[Administrative Code - Surveillance Technology Policy - Automated Speed Enforcement System - SFMTA]

Ordinance approving the Surveillance Technology Policy for the San Francisco

Municipal Transportation Agency (SFMTA) use of Automated Speed Enforcement

System.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in _single-underline italics Times New Roman font_.
Deletions to Codes are in ~~_strikethrough italics Times New Roman font_~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (*   *   *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Background.

(a) Administrative Code Chapter 19B establishes requirements that City departments must follow before they may use or acquire new Surveillance Technology. Under Administrative Code Section 19B.2(a), a City department must obtain Board of Supervisors approval by ordinance of a Surveillance Technology Policy before: (1) seeking funds for Surveillance Technology; (2) acquiring or borrowing new Surveillance Technology; (3) using new or existing Surveillance Technology for a purpose, in a manner, or in a location not specified in a Board-approved Surveillance Technology ordinance; (4) entering into agreement with a non-City entity to acquire, share, or otherwise use Surveillance Technology; or (5) entering into an oral or written agreement under which a non-City entity or individual regularly provides the department with data or information acquired through the entity's use of Surveillance Technology.

1   (b) Under Administrative Code Section 19B.2(b), the Board of Supervisors may

2   approve a Surveillance Technology Policy ordinance under Section 19B.2(a) only if: (1) the

3   department seeking Board approval first submits to the Committee on Information Technology

4   (COIT) a Surveillance Impact Report for the Surveillance Technology to be acquired or used;

5   (2) based on the Surveillance Impact Report, COIT develops a Surveillance Technology

6   Policy for the Surveillance Technology to be acquired or used; and (3) at a public meeting at

7   which COIT considers the Surveillance Technology Policy, COIT recommends that the Board

8   adopt, adopt with modification, or decline to adopt the Surveillance Technology Policy for the

9   Surveillance Technology to be acquired or used.

10   (c) Under Administrative Code Section 19B.4, the City policy is that the Board of

11   Supervisors will approve a Surveillance Technology Policy ordinance only if it determines that

12   the benefits that the Surveillance Technology ordinance authorizes outweigh its costs, that the

13   Surveillance Technology Policy ordinance will safeguard civil liberties and civil rights, and that

14   the uses and deployments of the Surveillance Technology under the ordinance will not be

15   based upon discriminatory or viewpoint-based factors or have a disparate impact on any

16   community or Protected Class.

17   Section 2. Surveillance Technology Policy Ordinance for SFMTA Use of Automated

18   Speed Enforcement System.

19   (a) Purpose. The San Francisco Municipal Transportation Agency ("SFMTA" or "the

20   Department") seeks Board of Supervisors authorization under Section 19B.2(a) to use

21   Automated Speed Enforcement System technology as follows: (1) To enforce speed limits on

22   City streets in accordance with California Vehicle Code Sections 22425-22434 (Speed Safety

23   System Pilot Program); and (2) To perform analysis of and reporting on speed enforcement,

24   as required under the Speed Safety System Pilot Program.

25

1   The Surveillance Technology Policy for the SFMTA's use of Automated Speed

2   Enforcement Systems safeguards residents' civil rights and liberties. It defines the authorized

3   and restricted uses of the technology, applying to all SFMTA personnel and contractors. The

4   policy restricts the use of the technology to authorized uses, ensuring it's not used for unlawful

5   discrimination or other purposes.

6   Automated Speed Enforcement System technology supports the SFMTA's mission to

7   create a safe, equitable, and sustainable transportation system by efficiently enforcing vehicle

8   speed laws. It aims to reduce traffic-related fatalities and injuries, aligning with the Vision Zero

9   Policy. The technology, which captures images of speeding vehicles' rear license plates,

10   helps improve public health and safety by reducing speed-related collisions and providing

11   valuable data for policy-making.

12   The policy outlines strict requirements for data management, including encryption, data

13   classification, notification to the public, and access control. It prohibits internal and external

14   sharing of surveillance data unless required by law and specifies data retention and disposal

15   procedures. Compliance is overseen by designated personnel, with sanctions for violations,

16   ensuring accountability and transparency in the use of the technology.

17   (b) Surveillance Impact Report. The Department submitted to COIT a Surveillance

18   Impact Report for Automated Speed Enforcement Systems. A copy of the Department's

19   Surveillance Impact Report for Automated Speed Enforcement Systems is in Board File

20   No. 240367, and is incorporated herein by reference.

21   (c) Public Hearings. On February 22, 2024 and March 21, 2024, COIT and its Privacy

22   and Surveillance Advisory Board (PSAB) conducted two public hearings at which they

23   considered the Surveillance Impact Report referenced in subsection (b) and developed a

24   Surveillance Technology Policy for the Department's use of an Automated Speed

25   Enforcement System. A copy of the Surveillance Technology Policy for SFMTA's use of an

Automated Speed Enforcement System ("SFMTA Automated Speed Enforcement Policy") is in Board File No. 240367, and is incorporated herein by reference.

(d) COIT Recommendation. On March 21, 2024, COIT voted to recommend the SFMTA's Automated Speed Enforcement Policy to the Board of Supervisors for approval.

(e) Findings. The Board of Supervisors hereby finds that the stated benefits of the Department's use of an Automated Speed Enforcement System outweigh the costs and risks of use of such Surveillance Technology; that the SFMTA's Automated Speed Enforcement Policy will safeguard civil liberties and civil rights; and that the uses and deployments of the Automated Speed Enforcement System, as set forth in the SFMTA's Automated Speed Enforcement Policy, will not be based upon discriminatory or viewpoint-based factors or have a disparate impact on any community or a protected class.

Section 3. Approval of Policy.

The Board of Supervisors hereby approves the SFMTA's Automated Speed Enforcement Policy, described in Section 2 of this ordinance.

Section 4. Effective Date.

This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: _____/s/_____
ISIDRO A. JIMENEZ
Deputy City Attorney

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City and County of San Francisco

Tails

Ordinance

City Hall
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San Francisco, CA 94102-4689

File Number: 240367   **Date Passed:** June 11, 2024

Ordinance approving the Surveillance Technology Policy for the San Francisco Municipal Transportation Agency (SFMTA) use of Automated Speed Enforcement System.

May 20, 2024 Rules Committee - RECOMMENDED

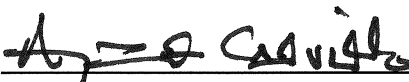June 04, 2024 Board of Supervisors - PASSED ON FIRST READING
          Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

June 11, 2024 Board of Supervisors - FINALLY PASSED
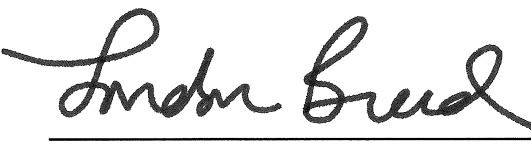   Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Stefani and Walton
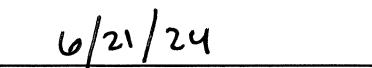   Excused: 1 - Safai

File No. 240367

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/11/2024 by the Board of Supervisors of the City and County of San Francisco.

_____
Angela Calvillo
Clerk of the Board

_____
London N. Breed
Mayor

6/21/24
_____
Date Approved