

File No. 231103

Committee Item No. _____

Board Item No. 34

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: October 24, 2023

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

- California State Assembly Bill No. 645 10/13/2023
- _____
- _____
- _____
- _____
- _____
- _____
- _____

Prepared by: Lisa Lew

Date: October 20, 2023

Prepared by: _____

Date: _____

1 [Urging SFMTA to Expediently Implement San Francisco Automated Speed Safety Program
2 Pilot]

3 **Resolution urging the San Francisco Municipal Transportation Agency (SFMTA) to**
4 **work with traffic and pedestrian safety advocates, equity groups, the San Francisco**
5 **County Transportation Authority Board, and other relevant infrastructure and reporting**
6 **agencies to expediently implement the local Automated Speed Safety Program Pilot in**
7 **San Francisco, enabled by California State Assembly Bill No. 645, starting with high-**
8 **injury corridors, and present an implementation plan and budget, with built-in equity,**
9 **data-monitoring and reporting considerations before the end of 2023.**

10
11 WHEREAS, The state of California and the city and county of San Francisco have both
12 been distinguished by high numbers of pedestrian and vehicle collisions, as well as fatalities,
13 which is the Board of Supervisors unanimously adopted Resolution No. 091-14 (Implement a
14 VISION ZERO Three Point Plan: Engineering, Education and Enforcement) on March 18,
15 2014, on file with the Clerk of the Board of Supervisors in File No. 140047; and

16 WHEREAS, Excessive speed is one of the top causes of vehicular collisions and
17 resulting fatalities, and automated speed safety systems comprise both pedestrian and traffic
18 safety technology that utilizes vehicle speed sensors and cameras to capture images of cars
19 traveling at excessive speeds and are proven to dramatically reduce the number of severe
20 and fatal crashes by as much as 58%; and

21 WHEREAS, While 205 communities in 21 states have already embraced speed
22 camera safety programs, San Francisco has long struggled to implement a program; and

23 WHEREAS, On April 6, 2021, the Board of Supervisors unanimously adopted
24 Resolution No. 146-21, authored by Supervisor Peskin, (Supporting California State Assembly
25

1 Bill No. 550 (Chiu) - Pedestrian Safety), on file with the Clerk of the Board of Supervisors in
2 File No. 210314; and

3 WHEREAS, California State Assembly Bill No. 550 would have authorized a Speed
4 Safety System Pilot Program in the City and County of San Francisco, but ultimately did not
5 prevail in the state legislature, despite extensive efforts by Assemblymember Chiu and
6 Supervisor Peskin to gain support from law enforcement unions, traffic safety groups, and civil
7 rights and privacy advocates; and;

8 WHEREAS, California State Assembly Bill No. 645 (AB 645) (Friedman), the eight
9 attempt to bring speed camera safety programs to eligible California jurisdictions via state law,
10 was finally signed into law by Governor Newsom on October 13, 2023, and is on file with the
11 Clerk of the Board of Supervisors in File No. 231103, which is hereby declared to be a part of
12 this Resolution as if set forth fully herein; and

13 WHEREAS, AB 645 is a thoughtfully-written bill that builds in strong privacy and equity
14 considerations, including protecting privacy by banning any facial recognition and only
15 allowing for the collection of license plate data, which must be expunged after a citation is
16 issued; and

17 WHEREAS, AB 645 provides for fines starting at only \$50 for drivers going 11 miles
18 per hour above the posted speed limit, and increase for higher speeds; and

19 WHEREAS, AB 645 provides that the citations resulting from violations of this law will
20 be issued like parking tickets, with no points being added to one's driving record on file with
21 the Department of Motor Vehicles (DMV), as well as allowing participating cities to reduce
22 fines for low-income people or allow them to complete community service hours instead, by
23 virtue of the fact that the program will be overseen by the local transportation department
24 rather than the police department; and

25

1 WHEREAS, AB 645 designates the cities of Los Angeles, San Jose, Oakland,
2 Glendale and Long Beach, along with the City and County of San Francisco, to establish and
3 operate a speed enforcement program under specific conditions set forth in the legislation
4 until January 1, 2032; now, therefore, be it

