

File No. 210314

Committee Item No. _____

Board Item No. 30

COMMITTEE/BOARD OF SUPERVISORS

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Date: _____

Board of Supervisors Meeting

Date: April 6, 2021

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- Assembly Bill No. 550
- CSAC/LCC Position
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Prepared by: Jocelyn Wong

Date: April 2, 2021

Prepared by: _____

Date: _____

1 [Supporting California State Assembly Bill No. 550 (Chiu) - Pedestrian Safety]

2

3 **Resolution supporting California State Assembly Bill No. 550, introduced on February**
4 **10, 2021, by Assembly Member David Chiu (AD-17), which would establish and**
5 **implement a five-year automated speed safety system pilot program, as long as the**
6 **program meets specific equity, safety, and privacy specifications.**

7

8 WHEREAS, According to the California Office of Traffic Safety, nearly 7,500
9 pedestrians have died from injuries sustained by vehicle collisions in California between 2009
10 and 2018, with 893 pedestrians killed on California roadways in 2018 alone, a 26% increase
11 from the number of pedestrian deaths in 2014; and

12 WHEREAS, According to the U.S. Department of Transportation’s Federal Highway
13 Administration, pedestrians struck by a speeding vehicle are two times more likely to die from
14 the vehicle collision than recover from an injury sustained from the collision, with a 85%
15 fatality likelihood for a pedestrian who is hit by a vehicle going 40 miles per hour dipping to
16 15% likelihood when the pedestrian is hit by a vehicle going 20 miles per hour; and

17 WHEREAS, Automated speed safety systems comprise pedestrian and traffic safety
18 technology that utilizes vehicle speed sensors and cameras to capture images of cars
19 traveling at excessive speeds, and, while currently used in 142 U.S. jurisdictions, is still illegal
20 in the State of California; and

21 WHEREAS, In 2017, Assembly Member David Chiu (AD-17) introduced Assembly Bill
22 No. 342 (the Safe Streets Act of 2017), to allow both San Francisco and San Jose to run a
23 five-year automated speed safety system pilot program, which did not make it out of
24 Committee, due to opposition from the California Association of Highway Patrolmen, among
25 other law enforcement groups; and

1 WHEREAS, Assembly Member Chiu is once again attempting to legalize automated
2 speed enforcement in the Bay Area in order to curb pedestrian fatalities with the introduction
3 of Assembly Bill No. 550, co-sponsored by the other members of the San Francisco State
4 Legislative Delegation, Senator Scott Wiener (SD-11) and Assembly Member Phil Ting (AD-
5 19), as well as Assembly Member Buffy Wicks (AD-15); and

6 WHEREAS, Assembly Bill 550 takes into consideration concerns from civil liberties,
7 equity advocates and law enforcement agencies, and includes strict privacy restrictions based
8 on San Francisco's own ground-breaking facial recognition technology ban, as well as data-
9 driven equity parameters and a mandate that the automated speed safety system pilot
10 program be overseen by local transportation agencies rather than police departments; and

11 WHEREAS, San Francisco's Vision Zero Task Force and local Vision Zero advocacy
12 organizations, Walk San Francisco, Chinatown TRIP, Senior Disability Action and the San
13 Francisco Bicycle Coalition, have identified automated speed safety system programming as
14 a critical tool to combat pedestrian fatalities in San Francisco; now, therefore, be it

15 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
16 supports California State Assembly Bill 550, introduced on February 10, 2021, by Assembly
17 Member David Chiu (AD-17), which would establish and implement a five-year automated
18 speed safety system pilot program, as long as the program meets specific equity, safety and
19 privacy specifications; and, be it

20 FURTHER RESOLVED, That the Board of Supervisors urges local law enforcement to
21 support AB 550 and work with the State Legislative Delegation to ensure its passage at the
22 State level; and, be it

23 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board
24 to transmit a copy of this Resolution to the State Legislative Delegation and the City Lobbyist
25 upon final passage.

AMENDMENTS TO ASSEMBLY BILL NO. 550

Amendment 1

In the heading, below line 1, insert:

(Principal coauthor: Senator Wiener)
(Coauthors: Assembly Members Ting and Wicks)

Amendment 2

In the title, strike out lines 1 and 2 and insert:

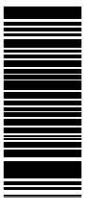
An act to add and repeal Article 3 (commencing with Section 22425) of Chapter 7 of Division 11 of the Vehicle Code, relating to vehicles.

