

Communication from Public

Name: Casey Maddren, United Neighborhoods for Los Angeles
Date Submitted: 09/01/2022 08:49 AM
Council File No: 20-1536
Comments for Public Posting: I am submitting the attached comments on the Sidewalk & Transit Amenities Program on behalf of United Neighborhoods for Los Angeles (UN4LA). We strongly oppose the program because of the City's failure to adequately address a number of important concerns, including safety, privacy and financial sustainability.



United Neighborhoods for Los Angeles

www.un4la.com

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September 1, 2022

Members of the Los Angeles City Council
Los Angeles City Hall
200 N. Spring St.
Los Angeles, CA 90012

Re: Sidewalk & Transit Amenities Program (STAP)
Related Contract, Ordinance, MND, Etc.
Council Files 20-1536, 20-1536-S1, 20-1536-S2, 21-0451
OPPOSED

Members of the Los Angeles City Council,

United Neighborhoods for Los Angeles (UN4LA) is a community group formed to foster better planning and better government within the County of Los Angeles, and all cities and unincorporated areas contained within the County's borders. Among UN4LA's areas of focus are planning, development, and the environment, but UN4LA's larger purpose is to speak to any issue which relates to the health and well-being of the citizens of Los Angeles County.

We are writing to express our serious concern about the proposed Sidewalk & Transit Amenities Program (STAP), the related ordinance amending the LAMC, the contract with Tranzito-Vector and the Mitigated Negative Declaration. We are disturbed by the fact that the City appears to be moving toward approval of STAP when there are so many troubling aspects of the program that

have been left unexplored and/or unresolved. Here is a summary of the concerns which seem most pressing:

Potential for Increase in Distracted Driving, Increase in Traffic Injuries and Fatalities

First and foremost, we are stunned that the City is proposing a program whereby static advertising at bus stops would be replaced with digital displays. At a time when we're seeing [an alarming rise in fatalities related to traffic collisions](#), how can the City fail to acknowledge the potential safety impacts from digital ads that would increase distracted driving? There is substantial research showing that roadside advertising, by competing for the driver's attention, increases the risk of crashes where the billboards are located. It is shocking that the City repeatedly has downplayed or ignored this risk, not only in the Mitigated Negative Declaration but in the public hearings on the program. The City needs to ignore the meaningless reassurances from paid representatives and consultants, and focus on published research on this subject. We provide the following summary to help you achieve a clearer understanding of this issue.

[Compendium of a Decade's Worth of Research Studies on Distraction from Digital Billboards](#)
Wachtel, Veridian Group, October 2020

Privacy Risks and Violation of Privacy Laws

We also have difficulty understanding how, with alarm growing over theft and abuse of personal data, the City is poised to approve a program that would give a private company the right to collect cellphone data from millions of LA residents. The language regarding data and privacy in the revised Tranzito-Vector contract included in the CAO's report is vague and insufficient. In general, it seems that the City does not understand how data is collected via Digital Out of Home advertising, and has no real awareness of how advertising interests and data brokers conduct business in the 21st century.

Section 13, Data Collection, Data Ownership & Use of Location-Based Technology, is problematic in many ways. The contract states:

"None of the data collected shall be stored or held by the Contractor during the Contract Term."

We do not understand how the City intends to enforce this requirement, since all data will be collected via hardware installed by a private company, and neither the contract nor the RFP nor the MND describe the network which will be used to transfer data to the City. Since Tranzito-Vector and/or a contractor would be collecting data from passersby via wireless devices, how does the City intend to prevent them from storing the data? What mechanism will allow the City to monitor data collected to ensure that it is not being stored by Tranzito-Vector or a subcontractor?

The contract also states:

"None of the data collected through the STAP shall be made available to any person or entity without the prior written authorization by the City."

This indicates that the City will make data available to third parties with written authorization, but there is no description of the process involved or who has the authority to share data. Nor is there a description of the type of data that can be shared or what entities will have access to the data. Will the City make the data available to private companies? Government agencies? Individuals? Law enforcement? It is deeply disturbing that the City acknowledges that it will share data with no details provided on how that will happen.

The contract states:

“All data collected shall be non-personally identifiable information in accordance with the provisions of the California Consumer Privacy Act of 2018, unless the user(s) specifically opts-in, or where such data is reported from devices not governed by STAP in which case data rights will be governed by appropriate contracts.”