5 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
6 urges the San Francisco Municipal Transportation Agency to work with traffic and pedestrian
7 safety advocates, equity groups, the San Francisco County Transportation Authority Board,
8 and other relevant infrastructure and reporting agencies to expediently implement the local
9 Automated Speed Safety Program Pilot, enabled by AB 645, in San Francisco, starting with
10 high-injury corridors; and, be it

11 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
12 Francisco in particular urge the San Francisco Municipal Transportation Agency to build in
13 equity considerations, as well as clear data-monitoring and reporting processes, into the local
14 program pilot, and provide regular updates to the Board of Supervisors; and, be it

15 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
16 Francisco urges the San Francisco Municipal Transportation Agency to present a clear
17 implementation plan, including a budget, before the end of 2023, with the understanding that
18 San Francisco has long been on the record as being ready to implement a local automated
19 speed safety program if and when state law allows.

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Assembly Bill No. 645

CHAPTER 808

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

[Approved by Governor October 13, 2023. Filed with Secretary
of State October 13, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 645, Friedman. 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 authorize, until January 1, 2032, the Cities of Los Angeles, San Jose, Oakland, Glendale, and Long Beach, and the City and County of San Francisco to establish a Speed Safety System Pilot Program if the system meets specified requirements. The bill would require a participating city or city and county to adopt a Speed Safety System Use Policy and a Speed Safety System Impact Report before implementing the program, and would require the participating city or city and county to engage in a public information campaign at least 30 days before implementation of the program, including information relating to when the systems would begin detecting violations and where the systems would be utilized. The bill would require a participating city or city and county to issue warning notices rather than notices of violations for violations detected within the first 60 calendar days of the program. The bill would also require a participating city or city and county to develop uniform guidelines for, among other things, the processing and storage of confidential information. The bill would designate all photographic or administrative records, not including data about the number of violations issued or the speeds at which they were issued for, made by a system as confidential, and would only authorize public agencies to use and allow access to these records for specified purposes.

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

speed safety system to determine the system's impact on street safety and economic impact on the communities where the system is utilized.

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

This bill would require a \$25 filing fee for an appeal challenging a notice of violation issued as a result of a speed safety system until January 1, 2032.

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.

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

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

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

(a) Speed is a major factor in traffic collisions that result in fatalities or injuries.

(b) State and local agencies employ a variety of methods to reduce speeding, including traffic engineering, education, and enforcement.

(c) Traffic speed enforcement is critical to efforts in California to reduce factors that contribute to traffic collisions that result in fatalities or injuries.

(d) However, traditional enforcement methods have had a well-documented disparate impact on communities of color, and implicit or explicit racial bias in police traffic stops puts drivers of color at risk.

(e) Additional tools, including speed safety systems, are available to assist cities and the state in addressing excessive speeding and speed-related crashes.

(f) Speed safety systems offer a high rate of detection, and, in conjunction with education and traffic engineering, can significantly reduce speeding, improve traffic safety, and prevent traffic-related fatalities and injuries, including roadway worker fatalities.

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

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

(i) In a 2017 study, the National Transportation Safety Board (NTSB) analyzed studies of speed safety system programs, and found they offered significant safety improvements in the forms of reduction in mean speeds,

reduction in the likelihood of speeding more than 10 miles per hour over the posted speed limit, and reduction in the likelihood that a crash involved a severe injury or fatality. The same study recommended that all states remove obstacles to speed safety system programs to increase the use of this proven approach, and notes that programs should be explicitly authorized by state legislation without operational and location restrictions.

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

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

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

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

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

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

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

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

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

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

(f) This section shall remain in effect only until January 1, 2032, and as of that date is repealed.

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

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

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

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

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

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

(e) This section shall become operative on January 1, 2032.

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

Article 3. Speed Safety System Pilot Program

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

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

(2) "Designated jurisdiction" means any of the Cities of Los Angeles, San Jose, Oakland, Glendale, or Long Beach, or the City and County of San Francisco.

(3) A person is "indigent" if either of the following conditions is met:

(A) The person meets the income criteria set forth in subdivision (b) of Section 68632 of the Government Code.

(B) The person receives public benefits from a program listed in subdivision (a) of Section 68632 of the Government Code.

