



## SPEED SAFETY SYSTEM USE POLICY CITY OF MALIBU

---

California Assembly Bill 645 grants the establishment of speed safety systems in select California cities and outlines specified requirements for implementation, operation, and enforcement. California Senate Bill 1297 authorizes the City of Malibu to implement a Speed Safety Pilot Program until January 1, 2032 based on California Vehicle Code Sections 22435-22441. Speed safety systems implemented in various U.S. cities have shown to successfully address traffic safety concerns by reducing the frequency of speeding vehicles and the occurrence of speed-related collisions and injuries. This proven approach will assist the City of Malibu in removing barriers to increase public well-being.

The City of Malibu is committed to prioritizing the safety of residents, visitors, motorists, pedestrians, and cyclists along Pacific Coast Highway.

---

### **OVERVIEW**

#### **PURPOSE**

The City of Malibu, in coordination with stakeholder organizations and partner agencies including Caltrans, the Department of the California Highway Safety Patrol, and the LA County Sheriff's Department, seeks to identify and address risks to public safety of dangerous, illegal, reckless, and/or distracted driving along Pacific Coast Highway. The speed safety system will serve as a safety measure by enforcing speed regulations and potentially decrease the occurrence of speed-related incidents.

This Speed Safety System Use Policy ("Policy"), per California Vehicle Code Sections 22435-22441, shall include the purpose for the speed safety system ("System"), authorized uses, prohibited uses, oversight, the screening and issuing of notices of violation, and employee training. Further, the Policy shall describe data collection, storage, access, sharing, retention, and auditing.

Speed Safety Systems may collect the following data for the administration and enforcement of speeding laws:

1. Photograph of the license plate and rear of a vehicle, excluding the rear window area, alleged of traveling at least 11 miles per hour above the posted speed limit.
2. The date, time, and camera location of when the alleged violation occurred.

Notices of violation will be issued to the registered owner of the vehicle at the time of the violation, as identified by the California Department of Motor Vehicles.

#### **DESCRIPTION OF TECHNOLOGY**

##### **1. System Description**

- a. A "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 speed laws and obtains a clear photograph of a speeding vehicle's license plate. The system will capture rear license plate photographs of speeding vehicles and will not capture identifying data of non-speeding vehicles.



## SPEED SAFETY SYSTEM USE POLICY CITY OF MALIBU

---

- b. Speed safety systems in each location will detect violations for both directions of travel.
2. System Benefits
    - a. Speed safety systems are effective traffic enforcement tools that can assist in reducing excessive speeding, collisions, and traffic-related injuries and fatalities.
    - b. System implementation can advance equity by providing fairness and increased reliability as compared to traditional enforcement methods.
    - c. Speed safety systems can improve driver behavior by making speeding enforcement more predictable and credible.

### SYSTEM REQUIREMENTS

According to California Vehicle Code 22435, the City of Malibu may utilize up to five speed safety systems along Pacific Coast Highway to be operated by the local department of transportation that administers transportation and traffic matters under this code. The speed safety systems may continue operation if the City of Malibu continues funding the additional traffic enforcement along Pacific Coast Highway provided by the Department of the California Highway Patrol.

The City of Malibu will identify the road segments for Speed Safety System enforcement on the City of Malibu's speed safety program website in addition to the hours of system enforcement. This website will be updated following any location or hour changes to system enforcement.

The City of Malibu will conduct a public information campaign at least 30 days prior to the implementation of the Speed Safety System Program, which shall include public announcements in major media outlets and press releases. The campaign will include relevant details of the program, including system placement and when the systems would begin enforcing violations.

The presence of speed safety systems will be clearly identified in compliance with applicable state and federal regulations. Signage requirements include "Photo Enforced" signs that are placed no more than 500-feet prior to the placement of the system along with the posted speed limit. The systems will provide real-time notification of use, such as a flash of a light, that is visible to traffic traveling in the direction of travel for which the system is utilized.

The systems are subject to routine inspection no less than once every 60 days to ensure proper operations and calibration per the manufacturer's instructions. Documentation of regular system inspection, operation, and calibration will be retained for at least 180 days following the date on which the system has been permanently removed from use.