Here the City demonstrates that it does not understand the practices used by advertising companies and data brokers. In the first place, how will the City verify that data collected will be “non-personally identifiable,” since the data will be collected via wireless devices installed and maintained by Tranzito-Vector and/or its subcontractors? In the second place, it is troublesome that the City does not seem to be aware that “non-personally identifiable” data can be used to identify specific individuals through re-identification, a common practice routinely used by data brokers. The contract refers to the California Consumer Privacy Act, but the City does not seem aware of the CCPA’s prohibition against the collection of so-called “non-personally identifiable” data, which could be used to target specific individuals through re-identification.

The contract language specifies that only “non-personally identifiable information” will be collected unless users opt-in, but fails to specify how that will happen. And the contract goes on to say that “non-personally identifiable information” can be collected if “such data is reported from devices not governed by STAP in which case data rights will be governed by appropriate contracts.” Yet the contract does not specify which devices are governed by STAP, which seems to indicate that data collected from cellphones, tablets, laptops, etc., will be exempt from the contract’s already flimsy and vague protections.

Unfortunately, many cellphone users download apps that gather and broadcast personal information without their knowledge. During the installation of the app, the consumer is usually asked to click a box accepting the terms and conditions, but few users take the time to actually read the document. These apps often broadcast personal information to wireless devices in public places, including information about their health, finances, educational level, etc. The way the STAP contract is currently written, there are no meaningful mechanisms to protect the personal data of cell phone users.

City Funding of Street Furniture Program

The contract includes a provision stating that, “Under the STAP, the City must provide funding for new street furniture.” The CAO’s report seems to indicate that, at this time, the source of funding has not yet been identified. This is a significant concern, especially since it appears that the City could be required to spend in excess of \$200 million. The CAO also states:

“The City will receive revenue from this proposed contract. However, the level of revenue to be received by the City will be directly dependent upon several factors:

- *The amount of funding that the City Council and Mayor are willing to provide for capital costs;*
- *The ability of the contractor to deliver and install furniture in a timely manner; and*
- *The ability of the contractor to execute advertising contracts and the levels of revenue achieved by those advertising contracts.”*

These variables mean there is actually a great deal of uncertainty about how much revenue the STAP will generate. We are puzzled by the City’s willingness to spend as much as \$200 million on the program when there is little certainty about the return on its investment. This is not sound fiscal planning.

Proposed Ordinance Removes Restrictions on Billboards and Other Outdoor Advertising

The proposed ordinance gives permission to place new advertising structures, and new kinds of advertising structures, in the public right of way. This is a serious concern since it opens up public space to a wide variety of intrusions by private companies. We are even more concerned that the ordinance will give complete authority to the Board of Public Works to approve any and all outdoor advertising structures. It is shocking that the City is willing to prevent LA’s communities from having a voice in the approval of billboards, kiosks, banners, etc., that will intrude on our rapidly shrinking public space. The City seems to have decided that the public should be shut out of decisions involving the public sphere.

Environmental Review of the STAP

Saying that the Mitigated Negative Declaration (MND) prepared for the STAP is inadequate is an understatement. The MND does not even describe the full scope of the program. As currently framed, the program does not specify all the types of advertising structures that could be included in the program. It does not acknowledge significant safety risks. It does not indicate the lifespan of the street furniture and electronic hardware that will be created for the program, nor how these materials will be re-used or disposed of when they have reached the end of their life cycle. It does not describe the significant network infrastructure that must be created in order to collect and share data, and because of this it fails to accurately assess the amount of energy that will be required. If the program infrastructure does not involve the creation of a new data center, it will certainly require extensive use of existing data centers, which will consume significant amounts of energy. None of this is addressed in the MND.

In closing, we must repeat that we are strongly opposed to the STAP and have difficulty imagining how it could be modified to create an acceptable program. The City seems oblivious to serious concerns about public safety, privacy, violations of State law, and does not even have a clear plan in place to explain how the program will be financed. We strongly recommend that the City Council reject the STAP.

Thank you for your consideration of this letter.

Sincerely,
Casey Maddren, President
United Neighborhoods for Los Angeles