

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: June 20, 2023

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations
Committee

FROM: Sharon M. Tso *KEK*
Chief Legislative Analyst

Council File No: 23-0002-S55

Assignment No: 23-06-0322

SUBJECT: Revised Resolution (Blumenfield - Harris-Dawson) to SUPPORT AB 645
(Friedman - Santiago - Ting)

CLA RECOMMENDATION: That the Council adopt the attached Revised Resolution (Blumenfield - Harris-Dawson) to include in the City's 2023-2024 State Legislative Program SUPPORT for AB 645, which would authorize the City of Los Angeles to implement a speed safety pilot program.

SUMMARY

According to a report published by the California State Transportation Agency in 2020, speed safety systems have been demonstrated, both nationally and internationally, to significantly reduce traffic-related collisions and casualties; in some cities, such systems are associated with a 70 percent reduction. Speed safety systems, also known as automated speed enforcement (ASE) programs, include the use of speed measurement devices to detect speeding and capture photographic or video evidence of vehicles that are violating a set speed threshold. Currently, speed safety cameras and ASE are expressly prohibited under California state law.

On February 9, 2023, Assembly Members Friedman, Santiago, and Ting introduced AB 645, which would establish a five-year pilot program to give local transportation authorities in the cities of San Jose, Oakland, Los Angeles, Glendale, Long Beach, and the City and County of San Francisco, the authority to install speed safety systems, including the use of ASE. The authorization limits the number of cameras, based on each city's population, and to locations on streets that have been determined to have had a high number of speeding, street takeovers, and in school zones. The legislation further limits the issuance of tickets to violations of speeding 11 miles per hour (mph) or more over the posted speed limit, would not allow the violations to be used to suspend or revoke a driver's license nor be used to assess a point against the driver. Additionally, the proposed legislation:

- Requires the pilot cities to reduce ticket fines and penalties by 80 percent for low-income individuals.
- Restricts the revenue generated by the fines to be used to recover program costs and build traffic calming measures, with excess revenue after three years going to the state's Active Transportation Program.
- Specifies that speed safety systems cannot be operated on State highways.
- Does not allow a speed safety system to continue to operate if, within the first 18 months of installation of a system, there has not been a specified reduction in speeding or in the number of violators.
- Provides that the cameras may continue to operate if traffic calming measures are added to the street and authorizes the cameras to continue to be used for up to two years, with a vehicle speed feedback sign, while traffic calming measures are being planned or constructed.
- Requires each pilot jurisdiction to conduct a public information campaign for 30 days before deployment and only issue warning notices during the first 60 days of enforcement, as well as to adopt a Speed Safety System Use Policy and a Speed Safety System Impact Report.
- Mandates each pilot jurisdiction to keep speed safety system data and records confidential and retain speed safety system data and evidence for a specified time, as well as limit collected information only to administer a speed safety system program and prohibits disclosure to any other person, including a state or federal agency, except as required by law, court order or subpoena.
- Prohibits the use of facial recognition software and limits photographic evidence to the rear of the vehicle.
- Sets vendor contracting requirements, including a requirement that any speed safety system data collected is confidential and may not be shared, repurposed, or monetized for purposes other than speed safety system enforcement.
- Submit a Speed Safety System Report to the Legislature after the fifth and final year of the pilot.

BACKGROUND

The United States Department of Transportation reports that speeding is a major factor in a large proportion of traffic crashes, injuries, and fatalities. Driver violations of speed limits and traffic control devices are major contributing factors to motor vehicle crashes. In addition to the recognized role of excessive speed as a causal factor, travel speed and impact speed significantly influence crash severity and injury outcomes. In 2013, speeding was a contributing factor in 29 percent of motor vehicle fatalities in the United States, resulting in 9,513 lives lost.

According to Los Angeles Department of Transportation (LADOT), over 140 communities across the United States have implemented ASE programs, resulting in a reduction of fatalities by as much as 70 percent. These programs use speed sensors and license plate readers to issue speeding

tickets, which allows for consistent and predictable enforcement. In addition to improving compliance with posted speed limits, ASE programs can also bring down the price of citations, reducing the cost burden for low-income drivers.

