



COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: September 11, 2024

TITLE: DISCUSS/TAKE ACTION TO POTENTIALLY ESTABLISH A PILOT PROGRAM FOR THE UTILIZATION OF CAMERA TECHNOLOGY IN ORDER TO ISSUE WARNINGS TO MOTORISTS CREATING EXCESSIVE AND UNNECESSARY TRAFFIC CONGESTION BY BLOCKING THE BOX IN VIOLATION OF STATE LAW.

RECOMMENDATION

The Administration recommends deferring consideration of the pilot program to a later date when research has concluded or until the Florida Legislature approves the use of cameras for this purpose.

BACKGROUND/HISTORY

At the March 13, 2024 City Commission meeting, at the request of Commissioner David Suarez, the Mayor and City Commission approved the referral of a discussion item (R9 AB) to the Finance and Economic Resiliency Committee ("FERC") to discuss the use of camera technology to issue warnings to motorists obstructing the roadways in violation of Florida Statute 316.2061.

The item was originally referred to the April 19, 2024 FERC meeting and deferred to the May 24, 2024 meeting but not reached. It was heard at the June 28, 2024 FERC meeting and moved to the full Commission with a favorable recommendation to make the "Block the Box"-related state law adjustment a legislative priority. The Administration was also directed to issue a Letter to Commission regarding the Public Safety Specialist deployment which was issued on July 8, 2024.

ANALYSIS

Miami Beach Police Department ("MBPD") staff reached out to the current City of Miami Beach red light camera vendor, Conduent Technologies, in April 2024 and learned that the company is currently testing Block-the-Box camera technology. The vendor anticipates its first deployment and test of the technology nationwide in Delaware later this summer and plans to expand the technology in locations where it is permitted statutorily.

The Department also learned of a Block-the-Box camera program underway in Washington State and led by the Seattle Police Department. MBPD staff reached out to counterparts in the West Coast to identify a point of contact and a secondary meeting has been scheduled with the Seattle Police Department to discuss their program, how it works, and the legislative process that allows camera enforcement for this type of violation. The Department will continue to research the technology and its availability in the U.S.

The Florida Department of Transportation (FDOT) would be required to approve any construction permit for the installation of cameras along 41st Street. Currently, FDOT only issues permits for construction on their right-of-way for approved red light cameras and newly approved license plate reader (LPR) cameras. The Department believes FDOT will allow speed detection cameras in school zones as well since they are now statutorily authorized. Other than those purposes, the

only other approved use of cameras on State roads are non-recording traffic monitoring cameras. In order for a Block-the-Box camera to be effective, it would need to record full-time to capture any violations for review by an approved traffic violation examiners such as a police officer or other individual authorized for this purpose. The Department, therefore, does not believe FDOT will issue permits for Block-the-Box cameras on their right-of-way at this time. The Department has concerns about the use of this unapproved camera technology on a State road without explicit authorization from the Florida Department of Transportation (FDOT).

An additional concern is the use of the State's driver and vehicle information database (DAVID) for identifying the owner of vehicles for a non-enforcement purpose. Without clear approval to use the database for this purpose, the Department would be at risk of losing access to this critical tool that is used hundreds of times per day by officers and investigators for a variety of approved purposes. These same concerns were the reason the City stopped short of issuing warnings when the Noise Camera Pilot Program was implemented. MBPD was not able to receive clear approval from the attorneys from the Florida Department of Highway Safety and Motor Vehicles (DHSMV) to access the database to issue a non-enforcement warning for a violation generated by a camera installed for a non-approved purpose.

During the March City Commission meeting, the City Attorney's Office indicated they would be contacting the DHSMV to request authorization to utilize the system for the purpose of issuing a non-enforceable warning notice. The City Attorney's Office met with the legal staff at DHSMV and were unable to obtain express authorization to use the system for this purpose. The Department does not believe DHSMV will provide written authorization to use the DAVID system as required for the intended use of the Block-the-Box technology.

FISCAL IMPACT STATEMENT

Not currently known.

CONCLUSION

At this time, there are several challenges to moving forward with a pilot program. The Administration is supportive of the concept and aims to continue conducting research into the technology and its use in other states. As such, MBPD has begun an outreach process to contacts all over the country to determine where this technology is currently being used and in what manner. Its effectiveness at curbing behavior and at what rate as well as any effects beyond the enforcement intersections are of special interest.

The recommendation currently is to defer consideration of the pilot program to a later date when research has concluded, or until the Florida Legislature approves the use of cameras for this purpose. As was experienced with the passage of legislation authorizing the use of cameras to enforce speeding in school zones, it did not take a significant period of time after the laws were changed for technology providers to arrive in Florida with their solutions. The same can be predicted, therefore, if relevant camera legislation was adopted.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

No

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

Police

Sponsor(s)

Commissioner David Suarez

Co-sponsor(s)

Condensed Title

Discuss/Action, Blocking the Box Cameras. (Suarez) PD