on California roadways, with approximately 30% of fatalities attributable to high speed.

### **I. Track Record of Other Entities**

The surveillance technology is currently utilized by other governmental entities for similar purposes, including nearly 200 communities across the United States. Many peer cities use automated speed enforcement technology as a component of a traffic safety or Vision Zero strategy. For example, New York City has used speed cameras for a decade on their high-injury streets. Their speed cameras have been remarkably effective at reducing speeding: it only took 18 weeks after installation to see a 73% reduction in speeding vehicles at camera locations.

The California State Transportation Agency's "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, many of which have been incorporated into AB-645.

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.

If you have questions about the development of this report, contact Craig Raphael [craphael@oaklandca.gov](mailto:craphael@oaklandca.gov) or 510-238-7229 for guidance. Also, all approved Surveillance Impact Reports will be posted on the PAC Website at: <https://www.oaklandca.gov/boards-and-commissions/privacy-advisory-board>

## Appendix 1: Proposed list of 18 potential camera locations

Location (Main Street)	Location (Cross Streets)	Speed Limit	85th Percentile Speed	Number of Daily Vehicles >10 MPH Over Posted Limit	% of Daily Vehicles > 10 MPH Over Posted Limit	Additional Reasoning for ASE
MLK Jr. Way	Between 42nd and 43rd	30 MPH	37 MPH	540	7.43%	High observed speeds with two travel lanes in each direction; uncontrolled crosswalks
Claremont Avenue	Between Hillegass Avenue and College Avenue	30 MPH	37 MPH	636	5.8%	Vehicles speeding to and from SR 24; new addition (2024) to High Injury Network
Foothill Blvd	Between Irving and 24th	25 MPH	29 MPH	252	2.87%	Proximity to speed related collisions; uncontrolled crosswalks
Foothill Blvd.	Between 19th and 20th	30 MPH	33 MPH	203	2.8%	Proximity to speed related collisions; uncontrolled crosswalks; proximity to San Antonio Recreation Area
7th St.	Between Adeline St and Linden St	30 MPH	39 MPH	1760	14.6%	Speeding from vehicles traveling to and from freeways; uncontrolled crossings; proximity to As-Salam Mosque
West Grand	Between Chestnut and Linden	30 MPH	39 MPH	1538	11.7%	High observed speeds from vehicles traveling to and from freeways; preschool on block

<b>Location (Main Street)</b>	<b>Location (Cross Streets)</b>	<b>Speed Limit</b>	<b>85th Percentile Speed</b>	<b>Number of Daily Vehicles &gt;10 MPH Over Posted Limit</b>	<b>% of Daily Vehicles &gt; 10 MPH Over Posted Limit</b>	<b>Additional Reasoning for ASE</b>
Broadway	Between 26th and 27th St	20 MPH	27 MPH	1136	9.20%	Concentration of speed related injury collisions; concentration of pedestrians on Broadway commercial corridor
San Pablo Avenue	Between Athens and Sycamore	25 MPH	32 MPH	585	6.72%	Concentration of speed related injury collisions; uncontrolled crosswalks
7th St.	Between Broadway and Franklin Streets	20 MPH	27 MPH	662	5.2%	Concentration of seniors, children, pedestrians in Chinatown
MacArthur Blvd.	Between Green Acre Road and Enos Ave	30 MPH	38 MPH	667	8.0%	High observed speeds from vehicles traveling to and from I-580; long section of MacArthur without a traffic signal
Fruitvale Avenue	Between Galindo Street and Logan Street	25 MPH	30 MPH	458	3.60%	Uncontrolled crosswalks; proximity to schools, churches
International	Between 40th and 41 <sup>st</sup>	25 MPH	29 MPH	767	4.9%	High observed speeding from vehicles illegally using the transit lane; concentration of speed-related injury collisions; upcoming capital project

Location (Main Street)	Location (Cross Streets)	Speed Limit	85th Percentile Speed	Number of Daily Vehicles >10 MPH Over Posted Limit	% of Daily Vehicles > 10 MPH Over Posted Limit	Additional Reasoning for ASE
Hegenberger Road	Between Spencer and Hawley	40 MPH	57 MPH	10029	43%	Freeway-like segment with four travel lanes in each direction; proximity to speed-related injury collisions
73rd Avenue	Between Fresno and Krause	35 MPH	41 MPH	1514	6.2%	High observed speed from vehicles adjacent to Markham Elementary and Eastmont Transit Center
Bancroft Ave	Between 86th Ave and Auseon Ave	30 MPH	38 MPH	1247	8.10%	Uncontrolled crosswalks; proximity to schools, churches
98th Avenue	Between Blake Drive and Gould Street	30 MPH	37 MPH	1340	6.6%	Proximity to speed related injury collisions; speeding observed from vehicles traveling to and from I-880
98th Avenue	Between Cherry and Birch	30 MPH	34 MPH	469	3.10%	Adjacent to Elmhurst United Middle School; proximity to speed related injury collisions
Bancroft Ave	Between 65th and 66th	30 MPH	34 MPH	266	2.90%	Uncontrolled crosswalks; proximity to schools, churches



## Appendix 2: Site selection analysis

OakDOT based its speed camera site selection off the specifications in AB-645. The chart below explains the agency's response to the bill's criteria.

### Speed camera site selection

State Law Specification	OakDOT's Response
Cameras shall be located on a high-injury street, a school zone street, or a street with documented speed racing	All cameras will be located on the <b>high-injury network</b> ; several will be adjacent to schools and in locations with speed-related collisions
Cameras cannot be located on state highways, freeways or expressways	All cameras will be located on <b>city-owned streets</b> (excludes freeways and segments of International and San Pablo Blvd owned by Caltrans)
Cameras should be located in areas that are "geographically and socioeconomically diverse"	Camera locations will be <b>spread throughout Oakland</b> , with <b>at least 1 camera</b> per City Council district
To keep a camera location after 18 months, there must be measurable reductions in speeding behavior	Camera locations will be prioritized in locations with vehicle speeds <b>exceeding 10 MPH</b> over the speed limit

Building off state law as specified above, OakDOT initiated its site selection process with the [2024 High Injury Network](#) (HIN), or street segments in Oakland with the highest density of fatal and severe collisions. The HIN is determined based on three separate mode-specific HINs: pedestrian, bicyclist and motor vehicle. Creating separate HINs allows the pedestrian and bicyclist crash networks to be analyzed distinct from the motorist network, which might otherwise dominate the map. For the purposes of speed camera site selection, the agency prioritized camera placement on streets with two or three overlapping modes. As another prioritization factor, OakDOT also identified street segments with high concentrations of serious and fatal injuries with speed as a primary factor.

Following this initial screening, OakDOT collected data at 43 potential locations for speed cameras in the form of 72-hour tube counts. These 43 locations were narrowed down to 18 proposed locations based on the following criteria:

- Number and percentage of daily vehicles traveling greater than 10 MPH over the speed limit
- Proximity to sensitive land uses (i.e. schools, senior centers, parks, commercial districts, uncontrolled crosswalks)
- Geography (i.e. avoiding concentrating too many cameras in one neighborhood as per AB-645 requirements)
- Planned capital projects
- Initial technical review for installation feasibility

### **Socioeconomic Characteristics of Selected Locations**

Throughout the process of identifying potential camera locations, the city's goal was to minimize harm to historically underserved populations, while recognizing that Oakland's High Injury Network is not evenly distributed, with a higher concentration of streets in the flatlands, which are generally less economically resourced than the hills. As shown below, the range of socioeconomic data of the 18 camera locations varies widely. The socioeconomic characteristics of the 18 locations are close to the city as a whole, while trending slightly below average (i.e.; the 18 locations have a slightly higher number of minority households, households in poverty, unemployed households, etc).

However, this data doesn't account for the fact that the demographics of drivers on a given roadway may differ significantly from the demographics of the surrounding neighborhoods. This may be particularly true for many high injury streets in Oakland, where drivers living in more economically advantaged areas often travel through less economically advantaged areas to get to and from freeways. Many arterial streets where cameras are proposed, including San Pablo Avenue, Fruitvale Avenue, 73<sup>rd</sup> Avenue, 98<sup>th</sup> Avenue, Hegenberger Road, and MacArthur Boulevard may fit this pattern. While these numbers are difficult to quantify with available data, they likely bring the socioeconomic characteristics of roadway users closer to the Oakland average.

### Socioeconomic Characteristics of 18 Camera Locations vs. Oakland averages\*

	Minority Households	Households with Higher Education	Households in Poverty	Unemployed Households	No Car Households
Average of 18 Camera Locations	81.8%	34.4%	18.5%	7.5%	17.2%
Range of 18 Camera Locations	31.7% - 97.6%	8.7% - 84.3%	2.9% - 37.3%	2.4% - 13.5%	2.7% - 47.0%
Oakland	71.0%	48.0%	13.0%	6.0%	15.0%

\*1/4 mile buffer around camera locations, matched with weighted average of demographic characteristics of 2022 Census block group data, compared to city as a whole

### Geographic Characteristics of Selected Locations

While Oakland is made up of seven City Council districts (with one additional member elected at-large) and nine planning areas, the city's High Injury Network (HIN) is not equally distributed among them. Most of the city's HIN, and especially its modal HIN with two or more modes represented, is in Districts 2, 3, 5, 6 and 7. Cameras were initially distributed by Council District, ensuring one camera per district, for a total of 7. The remaining eleven cameras were selected based on the criteria outlined in the summary above, with the primary factor being percentage of vehicles traveling at excessive speeds. The charts below display the number of cameras by Planning Area and Council District.

