



Office of the Mayor

CONSENT CALENDAR
May 11, 2021

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín, Councilmember Droste, Councilmember Bartlett, and Councilmember Robinson

Subject: Support of AB 550 – Speed Safety Cameras

RECOMMENDATION

Adopt a Resolution in support of AB 550 (Chiu), which would establish guidelines to pilot speed safety programs on dangerous local streets and active state or local work zones, and requesting that Berkeley be included as one of the pilot cities in the bill. Send a copy of the Resolution to Assemblymembers David Chiu and Buffy Wicks, State Senator Nancy Skinner and Governor Gavin Newsom.

BACKGROUND

Approximately one third of traffic related deaths are a result of speeding according to the National Traffic Safety Board. In the Bay Area, over 400 fatalities and 2,000 serious injuries occur annually. In 2020, COVID-19 restrictions led to a 13% drop in vehicle miles driven across the country, but empty roads lead to an increase in speeding resulting in the mileage death rate increasing by 24%.

Cities across the country have been moving forward with developing Vision Zero policies. In 2018, the Berkeley City Council set a goal of eliminating transportation related fatalities and serious injuries by 2028. The Vision Zero Task Force was created to develop policies to achieve this goal, which Council approved under the Vision Zero Action Plan in March 2020. Berkeley is also looking into alternate ways to address traffic enforcement, including the proposed creation of BerkDOT which would remove the Berkeley Police Department from traffic enforcement. Traditional enforcement methods have 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.

An international study cited by the Insurance Institute for Highway Safety found that the presence of automated speed enforcement reduced the share of vehicles traveling above the speed limit from 14% to 65% and reduced the risk of crashes resulting in injury or fatality from 11% to 44%. AB 550 directs the Secretary of California State Transportation Agency to bring together a stakeholder working group to establish program guidelines for piloting speed safety programs involving speed cameras. These programs have a series of requirements, including requiring local jurisdictions to adopt a policy setting out clear restrictions on the use of data and provisions to protect, retain, and dispose of that data. Berkeley became the first city in California to adopt a

surveillance ordinance in 2018. Data from the cameras cannot be used for any other purpose or be disclosed to any other person or agency except as required by law or in response to a court order or subpoena. Facial recognition technology would be prohibited. Fines would be capped at \$125, would be a civil citation instead of criminal (will not result in a point deducted on a driver's record) and jurisdictions must offer a low-income driver diversion program with specified alternative remedies in lieu of payment and reduced fines for qualifying individuals.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

Transportation emissions account for approximately 60% of Berkeley's greenhouse gas emissions. Improving traffic conditions for pedestrians and bicyclists will promote the use of alternative forms of transportation, reducing commuter carbon footprints.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

- 1: Resolution
- 2: Text of AB 550
- 3: AB 550 Factsheet

RESOLUTION NO. ##,###-N.S.

IN SUPPORT OF AB 550

WHEREAS, annually over 400 fatalities and 2,000 serious injuries occur from traffic related incidents in the Bay Area, with approximately one third of traffic related deaths resulting from speeding according to the National Traffic Safety Board; and

WHEREAS, in 2020, COVID-19 restrictions led to a 13% drop in vehicle miles driven across the country, but empty roads lead to an increase in speeding, with the mileage death rate increasing by 24%; and

WHEREAS, in 2018, the Berkeley City Council set a goal of eliminating transportation related fatalities and serious injuries by 2028, establishing the Vision Zero Task Force tasked with developing policies to achieve this goal, which the Council approved under the Vision Zero Action Plan in March 2020; and

WHEREAS, traditional traffic enforcement methods by police departments have well documented disparate impact on communities of color, and implicit or explicit racial bias in police traffic stops puts drivers of color at risk.; and

WHEREAS, Berkeley is looking at the creation of BerkDOT as an alternate way of traffic enforcement; and

WHEREAS, an international study cited by the Insurance Institute for Highway Safety found that the presence of automated speed enforcement reduced the share of vehicles traveling above the speed limit from 14% to 65% and reduced the risk of crashes resulting in injury or fatality from 11% to 44%; and