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

(5) "School zone" means an area described by subdivision (b) of Section 40802.

(6) "Speed safety system" or "system" means a fixed or mobile radar or laser system or any other electronic device that utilizes automated equipment to detect a violation of speed laws and obtains a clear photograph of a speeding vehicle's license plate.

(b) (1) A designated jurisdiction may establish a program for speed enforcement that utilizes a speed safety system, to be operated by a local department of transportation, in the following areas:

(A) On a street meeting the standards of a safety corridor under Section 22358.7.

(B) 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. For the purposes of this provision, a high number of incidents shall be calls for law enforcement to respond to the area for at least four separate incidences of a motor vehicle speed contest or motor vehicle exhibition of speed within the last two years before the placement of the speed safety system.

(C) School zones, subject to subdivision (c).

(2) The number of speed safety systems operated by a designated jurisdiction at any time shall be limited as follows:

(A) For a jurisdiction with a population over 3,000,000, as determined by the United States Census Bureau in the 2020 Census, no more than 125 systems.

(B) For a jurisdiction with a population between 800,000 and 3,000,000, inclusive, as determined by the United States Census Bureau in the 2020 Census, no more than 33 systems.

(C) For a jurisdiction with a population of 300,000 up to 800,000, as determined by the United States Census Bureau in the 2020 Census, no more than 18 systems.

(D) For a jurisdiction with a population of less than 300,000, as determined by the United States Census Bureau in the 2020 Census, no more than 9 systems.

(3) A speed enforcement program developed pursuant to paragraph (1) shall place the speed safety systems in locations that are geographically and socioeconomically diverse. The designated jurisdiction shall describe how it has complied with this provision in the Speed Safety System Impact Report described in subdivision (h).

(c) If a speed safety system is deployed in a school zone and the school zone has a higher posted speed limit when children are not present, a designated jurisdiction may only enforce the school zone speed limit up to one hour before the regular school session begins, 10 minutes after school begins, one hour during lunch period, and up to one hour after regular school session concludes. For these school zones, flashing beacons activated by a time clock, other automatic device, or manual activation shall be installed on a school zone sign and be active to indicate the times during which the school zone speed limit is enforced with a speed safety system.

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

(1) Clearly identifies the presence of the speed safety system by signs stating “Photo Enforced,” along with the posted speed limit no more than 500 feet before the placement of the system. The signs shall be visible to traffic traveling on the street from the direction of travel for which the system is utilized, and shall be posted at all locations as may be determined necessary by the Department of Transportation after consultation with the California Traffic Control Devices Committee.

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

(3) Ensures that the speed safety system is regularly inspected, but no less than once every 60 days, and certifies that the system is installed and operating properly. Each camera unit shall be calibrated in accordance with the manufacturer’s instructions, and at least once per year by an independent calibration laboratory. Documentation of the regular inspection, operation, and calibration of the system shall be retained at least 180 days after the date on which the system has been permanently removed from use.

(4) Utilizes fixed or mobile speed safety systems that provide real-time notification to the driver when violations are detected.

(e) A speed safety system shall not be operated on any California state route, as defined in Section 231 of the Streets and Highways Code, including all freeways and expressways, United States highways, interstate highways, or any public road in unincorporated areas of any county where the Commissioner of the California Highway Patrol has full responsibility and primary jurisdiction for the administration and enforcement of the laws, and for the investigation of traffic accidents, pursuant to Section 2400.

(f) Prior to enforcing speed laws utilizing speed safety systems, the designated jurisdiction shall do both of the following:

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

(2) (A) Issue warning notices rather than notices of violation for violations detected by the speed safety systems during the first 60 calendar days of enforcement under the program. If additional systems are utilized on additional streets after the initial program implementation, the designated jurisdiction shall issue warning notices rather than notices of violation for violations detected by the new speed safety systems during the first 60 calendar days of enforcement for the additional streets added to the program.

(B) A vehicle's first violation within a designated jurisdiction for traveling 11 to 15 miles per hour over the posted speed limit shall be a warning notice.