<b>Planning Area</b>	<b>Number of Cameras</b>
West Oakland	3
North Oakland/Adams Point	3
Downtown	1
Eastlake/Fruitvale	4
Glenview/Redwood Heights	1
Central East Oakland	6
East Oakland Hills	0
North Oakland Hills	0
Coliseum/Airport	0
<b>Total</b>	<b>18</b>

<b>Council District</b>	<b>Number of Cameras</b>
1	2
2	3
3	4
4	1
5	2
6	2
7	4
<b>Total</b>	<b>18</b>

### **Appendix 3: Community Outreach**

The development of AB-645 and prior bills related to automated speed enforcement included extensive public outreach and engagement with the public and stakeholders concerned with traffic violence throughout California. Oakland specific outreach included consultation with the Bicyclist and Pedestrian Advisory Commission, the Privacy Advisory Commission, and various advocacy groups.

To meet the provisions of AB-645, Oakland is required to “consult and work collaboratively with relevant local stakeholder organizations, including racial equity, privacy protection, and economic justice groups.” This section will be updated prior to adoption with the findings of meetings with local stakeholder groups.

## **Attachment 2**

### **City of Oakland**

#### **DRAFT Surveillance Technology Use Policy: Automated Speed Safety System**

##### **Description of the Technology**

“Speed safety system” or “system” means a fixed or mobile radar or laser system or any other electronic automated detection equipment to detect a violation of speed laws and utilizes cameras to obtain a clear photograph of a speeding vehicle's rear license plate. These cameras are only triggered by speeding vehicles. They do not record data unless triggered by a speeding vehicle.

##### **A. Purpose**

The City of Oakland, Department of Transportation (“OakDOT” or “Department”) envisions, plans, builds, operates and maintains a transportation system for the City of Oakland, in partnership with local transit providers and other agencies, and assures safe, equitable, and sustainable access and mobility for residents, businesses and visitors.

The Surveillance Technology Policy (“Policy”) defines the manner in which the surveillance technology will be used to support this mission, by describing the intended purpose, authorized and restricted uses, and requirements.

This Policy applies to all department personnel that use, plan to use, or plan to secure the surveillance technology employees, contractors, and volunteers. Employees, consultants, volunteers, and vendors while working on behalf of the City with the Department are required to comply with this Policy.

##### **B. Authorized Use**

The authorized use of the surveillance technology for the Department is limited to the following use cases and is subject to the requirements listed in this Policy.

Authorized Use(s):

- Enforce speed limits on City streets in accordance with California Vehicle Code sections 22425- 22434 (Speed Safety System Pilot Program)
- Analysis of and reporting on speed enforcement, as required under the Speed Safety System Pilot Program.

Prohibited use cases include any uses not stated in the Authorized Use Case section.

OakDOT may use information collected from technology only for legally authorized purposes, and may not use that information to unlawfully discriminate against people based on race, ethnicity, political opinions, religious or philosophical beliefs, trade union membership, gender, gender identity, disability status, sexual orientation or activity, or genetic and/or biometric data.

### **C. Data Collection**

Department shall only collect data required to execute the authorized use cases. All data collected by the surveillance technology, including Personal Identifiable Information (PII), shall be classified according to the City's Data Classification Standard.

The Surveillance technology collects some or all of the following data type(s):

Data Type(s)	Format(s)	Classification
Digital Images of rear license plate	Photographic, JPEG	Level 3

### **D. Data Access**

All parties requesting access must adhere to the following rules and processes:

- Authorized users must complete mandatory training and obtain login credentials.
- Only authorized users may use ASE technology or access data.
- Authorized users must log into tablet or computer, as applicable, to access ASE technology data.

#### **a. Department employees**

Once collected, the following roles and job titles are authorized to access and use data collected, retained, processed or shared by the surveillance technology but only may do so on a need- and right-to-know basis due to their direct involvement in the implementation of the program:

- Public Service Representative
- Senior Public Service Representative
- PSE 14
- Program Analyst I-III
- Project Manager I (Speed Camera Program Manager)
- Senior Transportation Planner (speed camera program management)

## **b. Members of the public**

Department will comply with the California Public Records Act, the requirements of the federal and State Constitutions, federal and State civil procedure laws and rules, and the privacy provisions specified in Assembly Bill 645.

Collected data that is classified as Level 1- Public data - may be made available for public access or release. Members of the public may also request access by submission of a request through Oakland's NextRequest platform. No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or some other statute.

## **E. Data Protection**

Department shall secure PII against unauthorized or unlawful processing or disclosure; unwarranted access, manipulation or misuse; and accidental loss, destruction, or damage. Surveillance technology data collected and retained by the Department shall be protected by the safeguards appropriate for its classification level(s) as defined by the National Institute of Standards and Technology (NIST) security framework 800-53, or equivalent requirements from other major cybersecurity frameworks selected by the department.

Department shall ensure compliance with these security standards through the following:

**Administrative Safeguards:** The Department will secure any PII against unauthorized access, processing, disclosure, and accidental loss, destruction, or damage. ASE data collected and retained by the Department will be protected by the safeguards appropriate for its classification level(s).

To protect ASE data from unauthorized access and control, including misuse, the Department shall, at minimum, apply the following safeguards:

- Authorized users will use login credentials with MFA, if available, and use complex passwords to access the ASE technology.
- All access to and activity in the ASE system will be logged and be audited.

## **F. Data Retention**

Data will be stored in the following locations and encrypted at rest (at the following locations):

[X] Local storage (e.g., local server, storage area network (SAN), network attached storage (NAS), backup tapes, etc.)

[X] Software as a Service Product



| |Cloud Storage Provider

The retention schedule for data generated by the surveillance technology is prescribed by California Vehicle Code section 22425(I), as follows:

Retention Period	Retention Justification
Photographic evidence: up to 60 days after final disposition of notice of speeding violation; up to five days if no notice of speeding violation is issued.	Retention period established under California Vehicle Code section 22425(I).
Confidential information received from the Department of Motor Vehicles to issue notice of violation: up to 120 days after final disposition of notice of speeding violation.	Retention period established under California Vehicle Code section 22425(I).

**Exceptions to Retention Period** – Department does not plan to retain data beyond what is described in the retention period above.

**Data Disposal** – Upon completion of the data retention period, Department shall dispose of data in the following manner:

- Upon completion of the applicable data retention period, the Department will automatically dispose of raw ASE data (e.g., ASE data that has not been anonymized or aggregated).
- In accordance with the California Vehicle Code section 22425(I)(3), photographic evidence and other confidential information from DMV will be destroyed in a manner that maintains the confidentiality of any person included in the record or evidence.

## G. Public Access

See description in section D under “Members of the Public”.

## H. Third Party Data Sharing

In accordance with California Vehicle Code section 22425(I)(1), data, including photographic or administrative records, made by the surveillance technology shall be confidential and shall not be shared unless required by law. The Department shall use and allow access to such data only for the purposes authorized under section 22425.

### a. Internal Data Sharing:

The department will not share surveillance technology data with other departments or entities inside the City of Oakland, except for anonymized speed-related data with other

Safe Oakland Streets departments, such as the Oakland Police Department, the Department of Race and Equity, and the City Administrator's Office.

#### **b. External Data Sharing:**

The department will not share surveillance technology data externally with entities outside the City of Oakland unless a warrant/subpoena was issued.

### **I. Training**

To reduce the possibility that surveillance technology or its associated data will be misused or used contrary to its authorized use, all individuals requiring access will receive training on data security policies and procedures.

OakDOT shall require all elected officials, employees, consultants, volunteers, and vendors working with the technology on its behalf to read and formally acknowledge all authorized and prohibited uses dictated by this policy. Department shall also require that all individuals requesting data or regularly requiring data access receive appropriate training before being granted access to systems containing PII.

The Department will ensure employees and vendors are trained on how to use the ASE technology correctly and ensure ASE data is used for its intended use only.

Training includes explaining how employees and vendors can use data and how to report problems with the ASE system.

### **J. Auditing and Oversight**

#### **Department Compliance**

The Department will assign the positions listed below to oversee, or assign staff members under their direction to oversee, compliance with this Policy:

- Project Manager/Director of Parking and Mobility Unit
- Project Manager, OakDOT Speed Safety Camera Program

#### **Interdepartmental, Intergovernmental & Non-Governmental Entity Compliance**

In accordance with California Vehicle Code section 22425(l)(5), information collected and maintained by the Department using the surveillance technology shall not be disclosed to any other persons, including, but not limited to, any other state or federal government agency or official for any purpose, except as required by state or federal law, court order, or in response to a subpoena in an individual case or proceeding.

