

City of San José

Speed Safety System Use Policy

Owning department: Department of Transportation

Vision Zero is the City's transportation initiative focused on eliminating traffic fatalities and severe injuries while working to provide safe mobility on our roadways. Vision Zero traffic safety has been highlighted in the City Council's Increasing Community Safety Focus Area. The purpose of the City Council Focus Areas is to hold the City of San José accountable for driving positive outcomes, including improving safety in areas most greatly impacting the community and to generate actionable and measurable solutions to address these priorities.

Enforcement is one of the key strategies in the Vision Zero Action Plan, and automated speed enforcement has proven to be effective in deterring risky behavior on the road and reducing fatal and severe injury crashes. The National Transportation Safety Board (NTSB) analyzed studies of speed safety system programs, and those studies have shown speed cameras reduce roadway fatalities and injuries by 20% to 37%.

Excessive speed is the leading contributing factor in fatal and severe injury crashes on City of San José streets. The introduction of speed cameras through the Speed Safety System Pilot Program will play a crucial role in addressing this issue by automatically detecting and issuing citations for speeding vehicles, thereby promoting safer driving behaviors and protecting the lives of all who use our roadways.

In October 2023, the California State Legislature passed Assembly Bill (AB) 645, granting the City of San José the authority to pilot an automated speed safety system. As one of only six cities selected for this pilot, San José is authorized to establish and operate a Speed Safety System Pilot Program under specific conditions and guidelines outlined in the Bill. The pilot program is authorized to operate for a maximum of five years, ending before January 1, 2032. As required by California Assembly Bill 645 (2023)¹, the City of San José's governing body must adopt a Speed Safety System Use Policy prior to implementing a Speed Safety System Pilot Program.

Per AB 645, The Speed Safety System Use Policy shall include details related to the purpose of the system, authorized uses, prohibited uses, data collection, notice, retention and minimization, access and accuracy, accountability, sharing, equity and community engagement, storage and security, training, and annual data usage report requirements.

¹ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB645

All City staff and vendors are required to comply with this Speed Safety System Use Policy.

1) Purpose

The City of San José, through its Department of Transportation, uses speed safety systems to enhance safety measures by efficiently enforcing speeding laws and creating safer roads. Speed cameras and the associated systems (collectively “speed safety system” or “system”) may collect the following data, collectively referred to as “data”:

1. Images of the rear of a vehicle potentially traveling in excess of 11 miles per hour (“mph”) over the posted speed limit.
2. License plate of the vehicle.
3. Metadata on the date, time, and location of the speed limit violation.

Citations will be issued by an authorized City employee to the registered owner of the vehicle on file with the Department of Motor Vehicles and sent via US mail. A violation identified by the speed safety system will be subject only to a civil penalty and will not result in the department suspending or revoking the privilege of a violator to drive a motor vehicle or in a violation point being assessed against the violator.

Pursuant to AB 645, data collected may only be used to support the Speed Safety System Pilot Program, except as may be required by other relevant local, state, and federal laws including court-ordered subpoenas. The data will not be used to investigate any matters related to a person’s immigration status. The purpose of this Speed Safety System Use Policy is to ensure compliance with relevant local, state, and federal laws.

2) Authorized Uses

Speed safety systems and the data generated shall only be used for the purposes outlined below:

1. Generate a clear photograph of the license plate and rear of the vehicle only, issue a citation for the speeding law violated, identify the location where the violation occurred, document the vehicle’s speed detected by the system and the date and time when the violation occurred. Notices of violation must exclude images of the rear window area of the vehicle.
2. Gather evidence for speed limit violations only.
3. Automatically generate a traffic violation report, which will then be reviewed by a City employee before issuing a citation; and
4. Facilitate the administration and review of the program as set forth in AB 645.

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. If a citation is issued by the City, a vendor may also handle clerical tasks such as mailing citation notices on behalf of the City. The vendor can only use the data for purposes authorized by the City and pursuant to state law.

The citation fine amounts for speeding violations issued through the Speed Safety System Pilot Program are determined by state law and vary based on how much the violating vehicle exceeded the speed limit, as well as the vehicle's absolute speed at the time of the violation.²

3) Prohibited Uses

Uses of identifying data not explicitly authorized in the “Authorized Uses” section are prohibited. In addition, the City will not use speed safety systems or any data generated to:

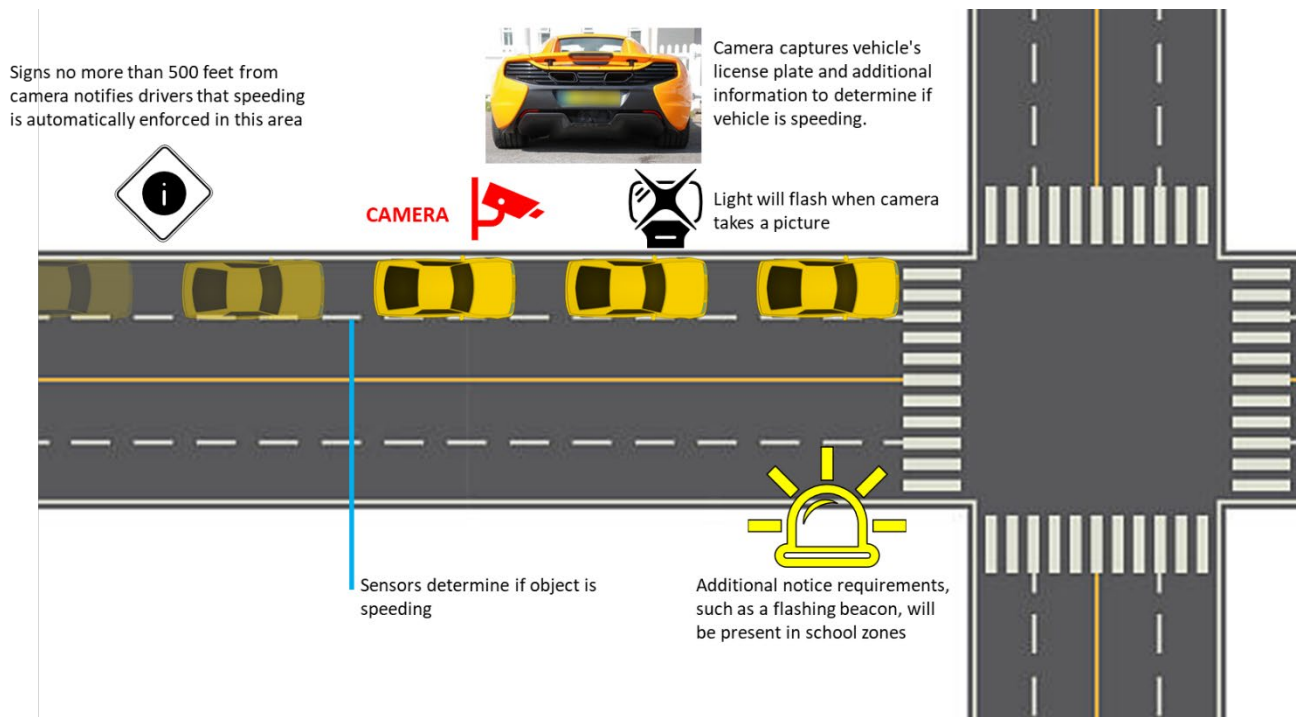
1. Record video (only still photography is permitted).
2. Investigate immigration status.
3. Monitor people engaging in illegal activity.
4. Actively monitor for law enforcement purposes;
5. Utilize facial recognition software on the data or on the speed camera systems.

4) Data Collection

A speed safety system is a device, either fixed in a specific location or mobile, that uses technologies such as radar, laser mechanisms, or other electronic equipment, to determine if a vehicle is exceeding the speed limit by a certain amount. The speed safety system will capture images of the rear license plate of vehicles that are traveling 11 miles per hour or more over the posted speed limit and notices of violation will only be issued to registered owners of those vehicles based on that evidence. The system may capture additional visual data (such as more pictures) to help confirm if the vehicle was speeding. To the extent feasible, the cameras need to be angled at vehicles and the license plates.

The speed safety systems assist in identifying vehicles violating speed regulations by a specified margin, helping enforce traffic rules and improve road safety. The term "automated speed violation" is used to denote the instances when a vehicle exceeds the speed limit, and this over-speeding is detected and recorded by the speed camera systems.

² As of June 2023, details on citation cost can be found in California AB 645 - <https://legiscan.com/CA/text/AB645/id/2827679>



5) Notice

Signage and notice will comply with relevant state and federal law. The City will conduct a public information campaign at least 30 days before deployment. During the first 60 days of enforcement only warning notices will be issued. During the entire duration of the pilot, any first violation for exceeding the speed limit by 11-15 mph will be waived and a warning issued. Speed safety systems will provide real-time notification, such as a flash of a light, to the driver when violations are detected.

6) Retention and Minimization

The speed camera systems will only capture identifying data when the devices detect a vehicle exceeding the speed limit. Until being triggered, the system only collects basic information via non-identifying sensor (e.g., radar) on the speed of objects moving on the road. In other words, the system uses sensors to determine that a vehicle is going at some speed (e.g., 25 miles per hour), but it does not know anything about the vehicle. If that vehicle exceeds the speed limit pursuant to state law, then the sensors will trigger the camera to collect identifiable information, such as the license plate of that vehicle.

Data will be retained in accordance with local, state, and federal law. California requires all personal identifiable information associated with the speed safety systems (e.g., photo of the license plate) be destroyed 60 days after final disposition of any citations.³ Cities may retain information that a vehicle has been cited and fined for a violation for up to three years for the purposes of the first-time violation waiver.