Amendment 3

On page 1, before line 1, insert:

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

- (a) Speed is a major factor in traffic collisions that result in fatalities or injuries.
- (b) State and local agencies employ a variety of methods to reduce speeding, including traffic engineering, education, and enforcement.
- (c) Traffic speed enforcement is critical to efforts in California to reduce factors that contribute to traffic collisions that result in fatalities or injuries.
- (d) However, traditional enforcement methods have had a well-documented disparate impact on communities of color, and implicit or explicit racial bias in police traffic stops puts drivers of color at risk.
- (e) Additional tools, including speed safety systems, are available to assist cities and the state in addressing excessive speeding and speed-related crashes.
- (f) Speed safety systems offer a high rate of detection, and, in conjunction with education and traffic engineering, can significantly reduce speeding, improve traffic safety, and prevent traffic-related fatalities and injuries, including roadway worker fatalities.
- (g) Multiple speed safety system programs implemented in other states and cities outside of California have proven successful in reducing speeding and addressing traffic safety concerns.
- (h) The Transportation Agency's "CalSTA Report of Findings: AB 2363 Zero Traffic Fatalities Task Force," issued in January 2020, concluded that international and domestic studies show that speed safety systems are an effective countermeasure to speeding that can deliver meaningful safety improvements, and identified several policy considerations that speed safety system program guidelines could consider.
- (i) In a 2017 study, the National Transportation Safety Board (NTSB) analyzed studies of speed safety system programs, and found they offered significant safety improvements in the forms of reduction in mean speeds, reduction in the likelihood of speeding more than 10 miles per hour over the posted speed limit, and reduction in the



likelihood that a crash involved a severe injury or fatality. The same study recommended that all states remove obstacles to speed safety system programs to increase the use of this proven approach, and notes that programs should be explicitly authorized by state legislation without operational and location restrictions.

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

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

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

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

Article 3. Speed Safety Systems Pilot Program

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

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

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

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

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

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

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

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

(1) Consult, at a minimum, with the Department of Transportation, the Department of the California Highway Patrol, the State Department of Public Health, local governments, and relevant stakeholder organizations. The secretary shall also consider and incorporate best practices from speed enforcement camera systems operational guidelines from the National Highway Traffic Safety Administration (NHTSA).

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

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

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

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

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

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

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

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

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

(4) Determine procedures for issuing, contesting, and paying citations, and the amount of the citation. Notwithstanding any other law, a violation of Section 22350,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amendment 4

On page 1, strike out lines 1 to 8, inclusive, and strike out page 2

LEGISLATIVE COUNSEL'S DIGEST

AB 550, as amended, Chiu. ~~Pedestrian safety.~~ Vehicles: speed safety system pilot program.

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

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

The bill would authorize the Department of Transportation and a local department of transportation to, 30 days after the submission of the guidelines to the appropriate policy committees of the Legislature, establish and implement a pilot program using speed safety systems as long as the program meets specified requirements, including that the program policies comply with the guidelines adopted by the secretary. The bill would require the Department of Transportation and local departments of transportation that establish a pilot program under these provisions to submit an evaluation report to the appropriate committees of the Legislature within 2 years from the date the pilot program commences and annually thereafter. The bill would repeal its provisions on January 1, 2027.

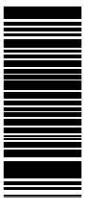
Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

~~Existing law imposes various requirements relating to pedestrian safety, including requiring the driver of a vehicle to yield the right-of-way to a pedestrian crossing the roadway within a marked crosswalk or within an unmarked crosswalk at an intersection, except as specified.~~

~~This bill would make technical, nonsubstantive changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.



[AMENDED IN...]

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 550

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

[Date introduced]

[Title will go here]

LEGISLATIVE COUNSEL'S DIGEST

AB 550, as introduced, Chiu. ~~Pedestrian safety.~~ *Vehicles: speed safety system pilot program.*

[Text of Legislative Counsel's Digest will go here]

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~
yes. State-mandated local program: no.