#### **Oversight Personnel**

Department shall be assigned the following personnel to oversee Policy compliance by the Department and third-parties.

- Project Manager/Director of Parking and Mobility Unit
- Project Manager, OakDOT Speed Safety Camera Program

### **Sanctions for Violations**

Sanctions for violations of this Policy include the following:

- Violations of this Policy may result in disciplinary action commensurate with the severity of violation. Sanctions include written warning, suspension, and termination of employment.

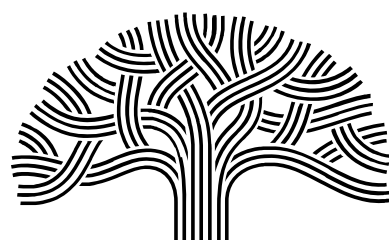
### **K. Maintenance**

OakDOT and its future vendor under contract to operate speed cameras will adhere to the data security requirements and PII collected under AB-645 as outlined above.

# Automated Speed Enforcement

## *Project Update, Locations & Timeline*

Craig Raphael  
Speed Safety Program Project Manager  
Department of Transportation (OakDOT)



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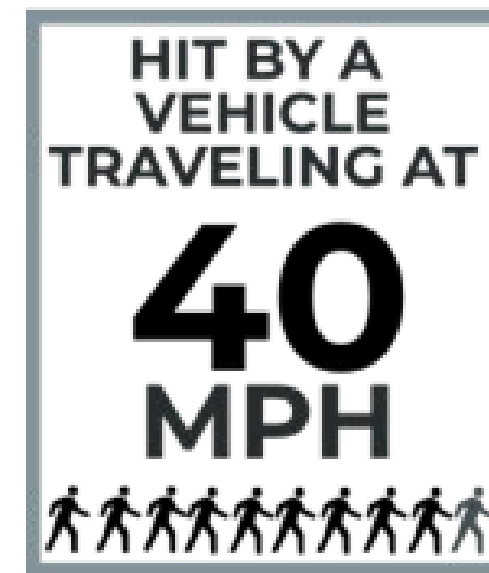
# Higher speeds are more deadly

## SPEEDING IS A PRIMARY FACTOR IN TRAFFIC VIOLENCE

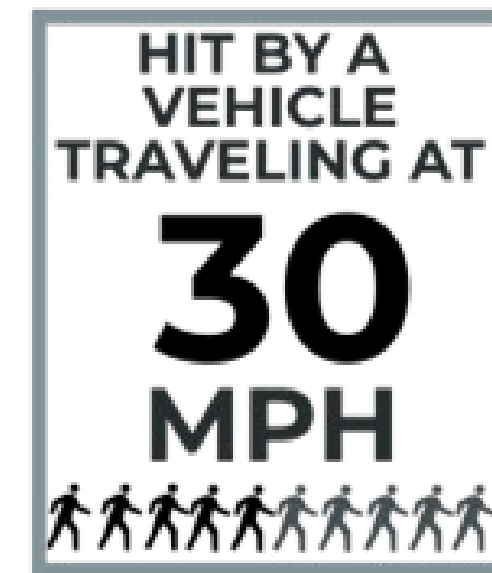


**1 in 4** Oaklanders killed are involved in a crash where speed is a primary factor

## SPEED IS ESPECIALLY DEADLY FOR PEDESTRIANS



**9 out of 10** pedestrians are killed



**5 out of 10** pedestrians are killed



**1 out of 10** pedestrians are killed

# AB 645: Speed Safety Pilot Authorization

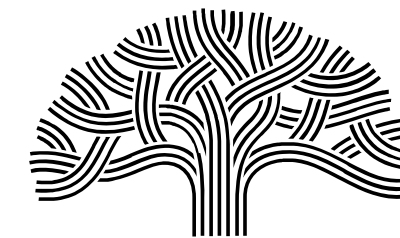
- Authorizes local departments of transportation (not police departments) in six cities to establish a speed safety program (Oakland, SF, LA, San Jose, Glendale, Long Beach)
- Establishes a 5-year pilot through 1/1/2032
- The number of cameras is limited based on the city's population: Oakland gets 18 camera systems
- Any excess revenue beyond cost of program operations must be reinvested into traffic calming and spent within 3 years of collection

AB 645 Establishes:	
Speed Penalties	11-15 MPH over: \$50 16-25 MPH over: \$100 26+ MPH over: \$200
Type of penalty	Civil penalty (not moving violation)
Penalty Issued to	Owner of vehicle (not driver)
Warning period	First 60 days: no-fee warnings



# Equity Provisions in AB 645

- Citations are civil penalties (non-moving violations) – no impact to insurance or points on license
- Must offer a diversion program, ticket fee reductions between 50% to 80%, and payment plan options for low-income populations
- Flexibility & Warnings: 1-10 mph doesn't get a ticket; camera locations must have signs posted; 60-day warning period
- Must conduct racial and economic equity impact analysis as part of pilot program evaluation



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# Speed Violation Fine Structure

Speed Violation AB 645	Fine	Indigent (according to state definition)	200% above poverty level
0-10 mph	\$0	\$0	\$0
11-15 mph	\$50	\$10	\$25
16-25 mph	\$100	\$20	\$50
26 mph and over	\$200	\$40	\$100
Speed greater than 100 mph	\$500	\$100	\$250



# Speed Safety Systems Reduce Speeding & Injuries

## Speed Reductions

Portland, OR

**94%**

Decrease in cars going >10MPH  
over speed limit\*

Washington DC

**82%**

Decrease in cars going >10MPH  
over speed limit\*\*

Montgomery County, MD

**64%**

Decrease in cars going >10MPH  
over speed limit\*\*\*

## Injury Reductions

Edmonton, AB (Canada)

**20%**

Decrease in fatal and severe injury  
crashes\*\*\*

New York City

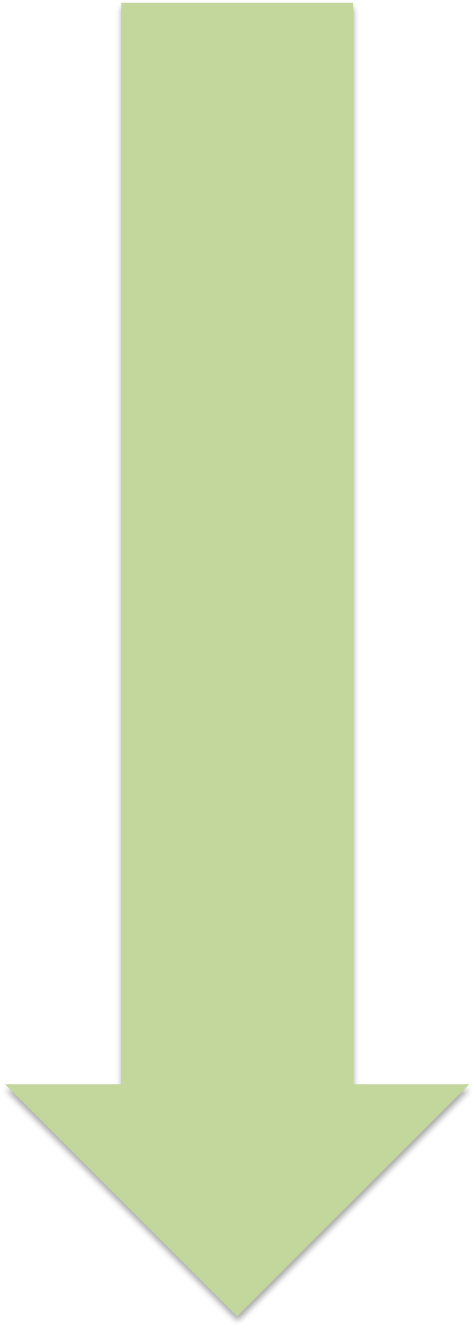
**17%**

Reduction in total injuries\*\*

Chicago, IL

**15%**

Decrease in fatal and severe injury  
crashes\*



\*PDOT study. Defined as 11 mph or more over the speed limit based on four corridors where PBOT had speed safety cameras installed. See [https://www.portland.gov/transportation/news/2023/10/5/pbot-begins-installing-new-safety-cameras-across-portland-milestone?utm\\_medium=email&utm\\_source=govdelivery](https://www.portland.gov/transportation/news/2023/10/5/pbot-begins-installing-new-safety-cameras-across-portland-milestone?utm_medium=email&utm_source=govdelivery)

\*\*Transportation Research Board. As observed at seven sites selected randomly from 60 targeted enforcement zones in Washington DC. See <https://journals.sagepub.com/doi/abs/10.3141/1830-05?journalCode=trra>

\*\*\*Hu, W., & McCartt, A. T. (2016). Effects of automated speed enforcement in Montgomery County, Maryland, on vehicle speeds, public opinion, and crashes. *Traffic Injury Prevention*, 17(sup1), 53–58. <https://doi.org/10.1080/15389588.2016.1189076>