WHEREAS, AB 550 directs the Secretary of California State Transportation Agency to bring together a stakeholder working group to establish program guidelines for piloting speed safety programs involving speed cameras; and

WHEREAS, such programs would have specific criteria to address concerns around privacy, such as a prohibition on facial recognition technology and requiring jurisdictions to adopt a policy setting out clear restrictions on the use of data and provisions to protect, retain, and dispose of that data,

WHEREAS, the bill also requires such program to have an equity component, capping fees at \$125 and offering a low-income driver diversion program with specified alternative remedies in lieu of payment and reduced fines for qualifying individuals.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports AB 550, and requests that Berkeley be included as one of the pilot cities in the bill.

BE IT FURTHER RESOLVED that copies of the Resolution be sent to Assemblymembers David Chiu and Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.

AMENDED IN ASSEMBLY APRIL 15, 2021

AMENDED IN ASSEMBLY MARCH 22, 2021

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

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

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

This bill would specify that any violation of a speed law recorded by a speed safety system authorized by these provisions would be subject

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

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

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

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

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

This bill would make legislative findings to that effect.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Speed is a major factor in traffic collisions that result in
- 4 fatalities or injuries.
- 5 (b) State and local agencies employ a variety of methods to
- 6 reduce speeding, including traffic engineering, education, and
- 7 enforcement.
- 8 (c) Traffic speed enforcement is critical to efforts in California
- 9 to reduce factors that contribute to traffic collisions that result in
- 10 fatalities or injuries.

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

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

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

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

16 (h) The Transportation Agency's "CalSTA Report of Findings:
17 AB 2363 Zero Traffic Fatalities Task Force," issued in January
18 2020, concluded that international and domestic studies show that
19 speed safety systems are an effective countermeasure to speeding
20 that can deliver meaningful safety improvements, and identified
21 several policy considerations that speed safety system program
22 guidelines could consider.

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

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

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

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

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

11
 12 ~~Article 3. Speed Safety Systems Pilot Program~~

13
 14 ~~22425. As used in this article, the following definitions shall~~
 15 ~~apply:~~

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

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

26 (c) ~~“Public safety vehicle” means an authorized emergency~~
 27 ~~vehicle, as defined in Section 165.~~

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

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

36 ~~22426. (a) On or before July 1, 2022, the Secretary of~~
 37 ~~Transportation shall develop and adopt guidelines for the~~
 38 ~~implementation of the pilot programs described in Section 22427~~
 39 ~~that, in the judgment of the secretary, are designed to promote the~~
 40 ~~safe operation of vehicles and the reduction of speed-related~~

1 fatalities and injuries by authorizing the limited use of speed safety
2 systems. The secretary shall convene at least two public workshops
3 to receive and consider public comments regarding draft guidelines
4 prior to adoption, and shall post the draft guidelines on the
5 Transportation Agency's internet website at least 30 days prior to
6 the first public workshop.

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

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

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

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

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

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

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

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

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

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

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

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

39 ~~(5) Evaluate and include best practices on speed safety system~~
40 ~~placement, speed thresholds, public notice, a warning phase,~~

1 adjudication, use of revenue, system calibration, community
2 engagement, program operations, and oversight.

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

7 (d) The Administrative Procedure Act (Chapter 3.5
8 (commencing with Section 11340) of Part 1 of Division 3 of Title
9 2 of the Government Code) does not apply to the development and
10 adoption of guidelines pursuant to this article.

11 22427. (a) The pilot programs described in this section may
12 commence 30 days after the secretary submits the adopted
13 guidelines to the appropriate policy committees of the Legislature
14 pursuant to Section 22426.