THIS PAGE IS A MOCKUP OF THE MEASURE AS IT WILL BE PUBLISHED

PROPOSED AMENDMENTS TO ASSEMBLY BILL NO. 550

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 550

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

February 10, 2021



RN2109794

Amendment 1

~~An act to amend Section 21950 of the Vehicle Code, relating to vehicles. An act to add and repeal Article 3 (commencing with Section 22425) of Chapter 7 of Division 11 of the Vehicle Code, relating to vehicles.~~

Amendment 2

LEGISLATIVE COUNSEL'S DIGEST

AB 550, as introduced, Chiu. ~~Pedestrian safety. Vehicles: speed safety system pilot program.~~

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

This bill would require the Secretary of Transportation to, on or before July 1, 2022, develop and adopt guidelines for the implementation of pilot programs that, in the judgment of the secretary, are designed to promote the safe operation of vehicles and the reduction of speed-related fatalities and injuries by authorizing the limited use of speed safety systems, as defined. In developing the guidelines, the bill would require the secretary to, among other things, consult with certain entities, including the Department of Transportation and local governments, and work collaboratively with privacy stakeholders to

consider and adopt guidelines regarding privacy and use of data, as specified. The bill would require the secretary to post the final adopted guidelines on the Transportation Agency’s internet website and submit the guidelines to the appropriate policy committees of the Legislature.

The bill would authorize the Department of Transportation and a local department of transportation to, 30 days after the submission of the guidelines to the appropriate policy committees of the Legislature, establish and implement a pilot program using speed safety systems as long as the program meets specified requirements, including that the program policies comply with the guidelines adopted by the secretary. The bill would require the Department of Transportation and local departments of transportation that establish a pilot program under these provisions to submit an evaluation report to the appropriate committees of the Legislature within 2 years from the date the pilot program commences and annually thereafter. The bill would repeal its provisions on January 1, 2027.

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

This bill would make legislative findings to that effect.

~~Existing law imposes various requirements relating to pedestrian safety, including requiring the driver of a vehicle to yield the right-of-way to a pedestrian crossing the roadway within a marked crosswalk or within an unmarked crosswalk at an intersection, except as specified:~~

~~This bill would make technical, nonsubstantive changes to those provisions:~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- + SECTION 1. The Legislature finds and declares all of the
- + following:
- + (a) Speed is a major factor in traffic collisions that result in
- + fatalities or injuries.

Amendment 3

- + (b) State and local agencies employ a variety of methods to reduce speeding, including traffic engineering, education, and enforcement.
- + (c) Traffic speed enforcement is critical to efforts in California to reduce factors that contribute to traffic collisions that result in fatalities or injuries.
- + (d) However, traditional enforcement methods have had a well-documented disparate impact on communities of color, and implicit or explicit racial bias in police traffic stops puts drivers of color at risk.
- + (e) Additional tools, including speed safety systems, are available to assist cities and the state in addressing excessive speeding and speed-related crashes.
- + (f) Speed safety systems offer a high rate of detection, and, in conjunction with education and traffic engineering, can significantly reduce speeding, improve traffic safety, and prevent traffic-related fatalities and injuries, including roadway worker fatalities.
- + (g) Multiple speed safety system programs implemented in other states and cities outside of California have proven successful in reducing speeding and addressing traffic safety concerns.
- + (h) The Transportation Agency’s “CalSTA Report of Findings: AB 2363 Zero Traffic Fatalities Task Force,” issued in January 2020, concluded that international and domestic studies show that speed safety systems are an effective countermeasure to speeding that can deliver meaningful safety improvements, and identified several policy considerations that speed safety system program guidelines could consider.
- + (i) In a 2017 study, the National Transportation Safety Board (NTSB) analyzed studies of speed safety system programs, and found they offered significant safety improvements in the forms of reduction in mean speeds, reduction in the likelihood of speeding more than 10 miles per hour over the posted speed limit, and reduction in the likelihood that a crash involved a severe injury or fatality. The same study recommended that all states remove obstacles to speed safety system programs to increase the use of this proven approach, and notes that programs should be explicitly authorized by state legislation without operational and location restrictions.