\*UIC Chicago. Translated into 36 fewer fatal and severe-injury crashes, 68 fewer moderate injury crashes, and 100 fewer minor-injury crashes over a two-year period. See [https://www.chicago.gov/content/dam/city/depts/cdot/Red%20Light%20Cameras/2022/Sutton+Tilahun\\_Chicago-Camera-Ticket\\_Exec%20Summary-Final-Jan10.pdf](https://www.chicago.gov/content/dam/city/depts/cdot/Red%20Light%20Cameras/2022/Sutton+Tilahun_Chicago-Camera-Ticket_Exec%20Summary-Final-Jan10.pdf)

\*\*USDOT, ITS Joint Program Office. See <https://www.itskrs.its.dot.gov/2021-b01580>

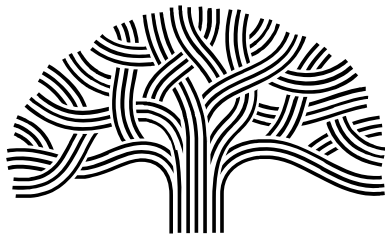
\*\*\*Li, R., El-Basyouny, K., & Kim, A. (2015). Before-and-After Empirical Bayes Evaluation of Automated Mobile Speed Enforcement on Urban Arterial Roads. *Transportation Research Record*, 2516(1), 44–52. <https://doi-org.libproxy.berkeley.edu/10.3141/2516-07>

# What types of cameras does Oakland utilize for public safety?

Camera Type	Purpose	Who owns/ Administers	Where/ How many	Status
Speed safety cameras authorized under AB 645	To slow speeding vehicles and improve traffic safety. Can only photograph rear license plates.	City of Oakland Department of Transportation (OakDOT)	18 locations, citywide	Not yet installed; anticipated second half of 2025
Automated license plate readers (ALPR) - Law Enforcement	To aid in criminal investigations related to stolen vehicles and violent crimes, including assault, human trafficking, robbery, and homicide	California Highway Patrol	290 at fixed locations only	New FLOCK system being installed soon. (OPD's older ALPR technology is currently deactivated due to outdated technology and non-conformance with the City's Surveillance Ordinance Policy)
ALPR – Parking Enforcement and Management	To aid in enforcement of parking rules and issuance of parking-related citations	OakDOT	Mounted to parking enforcement vehicles	Currently in use
Video detection for traffic signal operations (actuation)	To support traffic signal operations, i.e. to detect when a car is waiting to turn left on a dedicated phase	OakDOT	Many throughout Oakland at traffic signals	Currently in use
Cameras along International Boulevard at Tempo Bus Rapid Transit (BRT) Stations	Monitor public activity and crime at transit stations	AC Transit	At Tempo stations along International Boulevard	Currently in use
Illegal dumping cameras	To monitor illegal dumping at known hotspot locations	Oakland Public Works	10 cameras	Currently in use

# Speed Camera Impact Report

State Law Specification	OakDOT Draft Impact Report
<b>What</b> is the purpose of the system?	To enforce speed limits 24/7 at 18 locations to slow vehicle speeds
<b>How</b> does the system work?	Fixed camera system with radar to detect speeding violations, mailed notices of violation with messaging and fines
<b>How much</b> will this cost, and where is the money coming from?	OakDOT Operating Budget will fund the program, the cost of staff labor and contract could be up to \$1.7 million annually
<b>How</b> will this program affect civil rights, and how will those rights be safeguarded?	Minimal (or positive) impacts to civil rights: <ul style="list-style-type: none"><li>• Unbiased enforcement reduces exposure to discrimination; focus on license plate number minimizes the collection of personally identifiable information</li></ul>



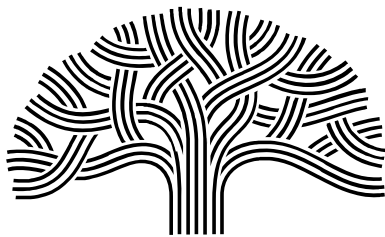
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# Privacy Provisions & System Use Policy

State Law Specification	OakDOT Draft System Use Policy
<b>What</b> data is collected?	Rear license plate images for speeding vehicles only. No video or facial recognition allowed.
<b>Who</b> can access the data?	Individuals in authorized City of Oakland job classifications and those employed by the camera vendor (only on a need-to-know basis)
<b>Who</b> is the data shared with?	No one outside of OakDOT (without a court order)
<b>Where</b> is the data stored?	Locally & on SAAS platform
<b>How</b> will data be kept secure?	Logging access to ASE system data, requiring logins with MFA
<b>How long</b> will the data be retained?	Up to 120 days to comply with AB 645 requirements

# Where can the 18 Cameras Go?

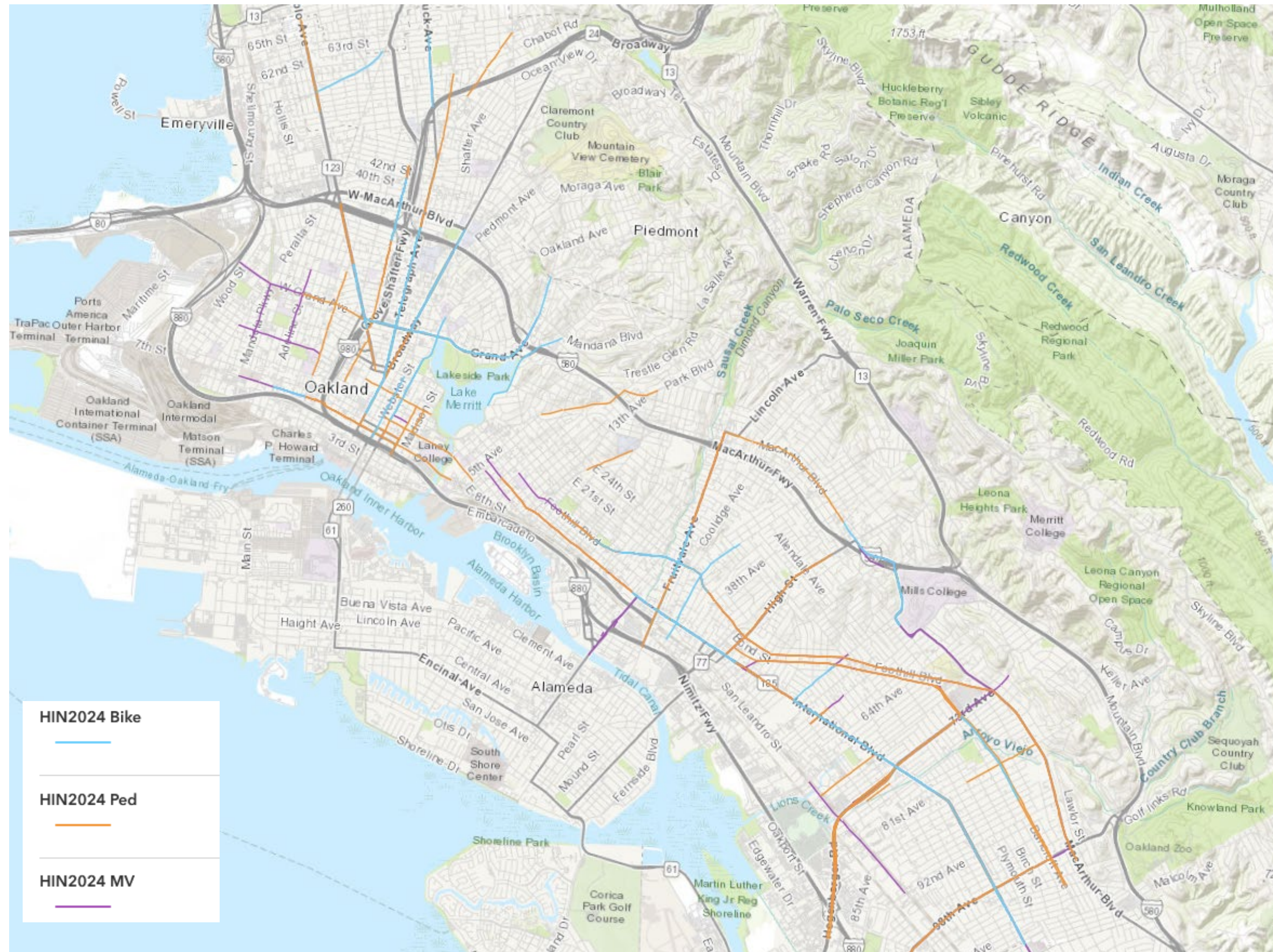
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To keep a camera location after 18 months, there must be measurable reductions in speeding behavior	Camera locations will be prioritized in locations with vehicle speeds <b>exceeding 10 MPH</b> over the speed limit