³ CA Vehicle Code § 21455.5

All data collected by the speed camera systems for a suspected violation is to be destroyed after five business days if it does not contain evidence of a speeding violation.

Administrative records may be retained for up to 120 days after final disposition of the notice of violation.

7) Access and Accuracy

The data collected and generated from this system and the Department of Motor Vehicles (DMV) is subject to relevant local, state, and federal law including, potential California Public Records Act (PRA) requests. Data will not be available for public access unless required pursuant to city, state, or federal law, or a court order. Some personal information may be redacted prior to public disclosure if the City determines disclosure of that information is protected by law.

Aggregated data may be reported to the public for purposes of transparency and accountability.

As the owners of the data, the City will have access to the raw data and data generated from it to carry out the authorized uses. Only authorized City staff will be allowed to handle the data collected. City staff will be required to undergo training detailed in the "Training" section before they are authorized to use.

If the selected vendor has access to the raw data it will be for only purposes authorized by the City (i.e., review images in support of issuing a speeding citation). Any other such accessing of the data by the vendor is prohibited.

To promote accuracy in the issuance of traffic citations, a City employee or vendor must review the license plate and vehicle before a citation can be issued.

The systems are required to be inspected at minimum, every 60 days and fully calibrated at least once a year by an independent calibration laboratory. Documentation of the regular inspection, operation, and calibration of the system shall be retained at least 180 days after the date on which the system has been permanently removed from use.

8) Accountability

Unless guided under an agreement with external parties, only City staff can access the data. The City reserves the power to review who has access to the data within the limits of state law. For example, if the City provides data access to a vendor, the City may review which vendor staff has accessed to the data.

If the City enters into an agreement with an authorized vendor to perform certain tasks on behalf of the City in enforcing speeding violations, the vendor will provide monthly audit logs of overall usage of speed camera systems including:

1. Number of violations detected.
2. Number of violations for which the City issued citations.
3. Geographic distribution of violations detected and issued.
4. Of the violations detected where a citation was not issued, the vendor shall report the reason for non-issuance (e.g., vehicle not actually speeding, license plate unidentifiable or read incorrectly).
5. Any malfunctions, days not in service due to malfunction, and days not in service due to other reasons; and
6. Date and time of when system was last inspected.

At the direction of the City Manager, the city and designated staff will conduct an audit on the system and all relevant processes, including but not limited to the technology, data processing, data review, and citation processing and adjudication.

9) Sharing

Raw and identifiable data shall not be shared with any other government agency or official except as required by state or federal law, court order, or in response to a subpoena. 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.

Payments to the contractor may be made on a monthly schedule or another schedule agreed upon by the municipality and contractor. The City shall not compensate the contractor based on the number of notices of violation issued, or as a percentage of revenue generated, from the use of the system. All data collected from the speed safety systems is confidential, and the contractor is prohibited from sharing, repurposing, or monetizing collected data, except as specifically authorized by the City and relevant law. The City shall oversee, maintain control, and have the final decision over all enforcement activities, including the determination of when a notice of violation should be issued.

Aggregated data or data scrubbed of identifying information may be provided to external City partners for the sake of improving City services such as traffic flows and safety.

10) Equity and Community Engagement

The speed camera systems will be initially subject to a maximum trial period of five years once they are installed and can remain in operation no later than January 1, 2032. The City will adopt this policy before entering into a vendor agreement, purchasing, or leasing equipment, or implementing a program. The policy will be made available for public review at least 30 days prior to adoption by the City Council.

Staff organized stakeholder workshops and invited 39 community-based organizations to review and provide feedback on the City's AB 645 implementation strategy, draft Speed Safety System Pilot Program Impact Report, and draft Speed Safety System Use Policy, including potential locations. The workshops included racial equity, privacy, and economic justice organizations.

Speed safety system locations will be deployed across the city, covering all 10 council districts. Staff applied an equity lens to the location selection process, using the City of San José Equity Atlas.⁴ The scoring criteria range from 1 (lowest percentage of people of color) to 5 (highest percentage of people of color) for race and range from 1 (highest income) to 5 (lowest income) for income. These scores are combined and range from 2 to 10 for evaluation. The potential system locations identified through the fatal and severe injury crash analysis span across the City, touching areas with Equity Atlas scores ranging from 2 to 10, with over 50% of the candidate locations falling within the 7 to 10 range. The final selection of the 33 camera system locations will aim to a balance distribution across the city's socioeconomically diverse communities while prioritizing locations where there are high fatal and severe injury crashes related to speeding.

During the first 60 days of enforcement only warning notices will be issued. Through the annual reporting requirements, the City will monitor the impact of the speed camera systems across different neighborhoods to identify and work to mitigate any inequity inherent in the system.