(g) The governing body of a designated jurisdiction shall adopt a Speed Safety System Use Policy before entering into an agreement regarding a speed safety system, purchasing or leasing equipment for a program, or implementing a program. The Speed Safety System Use Policy shall set forth the specific purpose for the system, the uses that are authorized, the rules and processes required to be followed by employees and contractors of the designated jurisdiction administering the system prior to its use, and the uses of the equipment and data collected that are prohibited. The policy shall identify the data or information that can be collected by the speed safety system and the individuals who can access or use the collected information, and the rules and processes related to the access, transfer, and use or use of the information. The policy shall also include provisions for protecting data from unauthorized access, data retention, public access, third-party data sharing, training, auditing, and oversight to ensure compliance with the Speed Safety System Use Policy. The Speed Safety System Use Policy shall be made available for public review, including,

but not limited to, by posting it on the designated jurisdiction's internet website at least 30 calendar days prior to adoption by the governing body of the designated jurisdiction.

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

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

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

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

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

(E) Locations where the system may be deployed and traffic data for these locations, including the address of where the cameras will be located.

(F) Proposed purpose of the speed safety system.

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

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

(i) The designated jurisdiction shall develop uniform guidelines, consistent with the provisions of this section, for both of the following:

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

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

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

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

(l) (1) Notwithstanding any provision of the California Public Records Act, or any other law, photographic or administrative records made by a system shall be confidential. Public agencies shall use and allow access to these records only for the purposes authorized by this article or to assess the impacts of the system. Data about the number of violations issued and the speeds at which they were issued is not considered an administrative record required not to be disclosed by this section.

(2) Confidential information obtained from the Department of Motor Vehicles for the administration of speed safety systems and enforcement of

this article shall be held confidential, and shall not be used for any other purpose. Designated jurisdictions agents shall establish procedures to protect the confidentiality of these records consistent with Section 1808.47.

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

(4) Photographic evidence that is obtained from a speed safety system that does not result in the issuance of a notice of violation shall be destroyed within five business days after the photograph was first made. The use of facial recognition technology in conjunction with a speed safety system shall be prohibited.

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

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

(n) A contract between the designated jurisdiction and a manufacturer or supplier of speed safety systems shall allow the local authority to purchase materials, lease equipment, and contract for processing services from the manufacturer or supplier based on the services rendered on a monthly schedule or another schedule agreed upon by the municipality and contractor. The contract shall not allow for payment or compensation based on the number of notices of violation issued, or as a percentage of revenue generated, from the use of the system. The contract shall include a provision that all data collected from the speed safety systems is confidential, and shall prohibit the manufacturer or supplier of the contracted speed safety system from sharing, repurposing, or monetizing collected data, except as specifically authorized in this article. The designated jurisdiction shall oversee, maintain control, and have the final decision over all enforcement activities, including the determination of when a notice of violation should be issued.

(o) Notwithstanding subdivision (n), a designated jurisdiction may contract with a vendor for the processing of notices of violation after an

employee of a designated jurisdiction has issued a notice of violation. The vendor shall be a separate legal and corporate entity from, and not related to or affiliated in any manner with, the manufacturer or supplier of speed safety systems used by the designated jurisdiction. Any contract between the designated jurisdiction and a vendor to provide processing services may include a provision for the payment of compensation based on the number of notices of violation processed by the vendor.

(p) (1) A speed safety system at a specific location shall be operated for no more than 18 months after installation of a system, unless one of the following thresholds has 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-percent 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-percent reduction in the number of violators who received two or more violations at the location since the system became operational.

(2) (A) Paragraph (1) does not apply if a designated jurisdiction adds traffic-calming measures to the street. “Traffic-calming measures” include, but are not limited to, all of the following:

- (i) Bicycle lanes.
- (ii) Chicanes.
- (iii) Chokers.
- (iv) Curb extensions.
- (v) Median islands.
- (vi) Raised crosswalks.
- (vii) Road diets.
- (viii) Roundabouts.
- (ix) Speed humps or speed tables.
- (x) Traffic circles.
- (xi) Flashing beacons for school zone speed limits.

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

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

(q) The speed safety system, to the extent feasible, shall be angled and focused so as to only capture photographs of speeding violations and shall not capture identifying images of other drivers, vehicles, or pedestrians.