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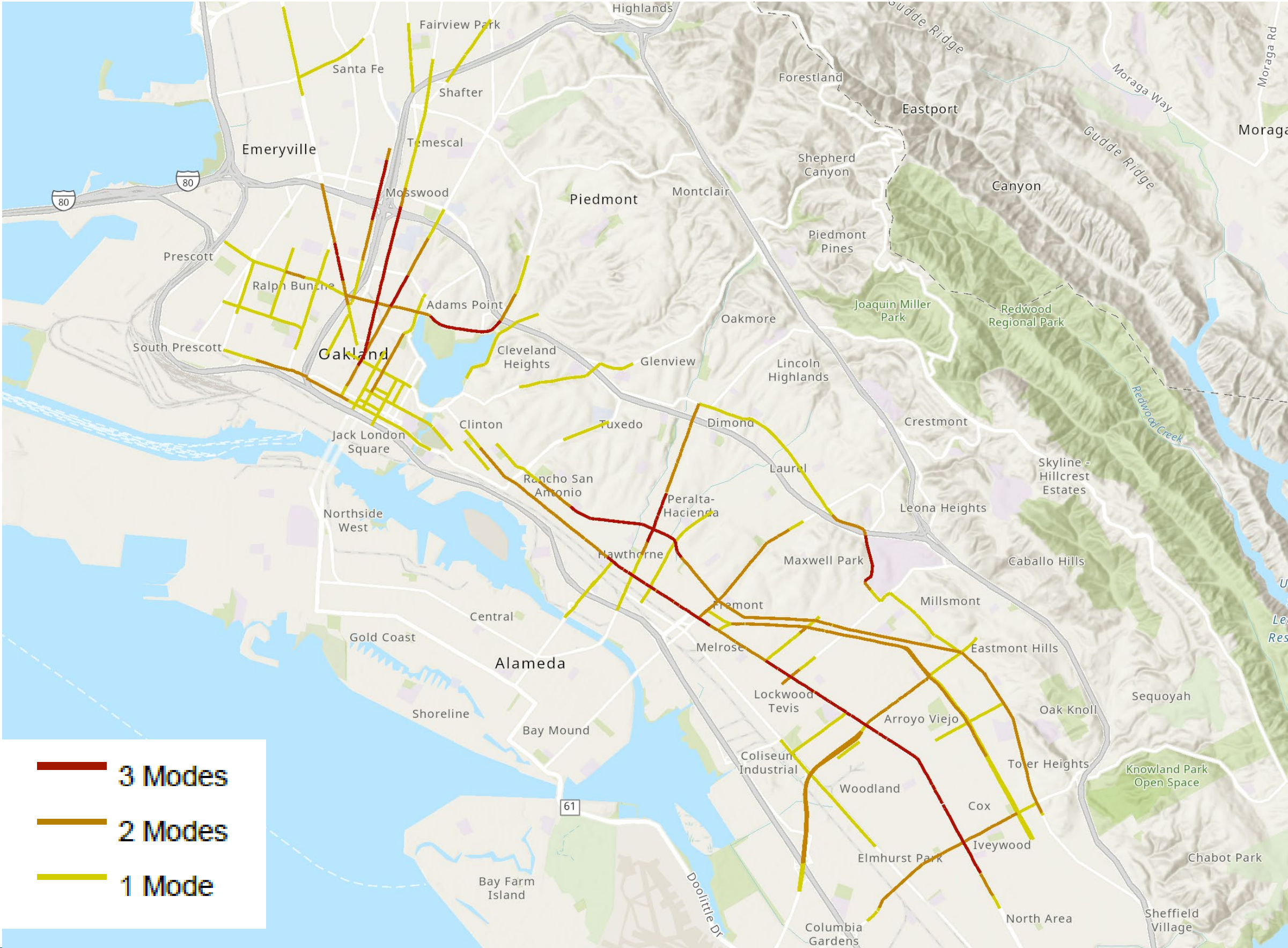
# OakDOT 2024 Updated High Injury Network