### VIOLATIONS

Within the first 60 days of program implementation, violations for vehicles traveling 11 to 15 miles per hour shall be issued as warning notices rather than notices of violation. Additionally, a vehicle's first violation within the designated jurisdiction for traveling 11 to 15 miles per hour over the posted speed limit shall be a warning notice. Warnings and notices of violation shall be issued to the registered owner of the vehicle. The notice of violation shall be issued in writing and issued within 15 calendar days of the date of the violation. The notice of violation shall include the following information:



## SPEED SAFETY SYSTEM USE POLICY CITY OF MALIBU

---

1. The violation, including reference to the speed law that was violated, the speed of the vehicle, the speed limit for the road on which the violation occurred, and verification of the most recent calibration of the system in accordance with California Vehicle Code 22425(d)(3).
2. The date, approximate time, and location where the violation occurred.
3. The vehicle license number, the name, and address of the registered owner of the vehicle.
4. A statement that payment is required to be made no later than 30 calendar days from the date of mailing of the notice of violation, or that the violation may be contested pursuant to Section 22427.
5. The amount of the civil penalty due for that violation and the procedures for the payment of the civil penalty or for contesting the notice of violation.
6. An affidavit of nonliability, and information of what constitutes nonliability, information as to the effect of executing the affidavit, and instructions for returning the affidavit to the processor. If the affidavit of nonliability is returned to the processing agency within 30 calendar days of the mailing of the notice of violation, together with proof of a written lease or rental agreement between a bona fide rental company, as defined in Section 1939.01 of the Civil Code, or a personal vehicle sharing program, as defined in Section 11580.24 of the Insurance Code, and its customer that identifies the renter or lessee, the processing agency shall serve or mail a notice of violation to the renter or lessee identified in the affidavit of nonliability. If the affidavit of nonliability is returned to the processing agency within 30 calendar days of the mailing of the notice of violation, together with proof of a copy of a police report indicating the vehicle had been stolen at the time of the violation, the processing agency shall not subject the registered owner to a civil violation.
7. A proof of service consistent with Section 1013a of the Code of Civil Procedure.

The following civil penalties shall be assessed to non-emergency vehicles as follows:

1. Fifty dollars (\$50) for driving at a speed of 11 to 15 miles per hour over the posted speed limit.
2. One hundred dollars (\$100) for driving at a speed of 16 to 25 miles per hour over the posted speed limit.
3. Two hundred dollars (\$200) for driving at a speed of 26 miles per hour or more over the posted speed limit.
4. Five hundred dollars (\$500) for driving at a speed of 100 miles or more per hour.

The City of Malibu shall offer a diversion program for indigent speed safety system violation recipients to perform community service in lieu of paying civil penalties. Indigent speed safety system violation recipients shall alternatively have the ability to pay applicable penalties over a period of time with monthly installments of no more than twenty-five dollars (\$25) per month. Applicable fines and penalties may be reduced by 80 percent for indigent persons, and by 50 percent for individuals up to 250 percent above the federal poverty level.

A person is "indigent" if either of the following conditions is met:



## SPEED SAFETY SYSTEM USE POLICY CITY OF MALIBU

---

1. The person meets the income criteria set forth in subdivision (b) of Section 68632 of the Government Code.
2. The person receives public benefits from a program listed in subdivision (a) of Section 68632 of the Government Code.

The person may demonstrate that they are indigent or are up to 250 percent above the poverty level by providing either of the following information, as applicable:

1. Proof of income from a pay stub or another form of proof of earnings, such as a bank statement, that shows that the person meets the income criteria set forth in subdivision (b) of Section 68632 of the California Government Code, subject to review and approval by the City of Malibu. The processing agency or its designee shall not unreasonably withhold its approval.
2. Proof of receipt of benefits under the programs described in subdivision (a) of Section 68632 of the California Government Code, including, but not limited to, an electronic benefits transfer card or another card, subject to review and approval by the processing agency. The processing agency or its designee shall not unreasonably withhold its approval.

### SYSTEM REVENUE

Revenue generated by the speed safety systems shall first be utilized to recover program costs which may include, but is not limited to, the installation of speed safety systems, the adjudication of violations, and reporting requirements as described in California Vehicle Code 22436.

### AUTHORIZED USES

The speed safety systems and the data generated shall only be used for the established purposes outlined below:

1. To enforce speed limits on City streets in accordance with California Vehicle Code sections 22425 – 22434 and 22435 – 22441, otherwise known as the Speed Safety System Pilot Program and the City of Malibu's Speed Safety Pilot Program.
2. To analyze and report on speed enforcement in the Speed Safety System Pilot Program for the City of Malibu.

The City of Malibu may utilize collected data from speed safety systems in legally authorized purposes and shall not use that information to unlawfully discriminate against individuals based on race, ethnicity, political opinions, religious or philosophical beliefs, gender, gender identity, disability status, or sexual orientation.

### PROHIBITED USES

The use of facial recognition technology in conjunction with speed safety systems shall be strictly prohibited under California state law. Any data collected shall be utilized for the purposes of enforcing speeding laws and shall not be disclosed to any other parties including other state or federal government agencies, except as required by state or federal law, court order, or in response to a subpoena in an individual case or proceeding.