(r) Notwithstanding subdivision (c) of Section 21455.6, the designated jurisdictions listed herein may use automated enforcement systems and photo radar for speed enforcement consistent with this article.

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

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

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

(1) Fifty dollars (\$50) for driving at a speed of 11 to 15 miles per hour over the posted speed limit.

(2) One hundred dollars (\$100) for driving at a speed of 16 to 25 miles per hour over the posted speed limit.

(3) Two hundred dollars (\$200) for driving at a speed of 26 miles per hour or more over the posted speed limit, unless paragraph (4) applies.

(4) Five hundred dollars (\$500) for driving at a speed of 100 miles per hour or more.

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

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

(1) The violation, including reference to the speed law that was violated, the speed of the vehicle, the speed limit for the road on which the violation occurred, and verification of the most recent calibration of the system in accordance with paragraph (3) of subdivision (d) of Section 22425.

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

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

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

(5) The amount of the civil penalty due for that violation and the procedures for the payment of the civil penalty or for contesting the notice of violation.

(6) An affidavit of nonliability, and information of what constitutes nonliability, information as to the effect of executing the affidavit, and instructions for returning the affidavit to the processor. If the affidavit of nonliability is returned to the processing agency within 30 calendar days of the mailing of the notice of violation, together with proof of a written lease or rental agreement between a bona fide rental company, as defined in Section 1939.01 of the Civil Code, or a personal vehicle sharing program, as defined in Section 11580.24 of the Insurance Code, and its customer that identifies the renter or lessee, the processing agency shall serve or mail a notice of violation to the renter or lessee identified in the affidavit of

nonliability. If the affidavit of nonliability is returned to the processing agency within 30 calendar days of the mailing of the notice of violation, together with proof of a copy of a police report indicating the vehicle had been stolen at the time of the violation, the processing agency shall not subject the registered owner to a civil violation.

(7) A proof of service consistent with Section 1013a of the Code of Civil Procedure.

(f) Mobile radar or laser systems shall not be used until at least two years after the installation of the first fixed radar or laser system unless the mobile radar or laser system is kept at a fixed location.

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

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

(h) A person shall not be assessed a civil penalty if they are subject to criminal penalties for the same act.

(i) A speed safety system may only be in operation for five years, or until January 1, 2032, whichever date is sooner.

22427. (a) No later than 30 calendar days from the date of mailing of a notice of violation, the recipient may request an initial review of the notice by the issuing agency. The request may be made by telephone, in writing, electronically, or in person. There shall be no charge for this review. If, following the initial review, the issuing agency is satisfied that the violation did not occur, or that extenuating circumstances make cancellation of the notice of violation appropriate in the interest of justice, the issuing agency shall cancel the notice of violation. The issuing agency shall advise the processing agency, if any, of the cancellation. The issuing agency or the processing agency shall mail the results of the initial review to the person contesting the notice within 60 days of receipt of the recipient's request for

an initial review, and, if cancellation of the notice does not occur following that review, include a reason for that denial, notification of the ability to request an administrative hearing, and notice of the procedures adopted by the designated jurisdiction for the administrative hearing, including for waiving prepayment of the civil penalty based upon an inability to pay pursuant to paragraph (2) of subdivision (b).

(b) (1) If the person contesting the notice of violation is dissatisfied with the results of the initial review, the person may, no later than 21 calendar days following the mailing of the results of the issuing agency's initial review, request an administrative hearing of the violation. The request may be made by telephone, in writing, electronically, or in person.

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

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

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

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

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

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

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

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

(I) An accredited college or university.

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

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

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

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

(5) The employee of the designated jurisdiction who issues a notice of violation shall not be required to participate in an administrative hearing. To establish a violation, the issuing agency shall not be required to produce any evidence other than, in proper form, the notice of violation or copy thereof, including the photograph of the vehicle's license plate, and information received from the Department of Motor Vehicles identifying the registered owner of the vehicle. The documentation in proper form shall be prima facie evidence of the violation. If the designated jurisdiction meets its initial burden the recipient of the notice of violation may present any evidence and argument in defense.

(6) The examiner's final decision following the administrative hearing may be personally delivered to the person by the examiner or sent by first-class mail within 60 days of the date of the conclusion of the administrative hearing.

