



DATE: September 16, 2019

TO: Council Infrastructure Committee

FROM: Director of Public Works

SUBJECT: Amend the Fiscal Year 2019 Operating and Capital Improvement Program Budget, Transfer, and Appropriate \$60,000 from General Fund to the Capital Projects Fund and Transfer and Appropriate \$35,000 from General Fund to Fleet Capital Management Fund for the Purchase of a Parking Enforcement Vehicle and other Related Equipment

RECOMMENDATION

That the Committee reviews and provides feedback and a recommendation to forward this action to Council for approval.

SUMMARY

The Downtown Parking Management Plan was adopted by Council on April 24, 2018. The plan provides strategy recommendations to efficiently utilize parking availability in Downtown Hayward. The key components of the plan include parking time restrictions, permit parking, and enforcement.

The plan will implement a combination of two and four-hour parking time restrictions for both on-street and off-street parking. Residents and businesses who choose to participate in the parking permit program will not be subject to on-street time restrictions and time restrictions will be enforced using a License Plate Recognition (LPR) equipped vehicle. The use of LPR technology for parking enforcement was approved by Council with the approval of the Downtown Parking Management Plan.

A License Plate Recognition (LPR) equipped vehicle will be used to enhance enforcement efforts by replacing the antiquated and inefficient method of “chalking tires.” Parking pattern data collected by LPR technology can be used to optimize parking utilization and fine-tuning duration and hours. Utilization will be optimized in areas where turnover is deemed critical to the success of downtown businesses.

The estimated capital expense for the program implementation is \$95,000. This amount includes start-up costs (\$20,000) and purchase of one LPR equipped vehicle and other related equipment (\$75,000).

If the CIC forwards this resolution to Council and Council approves the resolution, staff anticipates that the program will be fully operational by February 2020.

BACKGROUND

In the Fall of 2014, BART began the implementation of paid parking at the Hayward BART Station. In response, pursuant to Council direction, staff implemented “interim parking strategies” to mitigate potential impacts to the downtown parking supply. In addition to the interim strategies, long-term, comprehensive parking policies were deemed critical to the growth and development of the Downtown area.

The Downtown Parking Management Plan was adopted by Council on April 24, 2018. The adopted plan includes long-term policies and regulations to improve parking demand in the Downtown area and protects the valuable City-provided downtown parking resources from day-long use by BART patrons, and other private park-and-ride users.

Key components of the plan include:

Parking Time Restrictions: The plan implements time restrictions for both on-street and off-street parking. On-street restrictions are a combination of two- and four-hour parking on Downtown streets and all Municipal (Muni) parking lots. The time restrictions will apply to weekdays only, Monday to Friday from 9 a.m. to 4 p.m., except holidays.

Permit Parking: The plan establishes a Downtown parking permit program for both residents and businesses.

Residents who choose to participate in the Residential Permit Program (RPP) will not be subject to on-street time restrictions within the Downtown RPP area. The number of permits per household are limited to discourage multiple vehicle ownership in Downtown, which is a transit-oriented development environment.

Costs of residential permits are as follows:

- First permit free for the first year, second permit \$50 per year
- Limit of two permits per household
- Guest permits – 5-day limit - \$5.00 per permit

Downtown merchants that choose to participate in the new Business Parking Permit program will not be subject to time restrictions in off-street (muni lots) facilities and designated zones west of the BART station. The cost of business permits are as follows:

- \$50 per year, per permit
- Limit of twenty permits per business (contingent upon the number of employees)

Enforcement: Enhanced enforcement efforts aided by new technology and adequate staffing is a necessary component of a successful parking management system. A License Plate Recognition (LPR) equipped vehicle will be used to enhance enforcement efforts by replacing the antiquated and inefficient method of “chalking tires.”

This practice of chalking tires was recently challenged in court and has been ruled a violation of the 4th Amendment by the 6th U.S. Circuit Court of Appeals. Although this ruling does not apply to the state of California, a similar challenge could be brought before California courts in the future.

DISCUSSION

One of the main components of the plan approved by Council is enhanced enforcement. As the program becomes fully operational and the coverage area expands, a more efficient method of enforcement is crucial to its overall success. Absent parking meters that visually indicate when a violation has occurred, Hayward has utilized the dated practice of tire chalking for parking enforcement. This method is time consuming, inefficient, and hinders the ability of enforcement personnel to provide the necessary daily coverage.