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

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

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

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

+

+

Article 3. Speed Safety Systems Pilot Program

+

+

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

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

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

+ (c) *“Public safety vehicle” means an authorized emergency vehicle, as defined in Section 165.*

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

- + (e) “Work zone” means a highway construction or maintenance
- + area, during any time when traffic is regulated or restricted
- + through or around that area pursuant to Section 21367.
- + 22426. (a) On or before July 1, 2022, the Secretary of
- + Transportation shall develop and adopt guidelines for the
- + implementation of the pilot programs described in Section 22427
- + that, in the judgment of the secretary, are designed to promote the
- + safe operation of vehicles and the reduction of speed-related
- + fatalities and injuries by authorizing the limited use of speed safety
- + systems. The secretary shall convene at least two public workshops
- + to receive and consider public comments regarding draft guidelines
- + prior to adoption, and shall post the draft guidelines on the
- + Transportation Agency’s internet website at least 30 days prior
- + to the first public workshop.
- + (b) In developing the guidelines, the secretary shall do all of
- + the following:
- + (1) Consult, at a minimum, with the Department of
- + Transportation, the Department of the California Highway Patrol,
- + the State Department of Public Health, local governments, and
- + relevant stakeholder organizations. The secretary shall also
- + consider and incorporate best practices from speed enforcement
- + camera systems operational guidelines from the National Highway
- + Traffic Safety Administration (NHTSA).
- + (2) Work collaboratively with privacy stakeholders to consider
- + and adopt guidelines regarding privacy and use of data, including,
- + but not limited to, all of the following:
- + (A) The Department of Transportation or local department of
- + transportation shall adopt a speed safety system use policy that
- + includes the specific purpose for the system, the uses that are
- + authorized and uses that are prohibited, the rules and processes
- + required prior to that use, including policies on the data or
- + information that can be collected, individuals who have access to
- + that data, and provisions for protecting, retaining, and disposing
- + of that data.
- + (B) The use of facial recognition technology in a speed safety
- + system program shall be prohibited.
- + (C) Notwithstanding Sections 6253 and 6262 of the Government
- + Code or any other law, photographic, video, or other visual or
- + administrative records made by a speed safety system shall be
- + confidential. The Department of Transportation and local

+ departments of transportation shall use, and allow access to, these records only for the purposes authorized by this article or to assess the impact of the use of speed safety systems.

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

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

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

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

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

+ (4) Determine procedures for issuing, contesting, and paying citations, and the amount of the citation. Notwithstanding any other law, a violation of Section 22350, or any other speed law, that is recorded by a speed safety system shall be subject only to a civil penalty, in a total amount, which includes any additional fees, not to exceed one hundred twenty-five dollars (\$125), and shall not result in the Department of Motor Vehicles suspending

+ or revoking the privilege of a violator to drive a motor vehicle or
+ in a violation point being assessed against the violator. The
+ procedures for contesting a citation shall include an opportunity
+ to appeal for a hearing on the matter, and the procedures for
+ payment of the civil penalties shall be consistent with the
+ considerations described in subparagraph (B) of paragraph (3).

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

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

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

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

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

+ (1) The program policies comply with the guidelines adopted
+ pursuant to Section 22426.

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

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

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

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

- + (A) The program policies comply with the guidelines adopted pursuant to Section 22426.
- + (B) The program requires community engagement to inform the community about the implementation of the program.
- + (C) A local department of transportation may include speed safety systems in school zones under its pilot program.
- + (D) The program requires the collection of data to support the evaluation report required pursuant to Section 22428.
- + (2) A local department of transportation may include speed safety systems in school zones.
- + (d) An operator of a public safety vehicle shall not be found to be in violation of a speed law under a pilot program established pursuant to this article.
- + 22428. (a) The Department of Transportation, in collaboration with the Department of the California Highway Patrol, shall submit an evaluation report for a work zone pilot program it establishes pursuant to Section 22427 to the appropriate committees of the Legislature within two years from the date the pilot program commences and annually thereafter.
- + (b) A local department of transportation with a local streets pilot program established pursuant to Section 22427 shall submit an evaluation report for the pilot program to the appropriate committees of the Legislature within two years from the date the pilot program commences and annually thereafter.
- + (c) The pilot program evaluation reports shall include, at a minimum, an analysis of the impacts related to all of the guidelines described in subdivision (b) of Section 22426. An analysis of the guidelines specified in paragraph (3) of subdivision (b) of Section 22426 shall be developed in collaboration with racial equity and economic justice groups.
- + 22429. This article shall remain in effect only until January 1, 2027, and as of that date is repealed.
- + SEC. 3. The Legislature finds and declares that Section 2 of this act, which adds Section 22426 to the Vehicle Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

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

Page 1

1 SECTION 1. Section 21950 of the Vehicle Code is amended
2 to read:

3 21950. (a) The driver of a vehicle shall yield the right-of-way
4 to a pedestrian crossing the roadway within a marked crosswalk
5 or within an unmarked crosswalk at an intersection, except as
6 otherwise provided in this chapter.