As part of the City's adoption of the 2023-2024 State Legislative Program, the Council adopted the Department of Transportation's proposal to support bills that allow technology-based enforcement to increase accountability for reckless driving (C.F. 23-0002-S2). In 2023, to further the City's Vision Zero goals, LADOT continues to seek legislation to help reduce speeding near schools and promote driver compliance with posted signage, as well as legislation that incentivizes safety-focused technology. Support for AB 645 is consistent with the City's Vision Zero policy to reduce traffic fatalities and collisions, and is similar to the following previous bills:

In 2021, the Council supported AB 550 (Chiu), which would have authorized speed safety programs. The bill did not pass through the Assembly Appropriations Committee.

In 2022, the Council took a support position on AB 2336 (Friedman - Ting), which would have authorized, until January 1, 2028, the Cities of Los Angeles, Oakland, San Jose, Glendale, and Palm Springs, and the City and County of San Francisco, to establish the Speed Safety System Pilot Program if the system meets specified requirements. AB 2336 also did not pass through the Assembly Appropriations Committee.

DEPARTMENTS NOTIFIED

Los Angeles Department of Transportation

BILL STATUS

2/9/2023	Introduced
3/16/2023	Referred to Assembly Committee on Transportation and Assembly Committee on Privacy and Consumer Protection
4/18/2023	Passed and Re-referred to Assembly Committee on Privacy and Consumer Protection
5/2/2023	Referred to Assembly Committee on Appropriations
5/31/2023	Ordered to the Senate
6/14/2023	Referred to the Senate Committee on Transportation and the Senate Committee on Judiciary



Anna McClelland-Enger
Analyst

Attachment: Revised Resolution (Blumenfield - Harris-Dawson)
AB 645 (Friedman - Santiago - Ting)

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council; and

WHEREAS, in 2022, there were 312 traffic deaths in the City of Los Angeles, with most victims being people walking or bicycling, the highest number in more than 20 years; and

WHEREAS, unsafe speed was the most common primary collision factor for all crashes that resulted in a fatality or injury; and

WHEREAS, the speed that a vehicle travels significantly increases the likelihood of death or serious injuries in an accident; and

WHEREAS, on a national level, according to the National Safety Council, vehicle miles traveled dropped 13 percent in 2020 but mileage death rate went up 24 percent, the highest estimated year-over-year jump in 96 years; and

WHEREAS, over 42,000 Americans lost their lives to traffic collisions in 2020, and an estimated 4.8 million road users were seriously injured last year; and

WHEREAS, the California State Transportation Agency's January 2020 "CalSTA Report of Findings: AB 2363 Zero Fatalities Task Force" concluded that international and domestic studies show that speed safety measures are an effective countermeasure to speeding; and studies have shown that such street safety tools have reduced traffic collisions, deaths, and injuries by 70 percent in some cities; and

WHEREAS, AB 645 (Friedman - Santiago - Ting) would authorize a speed safety system pilot program, including automated speed enforcement, in Los Angeles and other specified cities; and

WHEREAS, AB 645 include protections to ensure that automated speed enforcement is used on streets where they are needed for safety reasons and prove to be effective at reducing speeding, as well as various consumer protection and privacy conditions and requires that revenues be used only for program costs or construction of traffic calming measures; and

WHEREAS, AB 645 would require the Los Angeles City Council to opt-in to an automated speed enforcement system, is consistent with the City's Vision Zero policy to reduce traffic fatalities and collisions, is similar to AB 2336 (Friedman - Ting) and AB 550 (Chiu) that the City supported in 2022 and 2021, respectively;

NOW, THEREFORE, BE IT RESOLVED, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2023-2024 State Legislative Program SUPPORT for AB 645 that would authorize the City of Los Angeles to implement a speed safety pilot program.

AMENDED IN SENATE JUNE 14, 2023

AMENDED IN ASSEMBLY MAY 1, 2023

AMENDED IN ASSEMBLY MARCH 30, 2023

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 645

Introduced by Assembly Members Friedman, Santiago, and Ting
(Principal coauthor: Assembly Member Gipson)
(Principal coauthor: Senator Wiener)
(Coauthors: Assembly Members Berman, Haney, Lee, and Wicks)

February 9, 2023

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 645, as amended, 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.

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.

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

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

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

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

26 (h) The Transportation Agency's "CalSTA Report of Findings:
27 AB 2363 Zero Traffic Fatalities Task Force," issued in January
28 2020, concluded that international and domestic studies show that
29 speed safety systems are an effective countermeasure to speeding
30 that can deliver meaningful safety improvements, and identified

1 several policy considerations that speed safety system program
2 guidelines could consider.

3 (i) In a 2017 study, the National Transportation Safety Board
4 (NTSB) analyzed studies of speed safety system programs, and
5 found they offered significant safety improvements in the forms
6 of reduction in mean speeds, reduction in the likelihood of speeding
7 more than 10 miles per hour over the posted speed limit, and
8 reduction in the likelihood that a crash involved a severe injury or
9 fatality. The same study recommended that all states remove
10 obstacles to speed safety system programs to increase the use of
11 this proven approach, and notes that programs should be explicitly
12 authorized by state legislation without operational and location
13 restrictions.

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

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

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

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

30 70615. The fee for filing any of the following appeals to the
31 superior court is twenty-five dollars (\$25):

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

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

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

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

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

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

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

12 70615. The fee for filing any of the following appeals to the
13 superior court is twenty-five dollars (\$25):

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

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

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

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

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

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

27
28 Article 3. Speed Safety System Pilot Program

29
30 22425. (a) As used in this article, the following definitions
31 apply:

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

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

38 (3) "Indigent" has the same meaning as defined in subdivision
39 (c) of Section 40220.

(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) “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 speeding laws and is designed to obtain a clear photograph of a vehicle license plate.

(b) (1) A designated jurisdiction may establish a program utilizing a speed safety system for speed enforcement, 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 at least four calls for law enforcement to respond to the area for an incident of a motor vehicle speed contest or motor vehicle exhibition of speed.*

(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, no more than 125 systems.

(B) For a jurisdiction with a population between 800,000 and 3,000,000, inclusive, no more than 33 systems.

(C) For a jurisdiction with a population of 300,000 up to 800,000, no more than 18 systems.

(D) For a jurisdiction with a population of less than 300,000, no more than 9 systems.

(c) If a school zone has a posted speed limit of 30 miles per hour or higher when children are not present, a designated jurisdiction may only enforce the school zone speed limit up to two hours before the regular school session begins and up to two hours 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 the school zone

1 speed limit sign and active to indicate the times during which the
2 school zone speed limit is enforced with a speed safety system.

3 (d) A speed safety system for speed limit enforcement may be
4 utilized pursuant to subdivision (b) if the program meets all of the
5 following requirements:

6 (1) Clearly identifies the presence of the speed safety system
7 by signs stating "Photo Enforced," along with the posted speed
8 limit within 500 feet of the system. The signs shall be visible to
9 traffic traveling on the street from the direction of travel for which
10 the system is utilized, and shall be posted at all locations as may
11 be determined necessary by the Department of Transportation
12 through collaboration with the California Traffic Control Devices
13 Committee.

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

19 (3) Ensures that the speed safety system is regularly inspected
20 and certifies that the system is installed and operating properly.
21 Each camera unit shall be calibrated in accordance with the
22 manufacturer's instructions, and at least once per year by an
23 independent calibration laboratory. Documentation of the regular
24 inspection, operation, and calibration of the system shall be retained
25 until the date on which the system has been permanently removed
26 from use.

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

29 (e) A speed safety system shall not be operated on any California
30 state route, including all freeways and expressways, United States
31 Highway, Interstate Highway, or any public road in an
32 unincorporated county where the Commissioner of the California
33 Highway Patrol has full responsibility and primary jurisdiction for
34 the administration and enforcement of the laws, and for the
35 investigation of traffic accidents, pursuant to Section 2400.

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

38 (1) Administer a public information campaign for at least 30
39 calendar days prior to the commencement of the program, which
40 shall include public announcements in major media outlets and

1 press releases. The public information campaign shall include the
2 draft Speed Safety System Use Policy pursuant to subdivision (g),
3 the Speed Safety System Impact Report pursuant to subdivision
4 (h), information on when systems will begin detecting violations,
5 the streets, or portions of streets, where systems will be utilized,
6 and the designated jurisdiction's internet website, where additional
7 information about the program can be obtained. Notwithstanding
8 the above, no further public announcement by the municipality
9 shall be required for additional systems that may be added to the
10 program.

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

19 (g) The local governing body of a designated jurisdiction shall
20 adopt a Speed Safety System Use Policy before entering into an
21 agreement regarding a speed safety system, purchasing or leasing
22 equipment for a program, or implementing a program. The Speed
23 Safety System Use Policy shall include the specific purpose for
24 the system, the uses that are authorized, the rules and processes
25 required prior to that use, and the uses that are prohibited. The
26 policy shall include the data or information that can be collected
27 by the speed safety system and the individuals who can access or
28 use the collected information, and the rules and processes related
29 to the access or use of the information. The policy shall also include
30 provisions for protecting data from unauthorized access, data
31 retention, public access, third-party data sharing, training, auditing,
32 and oversight to ensure compliance with the Speed Safety System
33 Use Policy. The Speed Safety System Use Policy shall be made
34 available for public review, including, but not limited to, by posting
35 it on the local governing body's internet website at least 30
36 calendar days prior to adoption by the local governing body.

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

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

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

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

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

11 (E) Locations where the system may be deployed and traffic
12 data for these locations.

13 (F) Proposed purpose of the speed safety system.

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

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

22 (i) The designated jurisdiction shall develop uniform guidelines
23 for both of the following:

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

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

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

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

36 (l) (1) Notwithstanding Sections 6253 and 6262 of the
37 Government Code, or any other law, photographic or administrative
38 records made by a system shall be confidential. Public agencies
39 shall use and allow access to these records only for the purposes
40 authorized by this article or to assess the impacts of the system.

1 Data about the number of violations issued and the speeds at which
2 they were issued for is not considered administrative records
3 required to be confidential by this section.

4 (2) Confidential information obtained from the Department of
5 Motor Vehicles for the administration of speed safety systems and
6 enforcement of this article shall be held confidential, and shall not
7 be used for any other purpose.

8 (3) Except for court records described in Section 68152 of the
9 Government Code, or as provided in paragraph (4), the confidential
10 records and evidence described in paragraphs (1) and (2) may be
11 retained for up to 60 days after final disposition of the notice of
12 violation, except the designated jurisdiction may retain information
13 on vehicles that have been cited and convicted of a violation for
14 up to three years. The municipality may adopt a retention period
15 of less than 60 days in the Speed Safety System Use Policy.
16 Administrative records described in paragraph (1) may be retained
17 for up to 120 days after final disposition of the notice of violation.
18 Notwithstanding any other law, the confidential records and
19 evidence shall be destroyed in a manner that maintains the
20 confidentiality of any person included in the record or evidence.

21 (4) Notwithstanding Section 26202.6 of the Government Code,
22 photographic evidence that is obtained from a speed safety system
23 that does not contain evidence of a speeding violation shall be
24 destroyed within five business days after the evidence was first
25 obtained. The use of facial recognition technology in conjunction
26 with a speed safety system shall be prohibited.

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

34 (m) Notwithstanding subdivision (l), the registered owner or an
35 individual identified by the registered owner as the driver of the
36 vehicle at the time of the alleged violation shall be permitted to
37 review the photographic evidence of the alleged violation.

38 (n) A contract between the designated jurisdiction and a
39 manufacturer or supplier of speed safety systems shall allow the
40 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 include provisions for payment or compensation based on the number of notices of violation issued by a designated municipal employee, 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 speed safety systems from sharing, repurposing, or monetizing collected data, except as specifically authorized in this article. The designated jurisdiction shall oversee and maintain control 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 a designated employee of the jurisdiction has issued a notice of violation. The vendor shall be a separate legal and corporate entity from, and unrelated 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 only if, within the first 18 months of installation of a system, 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) This subdivision 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.

- 1 (ii) Chicanes.
- 2 (iii) Chokers.
- 3 (iv) Curb extensions.
- 4 (v) Median islands.
- 5 (vi) Raised crosswalks.
- 6 (vii) Road diets.
- 7 (viii) Roundabouts.
- 8 (ix) Speed humps or speed tables.
- 9 (x) Traffic circles.
- 10 (B) A designated jurisdiction may continue to operate a speed
- 11 safety system with a fixed or mobile vehicle speed feedback sign
- 12 while traffic-calming measures are being planned or ~~constructed~~.
- 13 *constructed, but shall halt their use if construction has not begun*
- 14 *within two years.*
- 15 (3) *If the percentage of violations has not decreased by the*
- 16 *metrics identified pursuant to paragraph (1) within one year after*
- 17 *traffic-calming measures have completed construction, a*
- 18 *designated jurisdiction shall either construct additional*
- 19 *traffic-calming measures or cease operation of the system on that*
- 20 *street.*
- 21 22426. (a) Notwithstanding any other law, a violation of
- 22 Section 22350, or any other speed law pursuant to this chapter that
- 23 is recorded by a speed safety system authorized pursuant to Section
- 24 22425 shall be subject only to a civil penalty, as provided in
- 25 subdivision (c), and shall not result in the department suspending
- 26 or revoking the privilege of a violator to drive a motor vehicle or
- 27 in a violation point being assessed against the violator.
- 28 (b) The speed safety system shall capture images of the rear
- 29 license plate of vehicles that are traveling 11 miles per hour or
- 30 more over the posted speed limit and notices of violation shall
- 31 only be issued to vehicles based on that evidence.
- 32 (c) A civil penalty shall be assessed as follows:
- 33 (1) Fifty dollars (\$50) for a speed violation from 11 up to 15
- 34 miles per hour over the posted speed limit.
- 35 (2) One hundred dollars (\$100) for a speed violation from 16
- 36 up to 25 miles per hour over the posted speed limit.
- 37 (3) Two hundred dollars (\$200) for a speed violation of 26 miles
- 38 per hour or more over the posted speed limit, unless paragraph (4)
- 39 applies.

1 (4) Five hundred dollars (\$500) for traveling at a speed of 100
2 miles per hour or greater.

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

5 (e) The written notice of violation shall be issued to the
6 registered owner of the vehicle within 15 calendar days of the date
7 of the violation. The notice of violation shall include all of the
8 following information:

9 (1) The violation, including reference to the speed law that was
10 violated.

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

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

15 (4) A statement that payment is required to be made no later
16 than 30 calendar days from the date of mailing of the notice of
17 violation, or that the violation may be contested pursuant to Section
18 22427.

19 (5) The amount of the civil penalty due for that violation and
20 the procedures for the registered owner, lessee, or rentee to pay
21 the civil penalty or to contest the notice of violation.

22 (6) An affidavit of nonliability, and information of what
23 constitutes nonliability, information as to the effect of executing
24 the affidavit, and instructions for returning the affidavit to the
25 processing agency. If the affidavit of nonliability is returned to the
26 processing agency within 30 calendar days of the mailing of the
27 notice of violation, together with proof of a written lease or rental
28 agreement between a bona fide rental or leasing company and its
29 customer that identifies the rentee or lessee, the processing agency
30 shall serve or mail a notice of violation to the rentee or lessee
31 identified in the affidavit of nonliability.

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

36 (g) (1) Revenues derived from any program utilizing a speed
37 safety system for speed limit enforcement shall first be used to
38 recover program costs. Program costs include, but are not limited
39 to, the construction of traffic-calming measures for the purposes
40 of complying with subdivision (p) of Section 22425, the installation

1 of speed safety systems, the adjudication of violations, and
2 reporting requirements as specified in this section.

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

20 (h) A person shall not be subject to both a notice of civil
21 violation under this section and a notice to appear for the same
22 violation.

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

25 22427. (a) For a period of 30 calendar days from the mailing
26 of a notice of violation, a person may request an initial review of
27 the notice by the issuing agency. The request may be made by
28 telephone, in writing, electronically, or in person. There shall be
29 no charge for this review. If, following the initial review, the
30 issuing agency is satisfied that the violation did not occur, or that
31 extenuating circumstances make dismissal of the notice of violation
32 appropriate in the interest of justice, the issuing agency shall cancel
33 the notice of violation. The issuing agency shall advise the
34 processing agency, if any, of the cancellation. The issuing agency
35 or the processing agency shall mail the results of the initial review
36 to the person contesting the notice, and, if cancellation of the notice
37 does not occur following that review, include a reason for that
38 denial, notification of the ability to request an administrative
39 hearing, and notice of the procedure adopted pursuant to paragraph

(2) of subdivision (b) for waiving prepayment of the civil penalty based upon an inability to pay.

(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 by mail, 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 a 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 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

1 objectivity necessary to conduct a fair and impartial review. The
2 examiner shall be separate and independent from the notice of
3 violation collection or processing function. An examiner's
4 continued employment, performance evaluation, compensation,
5 and benefits shall not, directly or indirectly, be linked to the amount
6 of civil penalties collected by the examiner or the number or
7 percentage of violations upheld by the examiner.

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

12 (I) An accredited college or university.

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

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

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

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

33 (5) The designated municipal employee who issues a notice of
34 violation shall not be required to participate in an administrative
35 hearing. The issuing agency shall not be required to produce any
36 evidence other than, in proper form, the notice of violation or copy
37 thereof, including the photograph of the vehicle's license plate,
38 and information received from the Department of Motor Vehicles
39 identifying the registered owner of the vehicle. The documentation
40 in proper form shall be prima facie evidence of the violation.

1 (6) The examiner's final decision following the administrative
2 hearing may be personally delivered to the person by the examiner
3 or sent by first-class mail.

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

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

17 22428. (a) Within 30 days after personal delivery or mailing
18 of the final decision described in subdivision (c) of Section 22427,
19 the contestant may seek review by filing an appeal to the superior
20 court, where the case shall be heard de novo, except that the
21 contents of the processing agency's file in the case on appeal shall
22 be received in evidence. A copy of the notice of violation shall be
23 admitted into evidence as prima facie evidence of the facts stated
24 in the notice. A copy of the notice of appeal shall be served in
25 person or by first-class mail upon the processing agency by the
26 contestant. For purposes of computing the 30-day period, Section
27 1013 of the Code of Civil Procedure shall be applicable. A
28 proceeding under this subdivision is a limited civil case.

29 (b) The fee for filing the notice of appeal shall be as provided
30 in Section 70615 of the Government Code. The court shall request
31 that the issuing agency's file on the case be forwarded to the court,
32 to be received within 15 calendar days of the request. The court
33 shall notify the contestant of the appearance date by mail or
34 personal delivery. The court shall retain the fee under Section
35 70615 of the Government Code regardless of the outcome of the
36 appeal. If the appellant prevails, this fee and any payment of the
37 civil penalty shall be promptly refunded by the issuing agency in
38 accordance with the judgment of the court.

39 (c) The conduct of the hearing on appeal under this section is
40 a subordinate judicial duty that may be performed by a

1 commissioner or other subordinate judicial officer at the direction
2 of the presiding judge of the court.

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

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

10 22429. (a) A designated jurisdiction shall offer a diversion
11 program for indigent speed safety system violation recipients, to
12 perform community service in lieu of paying the penalty for an
13 automated speed system violation.

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

20 (c) Notwithstanding subdivisions (a) and (b), a designated
21 jurisdiction shall reduce the applicable fines and penalties by 80
22 percent for indigent persons, and by 50 percent for individuals 200
23 percent above the federal poverty level.

24 22430. Any designated jurisdiction that used speed safety
25 systems shall, on or before March 1 of the fifth year in which the
26 system has been implemented, submit to its local governing body
27 and the transportation committees of the Legislature an evaluation
28 of the speed safety system in their respective jurisdictions to
29 determine the system's impact on street safety and the system's
30 economic impact on the communities where the system is utilized.
31 The report shall be made available on the internet websites of the
32 respective jurisdictions and shall include all of the following
33 information:

34 (a) Data, at least three months before and at least six months
35 after implementation of each system, on the number and proportion
36 of vehicles speeding from 11 to 15 miles per hour over the legal
37 speed limit, inclusive, from 16 to 25 miles per hour over the legal
38 speed limit, inclusive, 26 miles per hour over the legal speed limit,
39 and for every violator traveling at a speed of 100 miles per hour
40 or greater. Data shall also be collected on the average speed of

1 vehicles and 85th percentile speed of vehicles. To the extent
2 feasible, the data should be collected at the same time of day, day
3 of week, and location.

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

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

15 (d) The number of violations paid, the number of delinquent
16 violations, and the number of violations for which an initial review
17 is requested. For the violations in which an initial review was
18 requested, the report shall indicate the number of violations that
19 went to initial review, administrative hearing, and de novo hearing,
20 the number of notices that were dismissed at each level of review,
21 and the number of notices that were not dismissed after each level
22 of review.

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

26 (f) A racial and economic equity impact analysis, developed in
27 collaboration with local racial justice and economic equity
28 stakeholder groups.

29 22431. This article shall remain in effect only until January 1,
30 2032, and as of that date is repealed.

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

39 To protect the privacy interests of persons who are issued notices
40 of violation under a speed safety systems pilot program, the

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

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