Staff will request approval from Council to appropriate funds for the purchase of an LPR equipped vehicle and other related equipment. LPR technology would allow faster and more efficient parking enforcement, which would also result in a higher success rate for the program. Staff recommends the purchase of the following equipment required to start operations:

License Plate Recognition (LPR) System and Installation: The Hayward Police Department has utilized Vigilant Solutions LPR technology for law enforcement since 2014. Vigilant Solutions LPR system has been extremely reliable and effective in its utilization by Hayward Police Department; therefore staff recommends using Vigilant Solutions LPR technology for parking enforcement.

Recently, the City of Richmond terminated their contract with Vigilant Solutions over reports concerning the sharing of data with Immigration and Customs Enforcement (ICE) agency staff¹. Staff took extra diligence to ensure data sharing would not occur. Parking enforcement data is the property of the City of Hayward and data obtained from the parking enforcement system cannot be sold, shared, or distributed by Vigilant or other third-party vendors. More information on data privacy protections is outlined below.

DATA PRIVACY: State law sets forth stringent privacy requirements for any agency in the state that utilizes LPR technology, (see California Civil Code sections 1798.29, 1798.82, and 1798.90.5 et seq.). The purpose of the legislation is to protect information collected by LPR from unauthorized access, use, modification or disclosure, and requires notification to affected individuals if a security breach is suspected. It also requires each agency to implement a usage and privacy policy to ensure that the collection, use, maintenance, sharing, and dissemination of LPR information is consistent with respect for individual's privacy and civil liberties. This privacy policy is to ensure that any data collected as part of law enforcement and/or parking enforcement remains secure. This law is applicable to both the implementing agency and the LPR service provider (Vigilant Solutions).

¹ <https://www.sfgate.com/news/bayarea/article/City-Council-Drops-Vigilant-Solutions-Contract-14054732.php>

The system setup of the stored data is the first key factor when discussing data security and privacy. In discussing the City's data privacy requirement, Vigilant confirmed that parking enforcement data obtained via its LPR operations will be housed in a separate data silo independent of other LPR data. Independent user accounts and permissions for each of these data silos will further restrict and protect access to license plate scanned data. Parking enforcement data is the property of the City of Hayward and data obtained from the parking enforcement system cannot be sold, shared, or distributed by Vigilant or other third-party vendors. The City has the sole authority to determine which agency, if any, data is shared with. For parking enforcement purposes, no data will be shared with outside agencies at any level of government. For potential investigative purposes, Hayward's parking enforcement data is proposed to only be shared with the Hayward Police Department. As an extra layer of security, protection, and transparency, all activity performed by users of the parking enforcement product are logged for auditing purposes.

The security of the stored data is another key factor considered when discussing data security and privacy. The data center houses the cloud-hosted license plate data features redundant power, network connectivity, and disk arrays. Secure access control to the facility, physical escorts for onsite visitors, and onsite system administrators and engineers, add to the security footprint of the data. The onsite network where the data is hosted is secured by protocols compliant with PCI, HIPAA, and SOX IT governance requirements. Intrusion protection services offer deep packet inspection of all inbound traffic to monitor for cyber threats.

The parking enforcement data remains the property of the City and it will be retained per the retention policy set forth by the City. As part of the parking enforcement program, City staff has developed a proposed privacy policy for the program (Attachment III), as required by the Civil Code Section 1798.90, et seq. The proposed "rolling" 365-day retention policy was developed to be consistent with HPD's current policy and that of Berkeley and San Leandro (1-year retention policy) and shorter than San Francisco's (5-year retention policy).

- License Plate data collected: 365 days from date of infraction

Because this proposed "rolling" 365-day retention period is consistent with Hayward's current Police Department policy, it will provide for the seamless internal sharing of data between the two departments and facilitate the management of parking citation appeals. One significant benefit of the proposed retention policy will be the ability to utilize the data to perform statistical analysis of the program's effectiveness. This will allow staff to report to Council on various program analytics and suggest changes based on data trends.