<https://www.oaklandca.gov/resources/high-injury-network-2024>

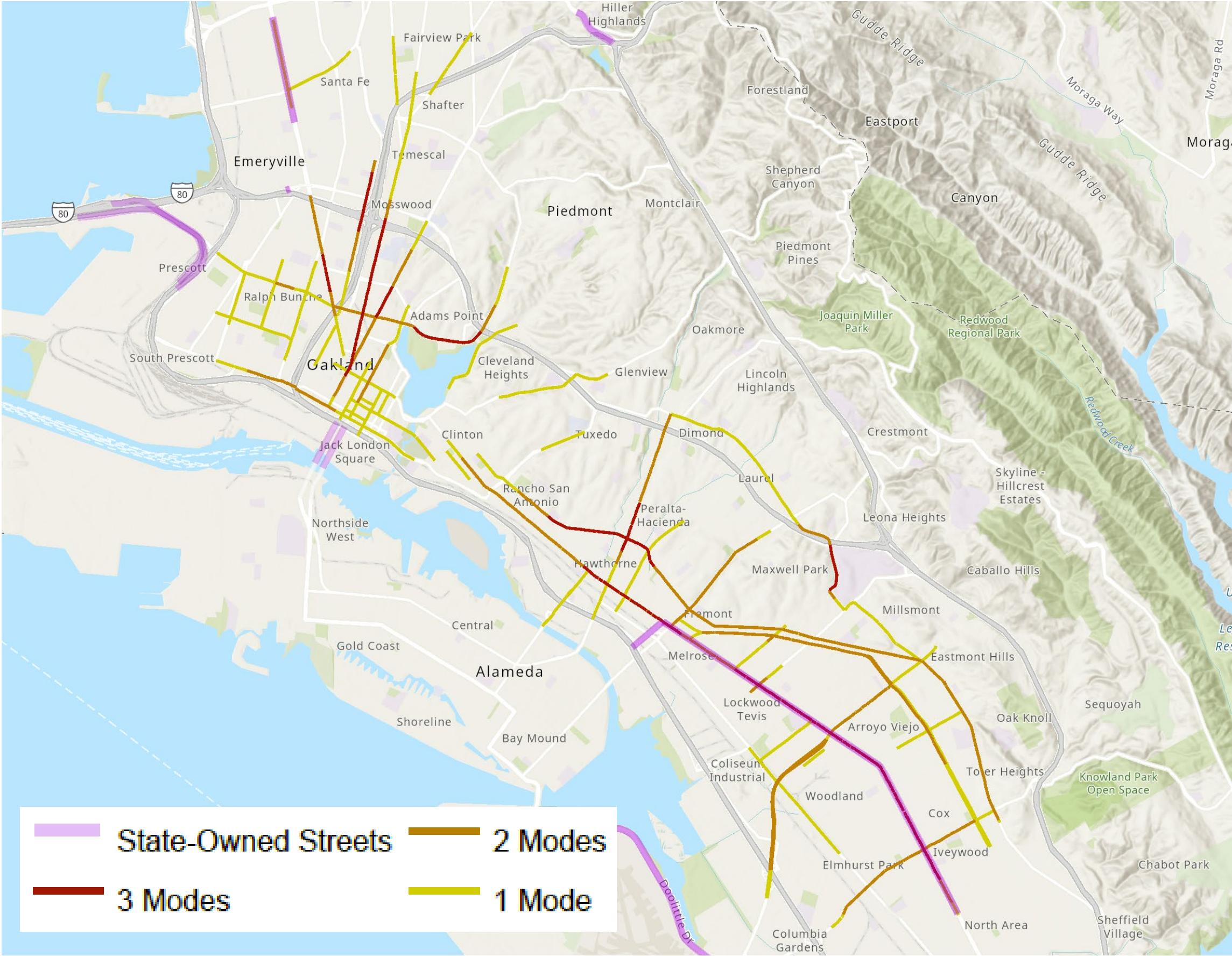


# OakDOT 2024 Updated High Injury Network



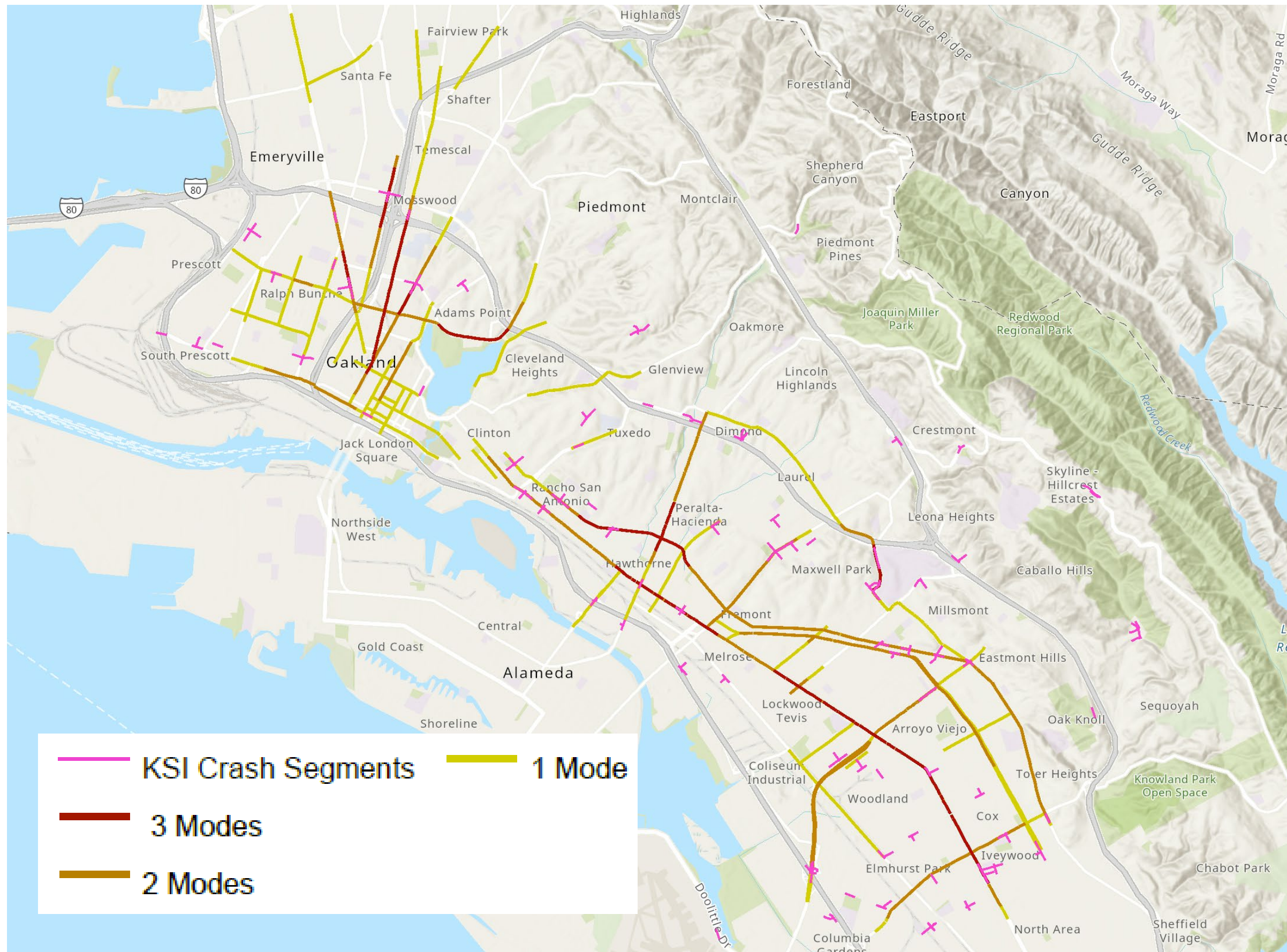


# 2024 HIN & State-Owned Streets



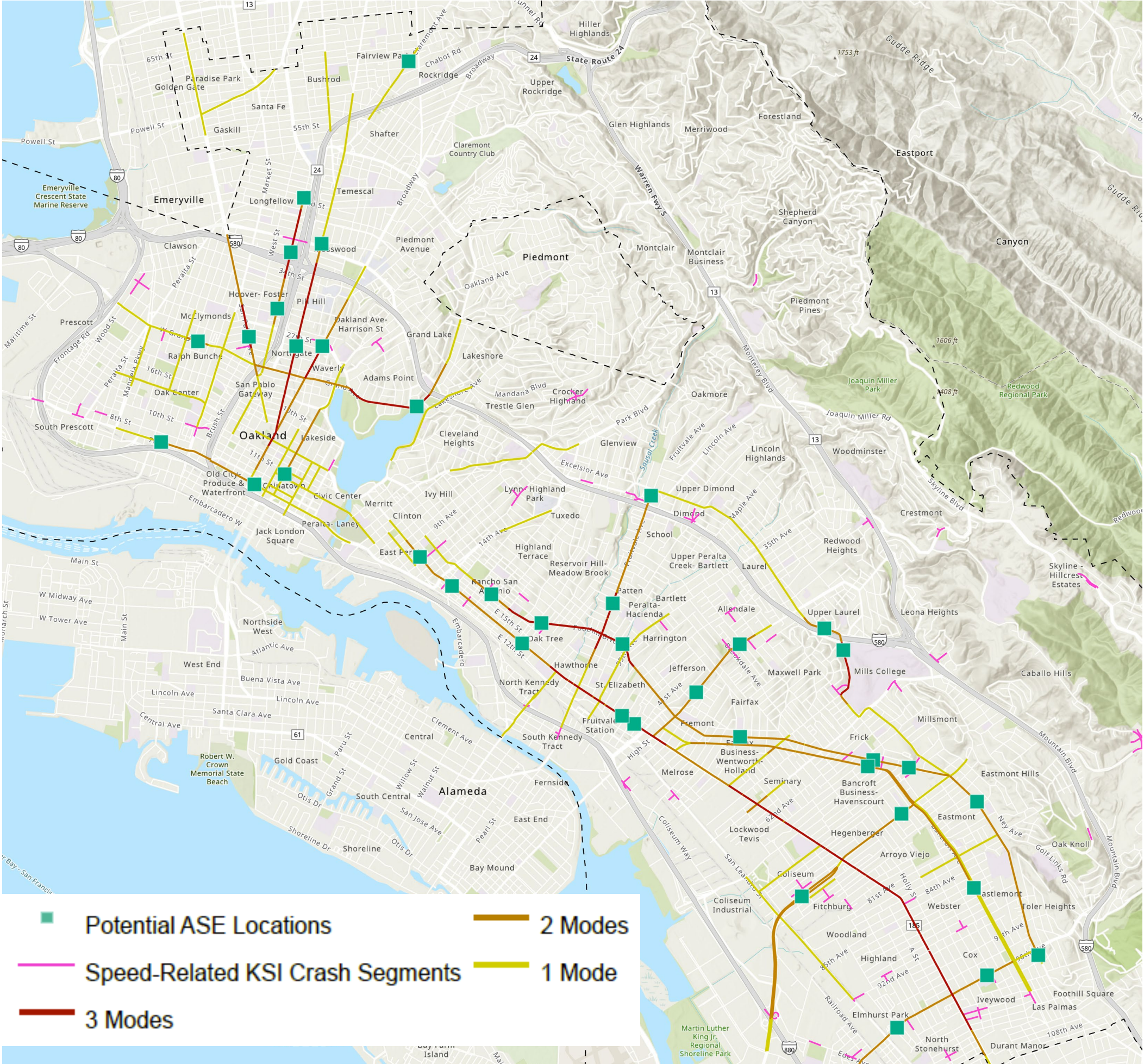


# 2024 Speed-Related KSI Crash Segments



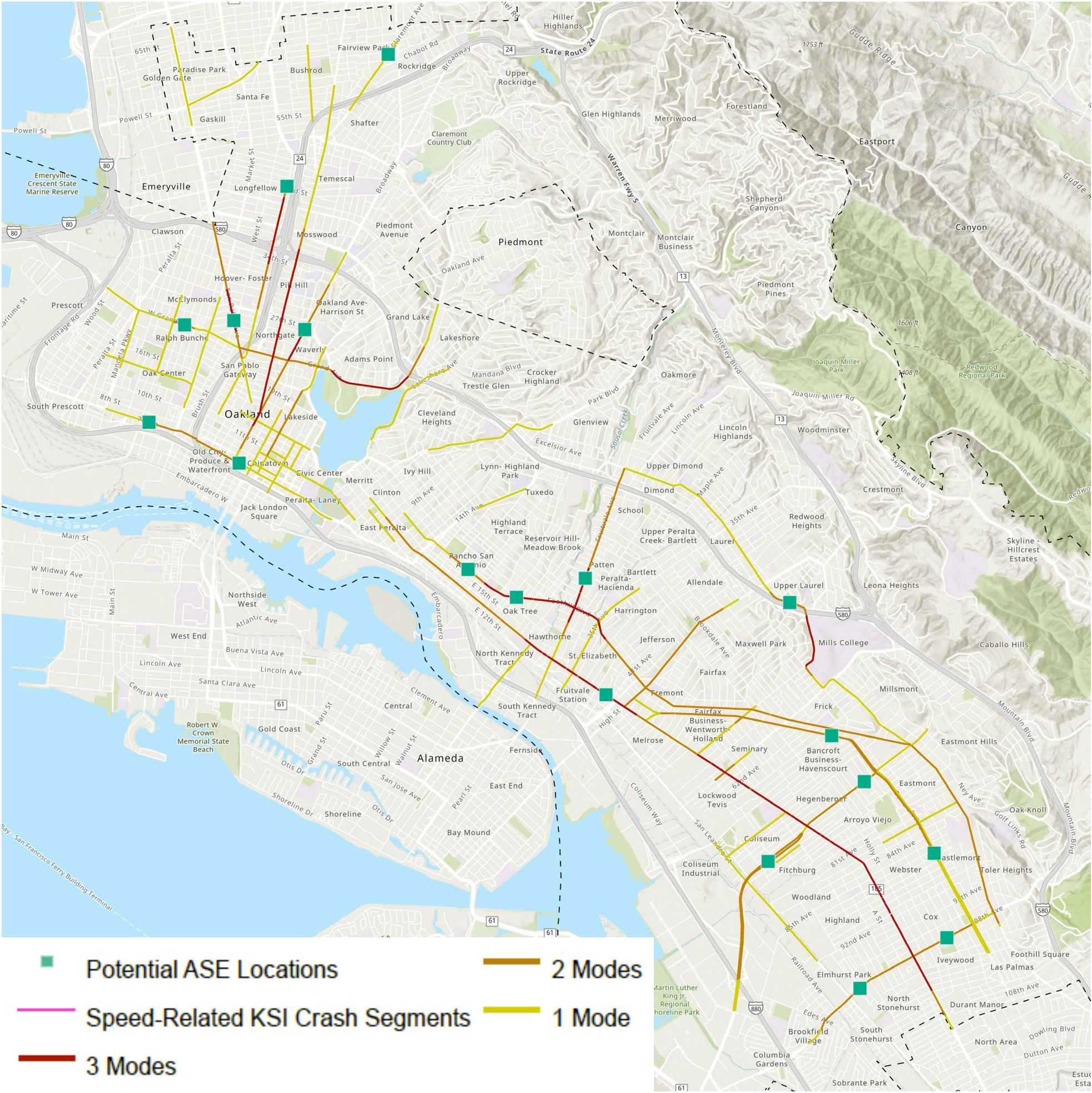


# Shortlist Speed Camera Locations (~40) & Speed-Related KSI Crash Segments





# Proposed Speed Camera Locations (18) and HIN

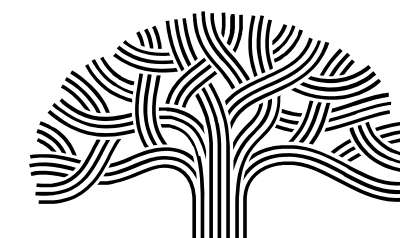




# Speed Camera Locations by Planning Area & Council District

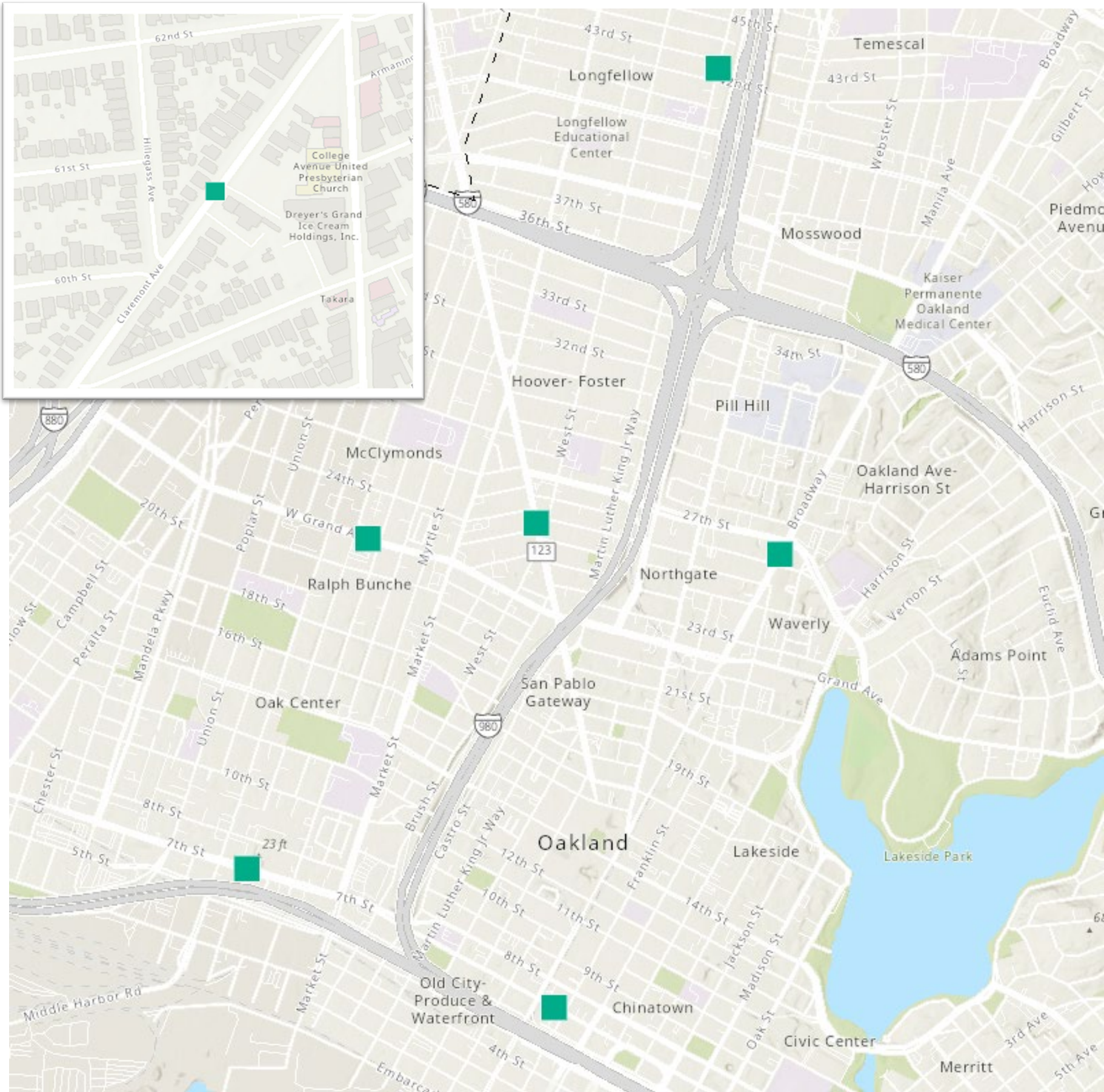