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

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

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

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

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

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

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

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

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

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

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

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

6 ~~22428. (a) The Department of Transportation, in collaboration~~
7 ~~with the Department of the California Highway Patrol, shall submit~~
8 ~~an evaluation report for a work zone pilot program it establishes~~
9 ~~pursuant to Section 22427 to the appropriate committees of the~~
10 ~~Legislature within two years from the date the pilot program~~
11 ~~commences and annually thereafter.~~

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

17 ~~(e) The pilot program evaluation reports shall include, at a~~
18 ~~minimum, an analysis of the impacts related to all of the guidelines~~
19 ~~described in subdivision (b) of Section 22426. An analysis of the~~
20 ~~guidelines specified in paragraph (3) of subdivision (b) of Section~~
21 ~~22426 shall be developed in collaboration with racial equity and~~
22 ~~economic justice groups.~~

23 ~~22429. This article shall remain in effect only until January 1,~~
24 ~~2027, and as of that date is repealed.~~

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

27 70615. The fee for filing any of the following appeals to the
28 superior court is twenty-five dollars (\$25):

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

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

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

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

39 (e) *An appeal under Section 22428 of the Vehicle Code of a*
40 *hearing officer's determination regarding a civil penalty for an*

1 *automated speed violation, as defined in Section 22425 of the*
 2 *Vehicle Code.*

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

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

7 *70615. The fee for filing any of the following appeals to the*
 8 *superior court is twenty-five dollars (\$25):*

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

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

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

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

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

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

22

23 *Article 3. Speed Safety System Pilot Program: Automated Speed*
 24 *Enforcement System*

25

26 *22425. (a) As used in this article, the following definitions*
 27 *shall apply:*

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

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

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

39 *(4) "Speed safety system" or "system" means a fixed or mobile*
 40 *radar or laser system or any other electronic device that utilizes*

1 *automated equipment to detect a violation of speeding laws and*
2 *is designed to obtain a clear photograph, video recording, or other*
3 *visual image of a vehicle license plate.*

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

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

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

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

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

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

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

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

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

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

36 *(1) Clearly identifies the presence of the speed safety system by*
37 *signs stating "Photo Enforced," along with the posted speed limit*
38 *within 500 feet of the system. The signs shall be visible to traffic*
39 *traveling on the street from the direction of travel for which the*
40 *system is utilized, and shall be posted at all locations as may be*

1 *determined necessary by the Department of Transportation through*
2 *collaboration with the California Traffic Control Devices*
3 *Committee.*

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (F) *Proposed purpose of the speed safety system.*

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

39 (3) *The local governing body shall consult and work*
40 *collaboratively with relevant local stakeholder organizations,*

1 *including racial equity, privacy protection, and economic justice*
2 *groups, in developing the Speed Safety System Use Policy and*
3 *Speed Safety System Impact Report.*

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

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

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

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

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

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

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

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

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

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

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

20 (n) A contract between the municipality and a manufacturer or
21 supplier of speed safety systems shall allow the local authority to
22 purchase materials, lease equipment, and contract for processing
23 services from the manufacturer or supplier based on the services
24 rendered on a monthly schedule or another schedule agreed upon
25 by the municipality and contractor. The contract shall not include
26 provisions for payment or compensation based on the number of
27 notices of violation issued by a designated municipal employee,
28 or as a percentage of revenue generated, from the use of the system.
29 The contract shall include a provision that all data collected from
30 the speed safety systems is confidential, and shall prohibit the
31 manufacturer or supplier of speed safety systems from sharing,
32 repurposing, or monetizing collected data, except as specifically
33 authorized in this article. The municipality shall oversee and
34 maintain control over all enforcement activities, including the
35 determination of when a notice of violation should be issued.

36 (o) Notwithstanding subdivision (n), a municipality may contract
37 with a vendor for the processing of notices of violation after a
38 designated municipal employee has issued a notice of violation.
39 The vendor shall be a separate legal and corporate entity from,
40 and unrelated or affiliated in any manner with, the manufacturer

1 or supplier of speed safety systems used by the municipality. Any
2 contract between the municipality and a vendor to provide
3 processing services may include a provision for the payment of
4 compensation based on the number of notices of violation
5 processed by the vendor.

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

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

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

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

16 (A) Bicycle lanes.

17 (B) Chicanes.