Best practice calls for standardization of LPR systems within an agency whenever possible. Potential savings in licensing fees, system reliability, and the familiarity with software/hardware systems are the primary factors for this rationale. The technology and services offered by Vigilant Solutions meet the needs required to efficiently enforce parking restrictions in the Downtown, the eight Residential Parking Permit areas, and the South Hayward BART area. If Council approves, Vigilant Solutions software and equipment would be purchased.

The quote provided for Vigilant Solutions LPR equipment and installation is \$39,000. This includes one mobile LPR 2-camera system, laptop with cellular technology, installation, staff training, and portal access via laptop and smartphones. Staff would also be able to use the data collected by the system to gather parking turn-over information that would be used to evaluate the impact of the program following implementation.

Enforcement Vehicle: Staff evaluated the needs for an enforcement vehicle and explored the option of buying an electric vehicle to reduce emissions. However, it was determined that a fully electric vehicle would not be adequate for this program because the battery range of a fully electric vehicle would limit the time the enforcement vehicle could be in service.

Staff proposes to purchase a Ford Fusion plug-in hybrid vehicle. A plug-in hybrid vehicle would provide a greater range, while also providing some of the environmental benefits of a fully electric vehicle.

The cost to purchase this vehicle is \$35,000. Ford Fusion hybrid vehicles are currently in use by various City departments. Purchasing a vehicle model that is similar to existing vehicles in the City's fleet would potentially reduce ongoing maintenance costs.

START-UP COST: The estimated \$20,000 start-up cost includes the purchase of vehicle permit tags, updating parking restriction signs, outreach material such as flyers and mailers, enforcement uniforms and the purchase of one smartphone to be used for enforcement.

ECONOMIC IMPACT

The Downtown Parking Permit Program will provide an opportunity for residents and businesses in the Downtown to purchase permits that would allow unrestricted parking in designated zones. Residents would get the first permit free for the first year, and pay \$50 for the second permit, per year. The permit for businesses will be \$50 per year, per permit, up to twenty permits. The proposed plan will support and enhance the Downtown as a place where local employees, customers, residents, and visitors can find convenient parking to suit their specific needs, while they are spending time in the area.

FISCAL IMPACT

The program implementation, and purchase of one LPR vehicle with related technology would occur in FY 2019-20. The estimated capital expense of \$95,000, includes start-up costs (\$20,000), and one LPR equipped vehicle (\$75,000). These funds would be appropriated from the General Fund.

Some program costs will be ongoing and incremental, such as maintenance of the vehicle, gasoline and annual cost for software upgrades. However, it is estimated that after the first year of implementation, these costs will be paid for using revenue generated by the parking enforcement program. Staff anticipates that by the end of year two, the program net revenue is estimated at approximately \$71,000 (see Five-Year Parking Program Budget Table below).

This projection assumes that after the first-year evaluation, the program will expand to add one parking enforcement officer and one LPR equipped vehicle.

Five-Year Parking Program Budget

	2018-19	2019-20	2020-21	2021-22	2022-23
Revenues	Estimated				
RPP Permits	\$ 15,270	\$ 16,770	\$ 18,270	\$ 19,770	\$ 21,270
South Hayward BART Station ¹	\$ 21,538	\$ 22,076	\$ 22,628	\$ 23,194	\$ 23,774
Citations (gross revenue) ²	\$ 219,501	\$ 415,978	\$ 690,465	\$ 792,769	\$ 898,109
Total Revenue	\$ 256,309	\$ 454,824	\$ 731,363	\$ 835,733	\$ 943,153
Expenditures					
Positions	1.7	1.7	2.7	2.7	2.7
Salaries and Benefits ^{3,4}	\$ 232,587	\$ 238,402	\$ 365,988	\$ 375,138	\$ 384,516
Citation Processing/Collections	\$ 71,217	\$ 134,994	\$ 224,094	\$ 257,302	\$ 291,495
Total Expenditures	\$ 303,804	\$ 373,396	\$ 590,082	\$ 632,440	\$ 676,011
Net Revenue	\$ (47,495)	\$ 81,428	\$ 141,281	\$ 203,293	\$ 267,142
Capital Equipment⁵					
Enforcement Vehicles	\$ -	\$ 31,000	\$ 31,000	\$ -	\$ -
LPR Equipment	\$ -	\$ 39,000	\$ 39,000	\$ -	\$ -
Start-up Costs	\$ -	\$ 25,000	\$ -	\$ -	\$ -
Subtotal Capital Equipment	\$ -	\$ 95,000.00	\$ 70,000.00	\$ -	\$ -
Net Revenue Including Capital Expense	\$ (47,495)	\$ (13,572)	\$ 71,281	\$ 203,293	\$ 267,142