Planning Area	Number of Cameras
West Oakland	3
North Oakland/Adams Point	3
Downtown	1
Eastlake/Fruitvale	4
Glenview/Redwood Heights	1
Central East Oakland	6
East Oakland Hills	0
North Oakland Hills	0
Coliseum/Airport	0
<b>Total</b>	<b>18</b>

Council District	Number of Cameras
<b>1</b>	<b>2</b>
<b>2</b>	<b>3</b>
<b>3</b>	<b>4</b>
<b>4</b>	<b>1</b>
<b>5</b>	<b>2</b>
<b>6</b>	<b>2</b>
<b>7</b>	<b>4</b>
<b>TOTAL</b>	<b>18</b>



**CITY OF  
OAKLAND**

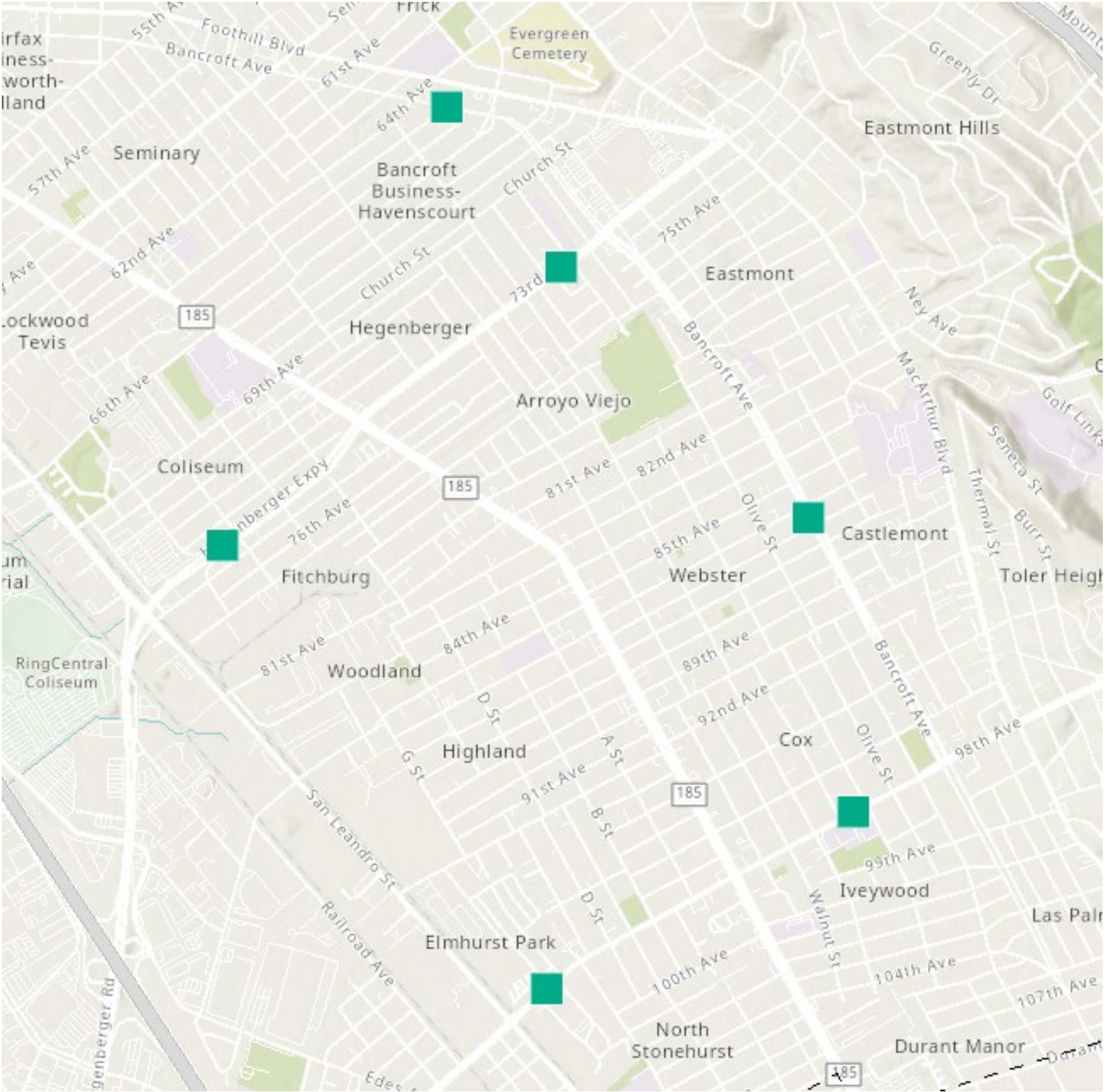
# Proposed Speed Camera Locations (Downtown, West and North Oakland)