18 (C) Chokers.

19 (D) Curb extensions.

20 (E) Median islands.

21 (F) Raised crosswalks.

22 (G) Road diets.

23 (H) Roundabouts.

24 (I) Speed humps or speed tables.

25 (J) Traffic circles.

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

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

36 22426. (a) Notwithstanding any other law, a violation of
37 Section 22350, or any other speed law pursuant to this chapter
38 that is recorded by a speed safety system authorized pursuant to
39 Section 22425 shall be subject only to a civil penalty, as provided
40 in subdivision (d), and shall not result in the department

1 *suspending or revoking the privilege of a violator to drive a motor*
2 *vehicle or in a violation point being assessed against the violator.*

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

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

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

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

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

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

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

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

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

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

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

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

31 *(4) A statement that payment is required to be made no later*
32 *than 30 calendar days from the date of mailing of the notice of*
33 *violation, or that the violation may be contested pursuant to Section*
34 *22427.*

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

38 *(6) An affidavit of nonliability, and information of what*
39 *constitutes nonliability, information as to the effect of executing*
40 *the affidavit, and instructions for returning the affidavit to the*

1 processing agency. If the affidavit of nonliability is returned to the
2 processing agency within 30 calendar days of the mailing of the
3 notice of violation, together with proof of a written lease or rental
4 agreement between a bona fide rental or leasing company and its
5 customer that identifies the rentee or lessee, the processing agency
6 shall serve or mail a notice of violation to the rentee or lessee
7 identified in the affidavit of nonliability.

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

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

18 (2) Jurisdictions shall maintain their existing commitment of
19 local funds for traffic-calming measures in order to remain
20 authorized to participate in the pilot program, and shall annually
21 expend not less than the annual average of expenditures for
22 traffic-calming measures during the 2016–17, 2017–18, and
23 2018–19 fiscal years. For purposes of this subdivision, in
24 calculating average expenditures on traffic-calming measures,
25 restricted funds that may not be available on an ongoing basis,
26 including those from voter-approved bond issuances or tax
27 measures, shall not be included. Any excess revenue shall be used
28 for traffic calming measures within three years. If traffic-calming
29 measures are not planned or constructed after the third year, then
30 excess revenue shall revert to the Active Transportation Program
31 established pursuant to Chapter 8 (commencing with Section 2380)
32 of the Streets and Highways Code, to be allocated by the California
33 Transportation Commission pursuant to Section 2381 of the Streets
34 and Highways Code.

35 22427. (a) For a period of 30 calendar days from the mailing
36 of a notice of violation, a person may request an initial review of
37 the notice by the issuing agency. The request may be made by
38 telephone, in writing, electronically, or in person. There shall be
39 no charge for this review. If, following the initial review, the issuing
40 agency is satisfied that the violation did not occur, or that

1 *extenuating circumstances make dismissal of the notice of violation*
2 *appropriate in the interest of justice, the issuing agency shall*
3 *cancel the notice of violation. The issuing agency shall advise the*
4 *processing agency, if any, of the cancellation. The issuing agency*
5 *or the processing agency shall mail the results of the initial review*
6 *to the person contesting the notice, and, if cancellation of the notice*
7 *does not occur following that review, include a reason for that*
8 *denial, notification of the ability to request an administrative*
9 *hearing, and notice of the procedure adopted pursuant to*
10 *paragraph (2) of subdivision (b) for waiving prepayment of the*
11 *civil penalty based upon an inability to pay.*

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

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

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

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

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

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

39 *(3) The administrative hearing shall be conducted in accordance*
40 *with written procedures established by the issuing agency and*

1 approved by the governing body or chief executive officer of the
2 issuing agency. The hearing shall provide an independent,
3 objective, fair, and impartial review of contested automated speed
4 violations.

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

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

21 (I) An accredited college or university.