1. Warning tickets must be issued for the first 60 days of the program, or 60 days after a new speed camera system is placed.
2. A warning ticket must be issued for a first violation if it was for exceeding the posted speed limit by 11-15 mph.
3. Individuals who are below the federal poverty line shall have the opportunity to have their citation fine reduced up to 80%. Individuals above the federal poverty line up to 250% shall have the opportunity to have their ticket reduced up to 50%.
4. The City will set up a diversion program allowing those who meet specific income criteria to perform community service in lieu of paying the penalty associated with a speed camera system violation. This program will also offer the ability for those that meet the income criteria set forth in the Government Code (Section 68632) to pay fines and penalties over time through a monthly payment plan.
5. On the occurrence that multiple speed safety systems are active in a proximity and multiple violations are recorded in a 15-minute interval:
 - a. The violation with the highest Civil Assessment of the multiple violations will be issued.
 - b. Subsequent violations in that 15-minute interval will be issued warnings for each violation.
 - c. A person shall not be assessed a civil penalty if they are subject to criminal penalties for the same act (e.g., a person will not be responsible

⁴ <https://gis.sanjoseca.gov/maps/equityatlas/>

for a citation through a speed camera system if already charged for the same act, by an officer in person).

In accordance with AB 645, the speed safety system shall not continue to operate on any given street if within the first 18 months of installation of a system, at least one of the following thresholds has not been met:

1. A reduction in the 85th percentile speed of vehicles compared to data collected before the system was in operation.
2. A 20% 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.
3. A 20% reduction in the number of violators who received two or more violations at the location since the system became operational.

Members of the public may submit any concerns via the public comment feature at sanjoseca.gov/digitalprivacy. Comments may also be submitted by emailing the Digital Privacy Office at digitalprivacy@sanjoseca.gov or mailing the Digital Privacy Officer at 200 E Santa Clara Street, 11th floor, San Jose, CA 95113.

11) Storage and Security

Data will be stored in a method approved by the City's Cybersecurity Office. If any personal information is stored or managed by a vendor, the City's Cybersecurity Office must approve of the vendor's data storage and data security.

In the event of a confirmed data breach where personal information such as photographs have been accessed by an unauthorized party, DOT will follow the City of San José's Incident Response Plan.⁵ This security protocol and further security details can be found in City Policy Manual 1.7.6⁶ and are overseen by the City's Cybersecurity Office.

12) Training

City staff responsible for the devices and vendor staff using the speed camera systems on behalf of the City are responsible for following this Policy/Protocol. If the speed camera system solution is provided by a vendor, the vendor is responsible for training relevant Department staff (as determined by Department) to manage the system.

Training will cover:

1. Logging into the system and accessing information;
2. Process to validate before issuing a citation.
3. Exporting data from vendor platform into the City's data center (if applicable).

⁵ Incident Response Plan can be found in the City of San José Information Security Standards Handbook (<https://www.sanjoseca.gov/home/showdocument?id=85853>)

⁶ City Policy Manual 1.7.6 "Information and Systems Security Policy"
<https://www.sanjoseca.gov/home/showpublisheddocument/17921/63788315243760000>

4. Transparency tools to audit vendor processes and data used in the process of providing the services to the City;
5. Managing data retention and storage; and
6. Privacy considerations when using the system, including familiarity with this data usage policy/protocol.

13) Annual Data Usage Report Requirements

To provide the City and the public with ongoing reporting on the usage, effectiveness, and accuracy of speed safety systems, the following information will be required in an Annual Data Usage Report submitted every year to the Digital Privacy Office no later than March 1 and covers the previous calendar year (January 1 – December 31).⁷ In the year this Speed Safety System Use Policy goes into effect, the Department is only required to report on the period from the date this Policy goes into effect until the end of the calendar year.

1. Accuracy
 - a. Number of alleged violations captured by speed camera systems, by location.
 - b. Number of citations issued based on information collected by the speed camera systems, by location; and
 - c. Number and percentage of citations contested and dismissed at all adjudication levels.
2. Impact on number of violations over time, by location for each device.
 - a. The number of traffic collisions at each intersection or street that occurred prior to, and after the installation of, the speed safety systems. Collisions should be reported as:
 - Total collisions; and
 - Collisions where speeding was an identified factor.
 - b. A report including statistics on if the speed safety system complies with AB 645.
 - If there was a reduction in the 85th percentile speed of vehicles compared to data collected before the system was in operation.
 - If a 20% 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; and
 - If there was a 20% reduction in the number of violators who received two or more violations at the location since the system became operational.

⁷ If this Speed Safety System Use Policy is passed after September 30th, the first Annual Data Usage Report will not be required until the following year, which will cover usage from the date the Speed Safety System Use Policy goes into effect to December 31st of the following year