Notes:

1. Revenue from the SHBSAA goes back into stations improvements, there is some citation revenue that the city receives but it is included under citation revenue.
2. Includes only Over Time Limit citations in the Downtown Area and the RPP plus another 50% added for other types of citations in these areas (12% of total citation revenue).
3. Includes a contract parking enforcement staff person at an annual cost of \$100,000.
4. Benefits are approximately 46% of salaries (excluding the contract employee's fee), the additional 35% for overhead covers cost of facilities, equipment maintenance and other personnel related costs.
5. The capital budget assumes purchase of an enforcement vehicle (\$40,000) equipped with license plate recognition equipment (\$40,000); \$25,000 in start-up costs for the Downtown RPP zone and \$15,000 for wayfinding.

STRATEGIC INITIATIVES

This agenda item supports the Complete Streets Strategic Initiative. The purpose of the Complete Streets initiative is to build streets that are safe, comfortable, and convenient for everyone regardless of age or ability, including motorists, pedestrians, bicyclists and public transportation riders. This item supports the following goals and objectives:

Goal 2: Provide Complete Streets that balance the diverse needs of users of the public right-of-way.

Objective 1: Increase walking, biking, transit usage, carpooling, and other sustainable modes of transportation by designing and retrofitting streets to accommodate all modes.

This agenda item also supports the Complete Communities Strategic Initiative. The purpose of the Complete Communities initiative is to create and support structures, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work, and play for all. This item supports the following goal and objectives:

Goal 1: Improve quality of life for residents, business owners, and community members in all Hayward neighborhoods.

Objective 4: Create resilient and sustainable neighborhoods.

SUSTAINABILITY FEATURES

The Downtown Parking Management Plan approved by City Council in June 2018, supports sustainability and mobility goals identified in the City's 2040 General Plan. The plan will put into effect policies to efficiently manage public parking in the Downtown. The recommended Residential and Business Permit Parking Plans would minimize the adverse effects of spill over parking from BART patrons. The approved policies will also discourage multiple vehicle ownership in Downtown, which is a transit-oriented zone. Transit-oriented development is a key strategy for reducing greenhouse gas emissions in Hayward.

PUBLIC CONTACT

Staff conducted extensive outreach efforts starting in 2015. Outreach included:

- Staff presented results of the preliminary parking analysis, related to the then recent BART action on charging for parking, to the Council Economic Development Committee (CEDC) on April 6, 2015.
- In October 2016, staff solicited comments from visitors to the Downtown area via surveys; 134 surveys were completed. To complement this effort, a more detailed

survey was posted on-line on the City's website, Facebook page, Nextdoor, and sent via e-mail. Approximately 840 on-line surveys were completed.

- In summer of 2017, staff interviewed Downtown merchants and residents who lived near the Hayward BART station.
- Staff presented the recommendations to the CIC on January 24, 2018, the Chamber's Government Relations Council (GRC) on February 2, 2018, full Council on February 27, 2018, and United Merchants of Downtown Hayward on April 2, 2018.

During the outreach efforts, many residents and merchants indicated support for the proposed parking management strategies.

If fund appropriation for the purchase of parking enforcement equipment and start-up cost is approved by Council, staff will take the following steps starting in November 2019, to inform the public about the implementation of the program:

- Prepare outreach material providing details and contact information for the program: flyers, posters and mailers
- Door-to-door outreach to businesses within the plan area
- Send mailers to all residential addresses within the plan area
- Staff will host public meetings at City Hall, two to three weeks before the program rolls out
- Post posters around the Downtown and at strategic locations within Muni lots, to alert people of the new parking restrictions, one month prior to roll out
- Social media blast (Facebook, Nextdoor, Instagram, Twitter, etc.)
- Set up a City website to provide details and contact information for the program

NEXT STEPS

If the Committee agrees, this item will be presented for Council consideration at the October 1, 2019 Council meeting.

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Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAadoo, City Manager