Location (Main Street)	Location (Cross Streets)	Speed Limit	85th Percentile Speed	Number of Daily Vehicles >10 MPH Over Posted Limit	% of Daily Vehicles > 10 MPH Over Posted Limit	Additional Reasoning for ASE
MLK Jr. Way	Between 42nd and 43rd	30 MPH	37 MPH	540	7.43%	High observed speeds with two travel lanes in each direction; uncontrolled crosswalks
Claremont Avenue	Between Hillegass Avenue and College Avenue	30 MPH	37 MPH	636	5.8%	Vehicles speeding to and from SR 24; new addition (2024) to High Injury Network
West Grand Avenue	Between Chestnut and Linden	30 MPH	39 MPH	1538	11.7%	High observed speeds from vehicles traveling to and from freeways; preschool on block
San Pablo Avenue	Between Athens and Sycamore	25 MPH	32 MPH	585	6.72%	Concentration of speed related injury collisions; uncontrolled crosswalks
Broadway	Between 26th and 27th St	20 MPH	27 MPH	1136	9.20%	Concentration of speed related injury collisions; concentration of pedestrians on Broadway commercial corridor
7th Street	Between Adeline St and Linden St	30 MPH	39 MPH	1760	14.6%	Speeding from vehicles traveling to and from freeways; uncontrolled crossings; proximity to As-Salam Mosque
7th Street	Between Broadway and Franklin Streets	20 MPH	27 MPH	662	5.2%	Concentration of seniors, children, pedestrians in Chinatown



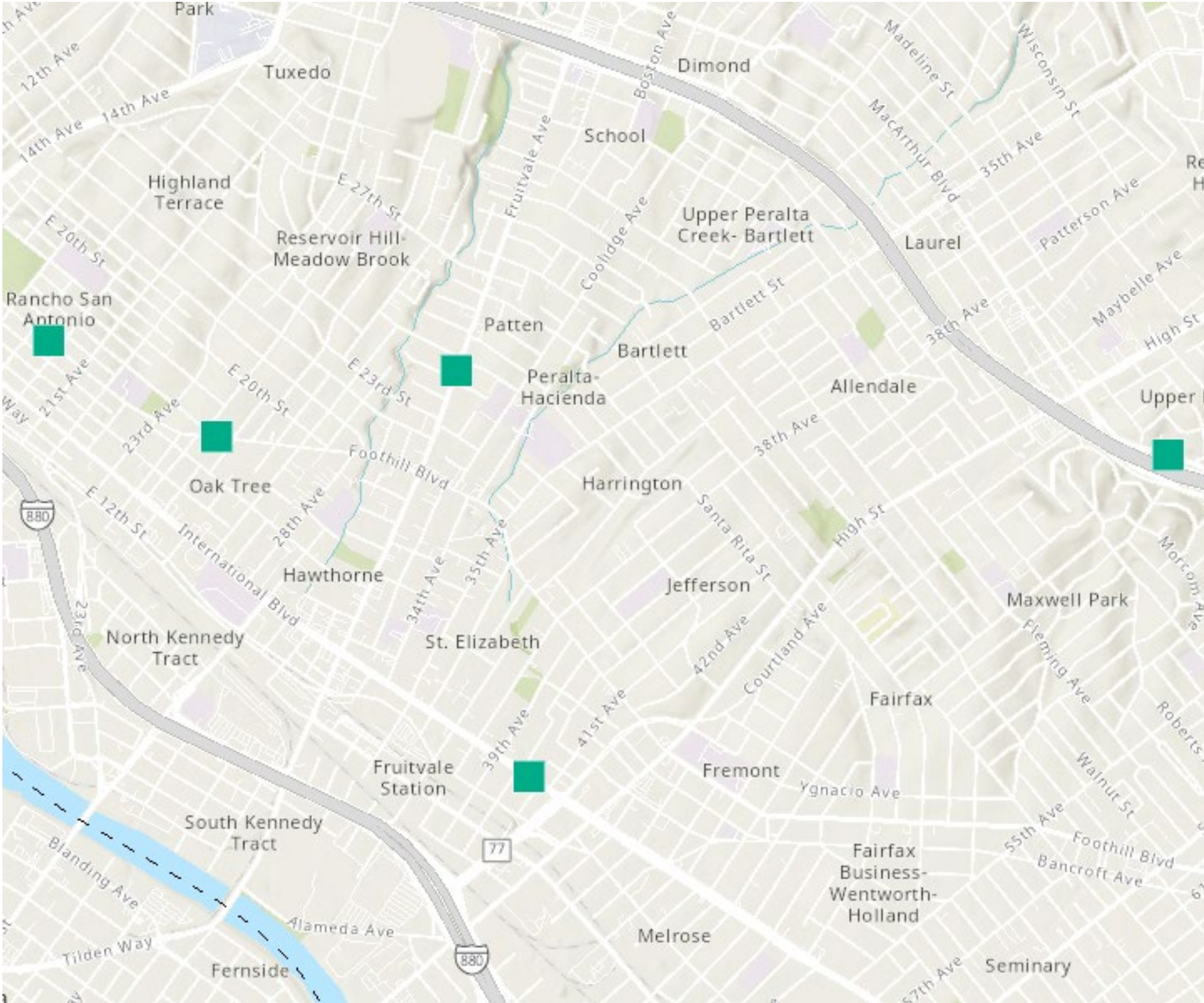
# Shortlist Speed Camera Locations (East/Deep East Oakland)



Location (Main Street)	Location (Cross Streets)	Speed Limit	85th Percentile Speed	Number of Daily Vehicles >10 MPH Over Posted Limit	% of Daily Vehicles > 10 MPH Over Posted Limit	Additional Reasoning for ASE
Bancroft Avenue	Between 65th and 66th	30 MPH	34 MPH	266	2.90%	Uncontrolled crosswalks; proximity to schools, churches
73rd Avenue	Between Fresno and Krause	35 MPH	41 MPH	1514	6.2%	High observed speed from vehicles adjacent to Markham Elementary and Eastmont Transit Center
Hegenberger Road	Between Spencer and Hawley	40 MPH	57 MPH	10029	43%	Freeway-like segment with four travel lanes in each direction; proximity to speed-related injury collisions
Bancroft Avnuue	Between 86th Ave and Auseon Ave	30 MPH	38 MPH	1247	8.10%	Uncontrolled crosswalks; proximity to schools, churches
98th Avenue	Between Blake Drive and Gould Street	30 MPH	37 MPH	1340	6.6%	Proximity to speed related injury collisions; speeding observed from vehicles traveling to and from I-880
98th Avenue	Between Cherry and Birch	30 MPH	34 MPH	469	3.10%	Adjacent to Elmhurst United Middle School; proximity to speed related injury collisions



# Proposed Speed Camera Locations (Fruitvale, San Antonio, Laurel)



Location (Main Street)	Location (Cross Streets)	Speed Limit	85th Percentile Speed	Number of Daily Vehicles >10 MPH Over Posted Limit	% of Daily Vehicles > 10 MPH Over Posted Limit	Additional Reasoning for ASE
Foothill Boulevard	Between 19th and 20th	30 MPH	33 MPH	203	2.8%	Proximity to speed related collisions; uncontrolled crosswalks; proximity to San Antonio Recreation Area
Foothill Boulevard	Between Irving and 24th	25 MPH	29 MPH	252	2.87%	Proximity to speed related collisions; uncontrolled crosswalks
Fruitvale Avenue	Between Galindo Street and Logan Street	25 MPH	30 MPH	458	3.60%	Uncontrolled crosswalks; proximity to schools, churches
International Boulevard	Between 40th and 41st	25 MPH	29 MPH	767	8.0%	High observed speeding from vehicles illegally using the transit lane; concentration of speed-related injury collisions; upcoming capital project
MacArthur Boulevard	Between Green Acre Road and Enos Ave	30 MPH	Pending	Pending	Pending	High observed speeds from vehicles traveling to and from I-580; long section of MacArthur without a traffic signal



# Timeline





**THANK YOU! LEARN MORE:**

**[OAKLANDCA.GOV/speed-cameras](https://oaklandca.gov/speed-cameras)**

**[SpeedCameras@oaklandca.gov](mailto:SpeedCameras@oaklandca.gov)**