(7) Following a determination by the examiner that a person has committed the violation, the examiner may, consistent with the written guidelines established by the issuing agency, allow payment of the civil penalty in installments, or an issuing agency may allow for deferred payment or payments in installments, if the person provides evidence satisfactory to the examiner or the issuing agency, as the case may be, of an inability to pay the civil penalty in full. If authorized by the governing body of the issuing agency, the examiner may permit the performance of community service in lieu of payment of the civil penalty.

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

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

(b) The fee for filing the notice of appeal shall be as provided in Section 70615 of the Government Code. Upon receipt of the notice of appeal, the designated jurisdiction shall lodge its administrative record for the case with the court within 15 calendar days. The court shall notify the appellant of the appearance date by mail or personal delivery. The court shall retain the fee under Section 70615 of the Government Code regardless of the outcome of the appeal. If the appellant prevails, this fee and any payment of the civil penalty shall be promptly refunded by the issuing agency in accordance with the judgment of the court.

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

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

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

22429. (a) A designated jurisdiction shall offer a diversion program for indigent speed safety system violation recipients, to perform community service in lieu of paying the penalty for a speed system violation.

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

(c) Notwithstanding subdivisions (a) and (b), a designated jurisdiction shall reduce the applicable fines and penalties by 80 percent for indigent persons, and by 50 percent for individuals up to 250 percent above the federal poverty level.

(d) The person may demonstrate that they are indigent or make up to 250 percent above the poverty level or less by providing either of the following information, as applicable:

(1) Proof of income from a pay stub or another form of proof of earnings, such as a bank statement, that shows that the person meets the income criteria set forth in subdivision (b) of Section 68632 of the Government Code, subject to review and approval by the processing agency or its designee. The processing agency or its designee shall not unreasonably withhold its approval.

(2) Proof of receipt of benefits under the programs described in subdivision (a) of Section 68632 of the Government Code, including, but not limited to, an electronic benefits transfer card or another card, subject to review and approval by the processing agency. The processing agency or its designee shall not unreasonably withhold its approval.

22430. Any designated jurisdiction that used speed safety systems shall, on or before March 1 of the fifth year in which the system has been implemented, submit to its governing body and the transportation committees of the Legislature, consistent with Section 9795 of the Government Code, an evaluation of the speed safety system in their respective jurisdictions to determine the system's impact on street safety and the system's economic impact on the communities where the system is utilized. The report shall be made available on the internet websites of the respective jurisdictions and shall include all of the following information:

(a) Data, at least three months before and at least six months after implementation of each system, on the number and proportion of vehicles speeding from 11 to 15 miles per hour over the legal speed limit, inclusive, from 16 to 25 miles per hour over the legal speed limit, inclusive, 26 miles per hour over the legal speed limit, and for every violator traveling at a speed of 100 miles per hour or greater. Data shall also be collected on the average speed of vehicles and 85th percentile speed of vehicles. To the extent feasible, the data should be collected at the same time of day, day of week, and location.

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

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

(d) The number of violations paid, the number of delinquent violations, and the number of violations for which an initial review is requested. For the violations in which an initial review was requested, the report shall indicate the number of violations that went to initial review, administrative hearing, and de novo hearing, the number of notices that were dismissed at

each level of review, and the number of notices that were not dismissed after each level of review.

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

(f) A racial and economic equity impact analysis, developed in collaboration with local racial justice and economic equity stakeholder groups. The analysis shall include the number of notices of violations issued to indigent individuals, the number of notices of violations issued to individuals of up to 250 percent above the poverty line, and the number of violations issued to each ZIP Code.

22431. This article shall remain in effect only until January 1, 2032, and as of that date is repealed.

SEC. 5. The Legislature finds and declares that Section 4 of this act, which adds Section 22425 to the Vehicle Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

To protect the privacy interests of persons who are issued notices of violation under a speed safety systems pilot program, the Legislature finds and declares that the photographic 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.

SEC. 6. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances with traffic speed enforcement in the Cities of Los Angeles, San Jose, Oakland, Glendale, and Long Beach, and the City and County of San Francisco.

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



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

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquires..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

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

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: