
Fw: REAL comments on speed safety system use policy

From City Clerk <city.clerk@sanjoseca.gov>
Date Fri 10/25/2024 8:11 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachments (109 KB)

REAL comments on speed safety policy October 2024.pdf;

Office of the City Clerk | City of San José

200 E. Santa Clara St., Tower 14th Floor
San Jose, CA 95113
Main: 408-535-1260
Fax: 408-292-6207

How is our service? Your [feedback](#) is appreciated!

From: Matt King [REDACTED]
Sent: Friday, October 25, 2024 7:41 AM
To: City Clerk <city.clerk@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; Mosing, Mackenzie <Mackenzie.Mosing@sanjoseca.gov>; Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; Zeelig, Aaron <Aaron.Zeelig@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Sandoval, Vanessa <vanessa.sandoval@sanjoseca.gov>; Arreola, Kiara <Kiara.Arreola@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Nguyen, Lam <Lam.Nguyen@sanjoseca.gov>; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; Moreno, Brisa <Brisa.Moreno@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Groen, Mary Anne <maryanne.groen@sanjoseca.gov>; Fleming, Jonathan <Jonathan.Fleming@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>; Adera, Teddy <Teddy.Adera@sanjoseca.gov>; Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Laveroni, Kyle <Kyle.Laveroni@sanjoseca.gov>; Batra, Arjun <arjun.batra@sanjoseca.gov>; Dexter, Michele <Michele.Dexter@sanjoseca.gov>
Subject: REAL comments on speed safety system use policy

[**External Email.** Do not open links or attachments from untrusted sources.]

You don't often get email from [REDACTED] [Learn why this is important](#)

--
Hello,

Please see the attached comments from the REAL Coalition regarding Tuesday's item 5.1, speed safety use policy and impact report.

m

Matt King
pronouns: he/him/his
Policy Director
Sacred Heart Community Service
[REDACTED]

I'm often in the eastern time zone and that may affect my response time

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

October 25, 2024

Mayor & City Council
City of San José
200 East Santa Clara Street, 18th Floor
San José, CA 95113
Sent via electronic mail

**Re: Speed Safety System Use Policy and Speed Safety System Pilot Impact Report
Adoption - [Item 5.1](#) October 29, 2024**

Dear Mayor Mahan and members of San José City Council:

This letter is submitted by the Community Safety Workgroup of the Race Equity Action Leadership (REAL) Coalition

As a coalition committed to racial equity, we have concerns about the use of surveillance in our communities. However, we acknowledge the promise of automating traffic enforcement, namely reducing interactions between the police and people who drive. Historically, the largest number of use of force incidents stem from traffic stops. We hope this pilot will be successful in reducing use of force stemming from traffic stops while also increasing the safety of our streets for people who walk, bike, and drive. The state legislation recognizes this too as it has attempted to build in protections against the potential unintended consequences of increased surveillance.

We are also concerned about the potential of speed cameras to target Black, Brown and low-income communities with fines and penalties and more entanglements with the criminal justice system.

Recognizing the tension and complexities of balancing the rights of every community to have safe streets with the prospects of harmful unintended consequences, we ask that the speed safety use policy be adopted with maximum transparency and community outreach, and with an explicit commitment to align speed camera locations with the infrastructure investments we know are the true path to a safer and more equitable city for everyone.

With that in mind, we ask the speed safety use policy be adopted with these elements:

Community Engagement

A public information campaign that begins at least 90 days prior to the installation of the first cameras, including billboards, radio and online advertising, outreach through community-based organizations, earned media, and direct communication in multiple, appropriate languages with households in the areas surrounding the camera locations.

This communication should continue for some period after the cameras are deployed to ensure community members are informed of the consequences should they be caught speeding by a camera.

Ongoing community engagement should include annual or semi-annual community information and feedback sessions hosted by the Department of Transportation on topics including: effectiveness of the cameras at reducing speeds, the number of citations issued and overview of fines and community service hours generated at each location, traffic calming measures, and general updates about the speed safety system.

Alignment with Priority Safety Corridors

The city should:

- Prioritize speed camera location sites for infrastructure improvements. As many of these projects require grant funding, staff should be directed to pursue the types of grants that can be used to fund the project types needed in those locations.
- Align the pavement maintenance plan with speed camera locations. Repaving projects present an opportunity for additional traffic calming measures to be installed.

Transparency

As a tool to keep the public informed and stay accountable to an equitable speed safety policy, the city should:

- Publish and maintain a map showing the camera locations on the priority safety corridors map, with an explanation for why each location was selected.
- Publish and maintain a list of locations prioritized for infrastructure improvements compared to the locations of speed cameras.
- Publish and maintain a list of locations prioritized for pavement maintenance compared to the locations of speed cameras

Sincerely,

Community Safety Workgroup of the REAL Coalition


CC: San José City Clerk

About the REAL Coalition

The REAL community of Silicon Valley based nonprofit leaders and allies has been meeting since June 2020 to use our positional power to advocate for a more racially-just and equitable society; to establish a peer network of leaders committed to fighting white supremacy and systemic racism in ourselves and our institutions; and to hold each other accountable to the promises we made in the Nonprofit Racial Equity Pledge. The REAL coalition is broadly representative of the nonprofit community including human and community services, behavioral health and health, arts and culture, domestic violence, older adults, food security, education, environmental, farming, legal, disability rights, LGBTQ rights, ethnic, immigrant rights, housing and homelessness, criminal justice reform, urban planning, and intermediary organizations, and others. Over 125 organizations have participated in the REAL Coalition.

FW: Public Comments on agenda item 5.1 of City Council meeting on October 29, 2024

From City Clerk <city.clerk@sanjoseca.gov>
Date Fri 10/25/2024 3:59 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachments (117 KB)

Oct 29, 2024 Public Comment San Jose City Council Re speeding cameras.pdf;

From: SCVchapter ACLUNC [REDACTED]
Sent: Friday, October 25, 2024 3:49 PM
To: SCVchapter ACLUNC [REDACTED]; City Clerk <city.clerk@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>
Subject: Public Comments on agenda item 5.1 of City Council meeting on October 29, 2024

[**External Email.** Do not open links or attachments from untrusted sources.]

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)
Dear Mayor, Councilmembers, and City Clerk,

On behalf of the Santa Clara Valley Chapter of the ACLU of Northern California, I submit the attached letter, in pdf format, as public comments on agenda item 5.1, "Speed Safety System Use Policy and Speed Safety System Pilot Impact Report Adoption," of the San José City Council meeting to be held on October 29, 2024.

Thank you.

Sincerely,

Victor Sin
Santa Clara Valley Volunteer Chapter of the ACLU of Northern California

This message is from outside the City email system. Do not open links or attachments from untrusted sources.



October 25, 2024

200 E. Santa Clara Street,
San José CA 95113

Re: Agenda item 5.1, “Speed Safety System Use Policy and Speed Safety System Pilot Impact Report Adoption” of the San José City Council meeting on October 29, 2024

Dear Mayor and Councilmembers of the City of San José,

On behalf of the Santa Clara Valley Chapter of the ACLU of Northern California, I submit public comments on agenda item 5.1, “Speed Safety System Use Policy and Speed Safety System Pilot Impact Report Adoption” of the City Council meeting to be held on October 29, 2024. While we appreciate the City’s intention to reduce traffic fatalities caused by speeding, this proposal is flawed and would disproportionately expose people of color and low-income people to camera-based surveillance. We have some concerns about the Speed Safety System Pilot Program Impact Report (“Impact Report”), Speed Safety System Use Policy (“Use Policy”), and Assembly Bill 645, codified as Vehicle Code Sections 22425 to 22431.

AB 645 mandates that if a locality creates a speed enforcement program, it must “place the speed safety systems in locations that are geographically and socioeconomically diverse.”¹ The list of potential deployment locations in Attachment A of the Impact Report shows high concentrations of potential locations in Districts 5 and 7, with these two districts together accounting for about 47% of all candidate locations. In addition, the Impact Report states that over 50% of the candidate locations fall within the 7 to 10 range of the Equity Atlas Score, i.e. high percentage of people of color or low income or both.

We are deeply concerned that this program will disproportionately result in the ticketing and extraction of wealth from diverse residents. Notably, the Impact Report justifies the placement of cameras with reference to historical disparity in how the government allocated funding and prioritized infrastructure projects. Yet, AB 645 tickets will act as a wealth-extracting taxing mechanism to pay for safety enhancements that the government should have previously made. Residents in marginalized communities will have been harmed twice – first by previous under-investment, leading to higher fatality rates, and then by incurring hundreds of thousands of dollars in tickets to pay for correcting those racist decisions. We urge the City Council to have a

¹ Vehicle Code Section 22425(b)(3)

more equitable allocation of resources to remedy the under-investment in historically disadvantaged communities. If the City Council chooses to adopt the Impact Report, the final selection of the 33 camera system locations from the candidate locations should be scrutinized with the equity lens.

There are privacy concerns if a vendor is given access to a database of the Department of Motor Vehicles to identify the owner of the vehicle. The Use Policy suggests that the City may ask a vendor to identify the owner of the vehicle. For example, Section 2 says, "The City may contract with a vendor to review and access data to perform services on behalf of the City, such as to verify if a violation occurred and determine the owner of the vehicle." Section 9 also states, "The City may enter into a contract with a manufacturer or supplier of speed safety systems processing services. This may include processing data such as images of license plates or vehicles to confirm a speeding violation occurred *and the individuals involved*. [emphasis added]" Identifying the owner of the vehicle inevitably requires access to a database of the Department of Motor Vehicles. DMV databases contain a lot of sensitive information about individuals. The City should ensure that strong safeguards will be in place so that only the minimum amount of information about the owner, presumably only the name and address, will be accessible and available to the vendor.

According to the Use Policy, speed camera systems will provide real time notification to the driver when violations are detected. Despite this feature, if the driver does not notice this real-time notification, they will not know of the violation until some days later, since it takes time for the City or vendor to process the data and send the notice of violation by mail. Meanwhile, the driver may have driven through that location several times. In the event that multiple violations of the same vehicle at the same location are detected within a short period of time, the City should issue only one violation and issue the others as warnings. The 15-minute interval described in Section 10 is too short for this purpose.

As explained in Section 10 of the Use Policy, AB 645 requires at least one of three thresholds to be met for continuous operation of the speed safety system at a particular location beyond the first 18 months of installation. This means that some data have to be collected *before* the installation of the speed safety system to allow before-and-after comparison. We ask that the "before data" be subject to the same constraints and protection as described in the Use Policy. Ideally, the "before data" should detect only the speed of the object without identifying the vehicle, i.e. without taking photos, videos, or license plate information.

AB 645 permits the City of San José to establish a program for speed enforcement that utilizes a speed safety system. However, AB 645 tickets have numerous due process issues. First of all, the ticket will go to the vehicle owner, not the driver. Hence, many people who own a vehicle driven by someone else will be responsible for the ticket with no ability to shift the legal responsibility to the actual driver, short of engaging in the convoluted and potentially lengthy procedures laid out in the bill. Furthermore, the tickets will be civil violations subject to adjudication in an administrative hearing prior to appeal to superior court, eliminating almost all rights currently afforded defendants when cases are heard as infractions in Superior Court,

including the right to confront accusers and the right to discovery. Only the ticket, registration information, and photo evidence will be required to be presented as evidence, with no requirement to show that the required signage was in place or that the system was operating properly at the time of the alleged violation. The burden of proof will shift to the vehicle owner rather than the agency alleging a violation, and the standard of proof will be reduced from "beyond a reasonable doubt" to a yet to be established standard.

If the City Council chooses to approve the Use Policy or the Impact Report, we urge the City Council to address these equity, privacy, and due process issues first.

Thank you for your time and kind consideration.

Sincerely,

Victor Sin
Santa Clara Valley Volunteer Chapter of the ACLU of Northern California

FW: Summary of AB 645 Requirements - Public Comment - Item 5.1 - City Council 10/29

From City Clerk <city.clerk@sanjoseca.gov>
Date Tue 10/29/2024 8:04 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Jordan Moldow <[REDACTED]>
Sent: Tuesday, October 29, 2024 12:03 AM
To: Agendadesk <Agendadesk@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>; Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Batra, Arjun <arjun.batra@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; city.manager@sanjoseca.gov
Cc: Ristow, John <John.Ristow@sanjoseca.gov>; Cruz, Lam <lam.cruz@sanjoseca.gov>; Hoshii, Heather <Heather.Hoshii@sanjoseca.gov>
Subject: Summary of AB 645 Requirements - Public Comment - Item 5.1 - City Council 10/29

[**External Email.** Do not open links or attachments from untrusted sources.]

[Attachment 1](#) provides a summary of the [authorizing legislation AB 645](#), but misses or lacks details on some crucial points.

- CVC [22425\(c\)](#). "When children are present" speed limits can only be enforced by the cameras when BOTH of the following are **simultaneously** true: (a) during specific time windows prescribed in the law; **AND (b) flashing yellow beacons are installed and activated**. Under all other conditions, only the regular speed limit can be enforced by the cameras.

The staff memo and attachments make no mention of flashing yellow beacons, but this is crucial. If a school zone speed camera is not co-located in a corridor with flashing yellow beacons (existing or newly installed) on a school zone sign, then the lower "When children are present" speed limit cannot legally be enforced by the speed cameras, no matter what time of day.

- CVC [22426\(g\)\(2\)](#). "Jurisdictions shall maintain their existing commitment of local funds for traffic-calming measures in order to remain authorized to participate in the pilot program, and shall annually expend not less than the annual average of expenditures for traffic-calming measures during the 2016–17, 2017–18, and 2018–19 fiscal years. [...] restricted funds that may not be available on an ongoing basis, including those from voter-approved bond issuances or tax measures, shall not be included."

Council, DOT, and the budget office must be aware of this constraint during future budget setting sessions throughout the duration of the pilot.

- CVC [22425\(p\)\(1\)](#). A camera **must be removed after 18 months** of use at a location, **unless** one of the following happens:

- the 85th percentile speed is reduced
 - "20-percent reduction in vehicles that exceed the posted speed limit by 10 miles per hour or more"
 - "A 20-percent reduction in the number of violators who received two or more violations at the location since the system became operational."
 - The city plans or constructs one or more of the approved traffic calming measures
- CVC [22425\(p\)\(2\)](#). That 18 month deadline is changed to a 2 year deadline if a traffic calming measure is planned. After 2 years, either one of those metrics must be met, or the traffic calming measure must have started construction. Otherwise the camera must be removed.
 - CVC [22425\(p\)\(3\)](#). One year after a traffic calming measure has completed construction, if the camera location doesn't satisfy any of the thresholds, then the city must either construct another traffic calming measure or remove the camera.
- First off, the budget for the pilot needs to be flexible enough to allow, in the worst-case scenario, for the relocation of the cameras every 18 months, or the construction of new traffic calming every 2 years.
 -
 - There is no requirement to install traffic calming, though that is certainly the spirit of things. However, at the stakeholder workshop, attendees were told by staff that the camera locations were chosen in locations where near/medium-term traffic calming improvements are **NOT** planned. Though this policy decision is omitted from the documents that Council is being asked to approve. I would ask Council and staff to (a) state explicitly in the approved report, all of the criteria that are being used to select and prioritize locations; (b) reconsider this particular policy.
 - ● The cameras are temporary and cannot create long-term improvements. Roadway changes can last decades.
 - Vehicle speeds are not dictated by speed limit signs or enforcement. They are dictated by the physical characteristics of the roadway, which subliminally tells the driver's mind whether they should go fast or slow.
 - Speed cameras are trivial to bypass: just slow down to 9mph above the speed limit before you reach the camera, and then speed up after you pass the camera.

According to the report, the 85th percentile speed on our Vision Zero corridors is frequently more than 5mph above the speed limit, but rarely is more than 9mph above the speed limit. So the 85th percentile driver will not receive any warnings or tickets from the speed cameras. Thus, we should not expect the 85th percentile speed to decrease.

Even if we see the "20-percent reduction in vehicles that exceed the posted speed limit by 10 miles per hour or more" necessary to keep the speed cameras up for a full five years, that won't be good enough for traffic safety. Don't get me wrong, that would be a huge win, and I really hope it will save lives. But our 85th percentile speeds are still well above fatal speeds, and we must focus on effective tactics for decreasing those as well.

To maximize the effectiveness of the speed cameras, I believe it is imperative that we combine them with:

- Permanent traffic calming along the corridor; AND
- Utilizing, to the maximum extent allowed by law, the usage of the newest provisions of AB 43 (which went into effect a few months ago) to lower speed limits on our Vision Zero corridors. <https://safetrec.berkeley.edu/tools/california-safe-speeds-toolkit/california-safe-speeds-toolkit-current-speed-limit-setting-law> is a great resource explaining the legal tools that AB 43 provides to cities for lower speed limits. In short, AB 43 allows cities to:
 - Round down to the nearest 5 mph from the measured 85th percentile vehicle speed, rather than rounding up
 - Consider reducing the speed limit by another 5 mph based on the road's proximity to vulnerable populations such as schools or elder care facilities or bike-ped infrastructure such as trails or protected bike lanes

Thanks,
 Jordan Moldow (speaking on behalf of himself)
 District 3, 95112

This message is from outside the City email system. Do not open links or attachments from untrusted sources.