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

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

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

29 (ii) Training programs may include topics relevant to the
30 administrative hearing, including, but not limited to, applicable
31 laws and regulations, enforcement procedures, due process,
32 evaluation of evidence, hearing procedures, and effective oral and
33 written communication. Upon the approval of the governing body
34 or chief executive officer of the issuing agency, up to 12 hours of
35 relevant experience may be substituted for up to 12 hours of
36 training. Up to eight hours of the training requirements described
37 in this subparagraph may be credited to an individual, at the
38 discretion of the governing body or chief executive officer of the
39 issuing agency, based upon training programs or courses described

1 *in this subparagraph that the individual attended within the last*
2 *five years.*

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

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

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

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

28 22428. (a) *Within 30 days after personal delivery or mailing*
29 *of the final decision described in subdivision (c) of Section 22427,*
30 *the contestant may seek review by filing an appeal to the superior*
31 *court, where the case shall be heard de novo, except that the*
32 *contents of the processing agency's file in the case on appeal shall*
33 *be received in evidence. A copy of the notice of violation shall be*
34 *admitted into evidence as prima facie evidence of the facts stated*
35 *in the notice. A copy of the notice of appeal shall be served in*
36 *person or by first-class mail upon the processing agency by the*
37 *contestant. For purposes of computing the 30-day period, Section*
38 *1013 of the Code of Civil Procedure shall be applicable. A*
39 *proceeding under this subdivision is a limited civil case.*

1 (b) The fee for filing the notice of appeal shall be as provided
2 in Section 70615 of the Government Code. The court shall request
3 that the issuing agency's file on the case be forwarded to the court,
4 to be received within 15 calendar days of the request. The court
5 shall notify the contestant of the appearance date by mail or
6 personal delivery. The court shall retain the fee under Section
7 70615 of the Government Code regardless of the outcome of the
8 appeal. If the appellant prevails, this fee and any payment of the
9 civil penalty shall be promptly refunded by the issuing agency in
10 accordance with the judgment of the court.

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

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

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

22 22429. (a) A city or city and county shall offer a diversion
23 program for indigent speed safety system violation recipients, to
24 perform community service in lieu of paying the penalty for an
25 automated speed system violation.

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

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

36 22430. A city or city and county shall each develop and submit
37 to their respective governing body a Speed Safety System Report,
38 two years after initial implementation of the program and at the
39 end of the pilot program that includes all of the following
40 information:

- 1 (a) A description of how the speed safety system was used.
- 2 (b) Whether and how often any system data was shared with
3 outside entities, the name of any recipient entity, the type or types
4 of data disclosed, and the legal reason for the disclosure.
- 5 (c) A summary of any community complaints or concerns about
6 the speed safety system.
- 7 (d) Results of any internal audits, information about any
8 violations of the Speed Safety System Use Policy, and any actions
9 taken in response.
- 10 (e) Information regarding the impact the speed safety system
11 has had on the streets where the speed safety system was deployed.
- 12 (f) A summary of any public record act requests.
- 13 (g) A list of system locations that did not meet the threshold for
14 continuance of a program pursuant to paragraph (1) of subdivision
15 (p) of Section 22425, and whether further traffic-calming measures
16 are in planning or construction, or there is a decision to halt
17 operation of the program in those locations.
- 18 22431. Any city or city and county that used speed safety
19 systems shall, on or before March 1 of the fifth year in which the
20 system has been implemented, submit to the transportation
21 committees of the Legislature an evaluation of the speed safety
22 system in their respective jurisdictions to determine the system's
23 impact on street safety and the system's economic impact on the
24 communities where the system is utilized. The report shall be made
25 available on the internet websites of the respective jurisdictions
26 and shall include all of the following information:
- 27 (a) Data, before and after implementation of the system, on the
28 number and proportion of vehicles speeding from 11 to 19 miles
29 per hour over the legal speed limit, inclusive, from 20 to 29 miles
30 per hour over the legal speed limit, inclusive, from 30 to 39 miles
31 per hour over the legal speed limit, inclusive, and every additional
32 10 miles per hour increment thereafter on a street or portion of a
33 street in which an system is used to enforce speed limits. To the
34 extent feasible, the data should be collected at the same time of
35 day, day of week, and location.
- 36 (b) The number of notices of violation issued under the program
37 by month and year, the corridors or locations where violations
38 occurred, and the number of vehicles with two or more violations
39 in a monthly period and a yearly period.