## DATA COLLECTION

Speed safety systems shall capture a clear photograph of the license plate and rear of vehicles traveling at least 11 miles per hour above the posted speed limit. The speed safety systems shall not collect identifying data of other drivers, vehicles, or pedestrians. Any notices of violation issued to the registered owner of the vehicle shall exclude images of the rear window area of the vehicle.

## DATA STORAGE

Data shall be stored and secured in cloud or local storage and in software as a service product. The City of Malibu and the speed safety system vendor shall share responsibility of storing and protecting collected data. The speed safety system vendor may store data at their discretion.

## DATA ACCESS

Once collected by the speed safety system, authorized City of Malibu staff in addition to the contracted vendor will be allowed to access system data. All users requesting access to information must undergo training specified in the "Training" section prior to use authorization. To protect speed safety camera data from unauthorized access, the City of Malibu shall, at minimum, apply the following safeguards:

1. Authorized users will log in credentials with multi-factor authentication and use complex passwords to access the speed safety camera system technology.
2. All access to and activity in the speed safety camera system data will be logged and be audited.

The registered owner or an individual identified by the registered owner as the driver of the vehicle at the time of the alleged violation shall be permitted to access and review a copy of the photographic evidence of the alleged violation. Public agencies with authorized access may use collected data to assess the impacts of the speed safety system. Data regarding the number of violations issued or speeds at which they were issued for is not photographic or administrative data and therefore not considered confidential.

Representatives from the City of Malibu who have access to the data from the speed safety system shall comply with the California Public Records Act, the requirements of the Federal and State Constitutions, Federal and State civil procedure laws and rules.

## DATA SHARING

In accordance with California Vehicle Code section 22425(1)(5), data collected and maintained shall be utilized for the purpose of enforcing speeding laws and shall not be shared with other persons or agencies, including state or federal government agencies or officials for any purpose, except as required by state or federal law, court order, or in response to a subpoena in an individual case or proceeding.

All data collected from the speed safety systems including any photographic, video recording, other visual image, or administrative records are confidential and protected. The vendor of the speed safety systems is prohibited from sharing, selling, or repurposing data collected by the systems unless otherwise authorized under California Vehicle Code section 22425. The City of



## SPEED SAFETY SYSTEM USE POLICY CITY OF MALIBU

---

Malibu 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.

### DATA RETENTION

Confidential records and evidence may be retained for up to 60 days after final disposition of the notice of violation. Administrative records regarding speed safety system violations may be retained for up to 120 days after final disposition of the notice of violation.

Any photographic information collected from the system that does not result in a warning or notice of violation shall be destroyed within five business days after the photograph was first taken. The City of Malibu may retain information that a vehicle was cited and fined after a speed violation for up to three years.

Notwithstanding any other law, the confidential records and evidence shall be destroyed in a manner that maintains the confidentiality of any person included in the record or evidence.

### DATA DISPOSAL

The City of Malibu will automatically dispose of raw speed safety camera system data (e.g., speed safety camera system data that has not been anonymized or aggregated) after the applicable data retention period. In accordance with the California Vehicle Code Section 4, 22425(1)(3) and 22425(1)(4), photographic evidence, video recordings, and other confidential information from the DMV will be destroyed in a manner that ensures the confidentiality of any individuals included in the record or evidence.

### TRAINING

To reduce the possibility that surveillance technology or its associated data will be misused or used contrary to its authorized use, all individuals requiring access must receive training on data security policies and procedures before being granted access to systems containing confidential data.

The City of Malibu and the contracted speed safety system vendor will develop a specified process for confidentiality training, and processes. All parties requesting access must adhere to the following rules and processes:

1. Only authorized users may use speed safety camera technology or access data.
2. Authorized users must log into tablet or computer, as applicable, to access speed safety camera system data.
3. Data that is accessed shall be secured with multi-factor authentication and secure passwords as a minimum safeguard.

The training of City of Malibu employees and staff on behalf of the speed safety system vendor will include, but is not limited to:

1. Methods in which City of Malibu employees and vendor staff can access the data.
2. Authorized and prohibited uses of data collected from the speed safety systems.
3. Procedures on how to report issues or concerns regarding the speed safety systems.
4. Process of reviewing and issuance of alleged speed violations.



## SPEED SAFETY SYSTEM USE POLICY CITY OF MALIBU

---

5. Data privacy and retention protocols.

### OVERSIGHT PERSONNEL

The Public Safety Department shall assign representatives from the Public Safety Department to oversee Policy compliance by the City of Malibu and third parties.

### SANCTIONS FOR VIOLATIONS

Failure to comply with this Policy may result in appropriate disciplinary measures based on the severity of the violation. These measures may include written warnings, suspensions, or termination of employment.