Page 2

7 (b) This section does not relieve a pedestrian from the duty of
8 using due care for their own safety. A pedestrian shall not suddenly
1 leave a curb or other place of safety and walk or run into the path
2 of a vehicle that is so close as to constitute an immediate hazard.
3 A pedestrian shall not unnecessarily stop or delay traffic while in
4 a marked or an unmarked crosswalk.

5 (c) The driver of a vehicle approaching a pedestrian within a
6 marked or an unmarked crosswalk shall exercise all due care and
7 shall reduce the speed of the vehicle or take any other action
8 relating to the operation of the vehicle necessary to safeguard the
9 safety of the pedestrian.

10 (d) Subdivision (b) does not relieve a driver of a vehicle from
11 the duty of exercising due care for the safety of a pedestrian within
12 a marked crosswalk or within an unmarked crosswalk at an
13 intersection.

Amendment 4

O

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Supervisor Peskin; Melgar, Chan

Subject:

[Supporting California State Assembly Bill No. 550 (Chiu) – Pedestrian Safety]

The text is listed:

Resolution supporting California State Assembly Bill 550, introduced on February 10, 2021, by Assembly Member David Chiu (AD-17), which would establish and implement a five-year automated speed safety system pilot program, as long as the program meets specific equity, safety and privacy specifications.

Signature of Sponsoring Supervisor: []

For Clerk's Use Only

From: [Angulo, Sunny \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Somera, Alisa \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Gee, Natalie \(BOS\)](#)
Subject: RE: PESKIN - Resolution - Supporting AB 550 - Pedestrian Safety
Date: Tuesday, March 23, 2021 3:20:49 PM
Attachments: [image001.png](#)

Hi, Lisa –

I actually do think the League of CA Cities intends to take a support position, but there is no formal letter available yet to the public that I can find. I can ping the City's Lobbyist to check with them but as of right now, neither the League of CA Cities nor the CA State Association of Counties have taken formal positions.

Once I do get a letter of support (or not) I am happy to include for the file. As for the nature of this bill, San Francisco has been on the record in the past in its support of automated speed enforcement, as well as Vision Zero tools for pedestrian safety. This would be another attempt to restate this position for the record, including the adjustments based on community input that Assm Chiu has included in this latest version.

Best,
Sunny

From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Sent: Tuesday, March 23, 2021 1:36 PM
To: Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Low, Jen (BOS) <jen.low@sfgov.org>; Groth, Kelly (BOS) <kelly.groth@sfgov.org>; Gee, Natalie (BOS) <natalie.gee@sfgov.org>
Subject: RE: PESKIN - Resolution - Supporting AB 550 - Pedestrian Safety

Hi Sunny,

Thank you for the legislation submission.

Since the item is requested to be placed on the For Adoption Without Committee Reference of the agenda, pursuant to Board Rule 2.1.2, please confirm that these matters are routine, not contentious in nature, and of no special interest.

Lastly, per Board Rule 2.8.2, please confirm that organizations such as the [California State Association of Counties](#) and [League of California Cities](#) have *not* taken a position on these bills. If they have, please provide a copy of their statement for completeness of the file.

Best,

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.



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From: Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>
Sent: Tuesday, March 23, 2021 1:32 PM
To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Low, Jen (BOS) <jen.low@sfgov.org>; Groth, Kelly (BOS) <kelly.groth@sfgov.org>; Gee, Natalie (BOS) <natalie.gee@sfgov.org>
Subject: PESKIN - Resolution - Supporting AB 550 - Pedestrian Safety

Good afternoon –

Please find Supervisor Peskin’s resolution supporting AB 550 attached, along with introduction form and the full bill text of Assembly Bill 550. Copying President Walton’s office, as well, with the sponsor’s request that this be agendized on the next Board of Supervisors agenda without reference to Committee, as well as staff from the co-sponsors’ offices.

Please let me know if you have any questions.

Best,

Sunny Angulo
Supervisor Aaron Peskin, *Chief of Staff*
Sunny.Angulo@sfgov.org
415.554.7451 DIRECT
415.554.7450 VOICE
415.430.7091 CELL

[District 3 Website](#)

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