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

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

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

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

21 22432. This article shall remain in effect only until January 1,
 22 2027, and as of that date is repealed.

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

29 ~~SEC. 3.~~

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

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

1 other visual or administrative records generated by the program
2 shall be confidential, and shall be made available only to alleged
3 violators and to governmental agencies solely for the purpose of
4 enforcing these violations and assessing the impact of the use of
5 speed safety systems, as required by this act.

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ASSEMBLY BILL 550 (CHIU)

SAFE STREETS AND WORK ZONES ACT OF 2021

SUMMARY

Assembly Bill 550 protects the safety of vulnerable travelers and workers on California roads by giving local transportation authorities and the state the option of creating speed safety pilot programs informed by a stakeholder-driven process under the auspices of the Secretary of the California State Transportation Agency.

BACKGROUND

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

In addition, work crews in state and local work zones face incredibly dangerous working conditions. Workers face a high risk of being injured or killed by distracted or speeding drivers – and many have been struck and killed in the line of duty. The number of active work zones has increased in recent years due to an influx of transportation project funds. The state has undertaken additional safety campaigns, but many sites are still very dangerous.

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

Many streets with the highest incidents of fatal and severe crashes are in regionally-identified Communities of Concern, where a high percentage of households with minority or low-income status, seniors, people with limited English proficiency, and people with disabilities reside and are

disproportionately impacted. Children going to school, pedestrians and cyclists heading to work, and seniors attending to errands are at risk every day.

Vision Zero efforts have historically focused on a traditional law enforcement response to speeding and other dangerous driver behaviors, as well as education and engineering efforts. However, these traditional enforcement methods have had a well-documented disparate impact on communities of color, and implicit or explicit racial bias in police traffic stops puts drivers of color at risk. Jurisdictions around the state are seeking alternatives to traditional enforcement mechanisms that will protect public safety while being responsive to community concerns.

THE PROBLEM

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

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

THE SOLUTION

AB 550 directs the Secretary of CalSTA to bring together a stakeholder working group to establish program guidelines for the piloting of two speed

safety programs: one on dangerous local streets, and the other in active state or local work zones.

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

- **Program Operation:** Must be operated by a jurisdiction’s transportation department or similar administrative agency.
- **Privacy Protections:** Jurisdiction must adopt a policy setting out clear restrictions on the use of data and provisions to protect, retain, and dispose of that data. Data from a system cannot be used for any other purpose or disclosed to any other person or agency except as required by law or in response to a court order or subpoena.
- **Facial Recognition Ban:** Jurisdictions are prohibited from using facial recognition technology in a program.
- **Citation Type:** Citations are civil in nature, not criminal, and shall not result in a point on a driver’s record.
- **Fine Amount:** The total penalty amount, including fees, is capped at \$125.
- **Adjudication:** Jurisdictions must provide for a hearing and appeal process for contesting citations.
- **Equity:** Jurisdictions must offer a low-income driver diversion program with specified alternative remedies in lieu of payment and reduced fines for qualifying individuals.
- **Oversight and Evaluation:** Each jurisdiction must submit a report and evaluation to the Legislature within two years of the start of the program and annually thereafter. Reports must include a specific analysis of racial equity and financial impacts of programs developed in collaboration with stakeholder groups.
- **Sunset:** The Act and any authorized programs sunset on January 1, 2027.

The working group, informed by collaboration with stakeholders and experts, will establish additional guidelines in certain areas, including system placement, speed thresholds, warning phases prior to deployment, and community engagement.

SUPPORT

City of Los Angeles (cosponsor)
City of Oakland (cosponsor)
City of San Francisco (cosponsor)
City of San Jose (cosponsor)
Walk San Francisco (cosponsor)
San Francisco Bicycle Coalition

FOR MORE INFORMATION

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