

Legislation Details (With Text)

File #:	22-844	Version:	1
		Status:	Agenda Ready
		In control:	Public Works - Traffic Engineering Division
On agenda:	5/24/2022	Final action:	5/24/2022
Title:	<p>A. MOTION TO APPROVE general guidelines to be used by cities and local, state, and federal law enforcement agencies for the installation and operation of law enforcement surveillance (LES) systems within Broward County ("County") right-of-way and/or attached to County-maintained traffic signal infrastructure, which sets forth installation and operational parameters of such systems. (Deferred from May 10, 2022 - Item No. 43)</p> <p>ACTION: (T-12:43 PM) Approved. (Scrivener's Error - See County Administrator's Memorandum: Summary Explanation/Background, Last Paragraph:</p> <p>Currently Reads:</p> <p>Exhibit 6, the memorandum prepared by the Office of the County Attorney addressing the ability of third parties to potential acquire...</p> <p>Should Read:</p> <p>...Exhibit 6, originally provided as additional information for Agenda Item No. 43 of the 5/10/22 Board Meeting, is the memorandum prepared by the Office of the County Attorney addressing the ability of third parties to potentially acquire...) (Refer to minutes for full discussion.) (See Regular Meeting Additional Material 47, dated May 24, 2022, submitted at the request of Commissioner Geller and Regular Meeting Additional Material 47(2), dated May 24, 2022, submitted at the request of County Administration.)</p> <p>VOTE: 9-0.</p> <p>B. MOTION TO APPROVE standard form Revocable License Agreement (RLA) for use between Broward County and cities and local, state, and federal law enforcement agencies for the installation, operation, and maintenance of Law Enforcement Surveillance (LES) systems within Broward County rights-of-way and/or attached to County-maintained traffic signal infrastructure, which provides for a description of the revocable license area/signalization equipment for the LES system installation (Exhibit A of the RLA), provides for a description of the LES system equipment, installation, operation and maintenance procedures (Exhibit B of the RLA), sets forth the conditions of use (Exhibit C of the RLA), and sets forth special technical provisions (Exhibit D of the RLA); authorize the County Administrator, or designee, to execute RLAs based on the approved standard form agreement and any amendments to the standard form agreement and exhibits, including amendments to RLAs, as may be necessary and provided the amendment does not impose any additional financial obligation on the County, each subject to review for legal sufficiency by the Office of the County Attorney; and authorize the County Administrator to take all necessary administrative actions to implement the resulting agreements. (Deferred from May 10, 2022 - Item No. 43)</p> <p>ACTION: (T-12:43 PM) Approved. (Scrivener's Error - See County Administrator's Memorandum: Summary Explanation/Background, Last Paragraph:</p> <p>Currently Reads:</p> <p>Exhibit 6, the memorandum prepared by the Office of the County Attorney addressing the ability of third parties to potential acquire...</p>		

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VOTE: 9-0.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - Guidelines for Approval of LES Systems_v3Final-2022-0427, 2. Exhibit 2 - RLA - LES System Use in County ROW_v9C-Final-2022-0427, 3. Exhibit 3 - RLA - LES System Use in City ROW_v9M-Final-2022-0427, 4. Exhibit 4 - Exhibits A-B-C-D to LES System RLA_Final-2022-0427, 5. Exhibit 5 - Redlined Versions of Guidelines-RLA1-RLA2-Exhibit C, 6. Exhibit 6 - CAO memo regarding amendments, FDOT policy and public records 5.3.22, 7. Additional Material - Information, 8. Additional Material - Information

Date	Ver.	Action By	Action	Result
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Broward County Commission Regular Meeting

Director's Name: Trevor M. A. Fisher

Department: Public Works **Division:** Traffic Engineering

Information

Requested Action

A. MOTION TO APPROVE general guidelines to be used by cities and local, state, and federal law enforcement agencies for the installation and operation of law enforcement surveillance (LES) systems within Broward County ("County") right-of-way and/or attached to County-maintained traffic signal infrastructure, which sets forth installation and operational parameters of such systems.
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Material 47(2), dated May 24, 2022, submitted at the request of County Administration.)

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B. MOTION TO APPROVE standard form Revocable License Agreement (RLA) for use between Broward County and cities and local, state, and federal law enforcement agencies for the installation, operation, and maintenance of Law Enforcement Surveillance (LES) systems within Broward County rights-of-way and/or attached to County-maintained traffic signal infrastructure, which provides for a description of the revocable license area/signalization equipment for the LES system installation (Exhibit A of the RLA), provides for a description of the LES system equipment, installation, operation and maintenance procedures (Exhibit B of the RLA), sets forth the conditions of use (Exhibit C of the RLA), and sets forth special technical provisions (Exhibit D of the RLA); authorize the County Administrator, or designee, to execute RLAs based on the approved standard form agreement and any amendments to the standard form agreement and exhibits, including amendments to RLAs, as may be necessary and provided the amendment does not impose any additional financial obligation on the County, each subject to review for legal sufficiency by the Office of the County Attorney; and authorize the County Administrator to take all necessary administrative actions to implement the resulting agreements. **(Deferred from May 10, 2022 - Item No. 43)**

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VOTE: 9-0.

Why Action is Necessary

Broward County Commission approval is required to establish general guidelines for the installation, operation, and maintenance of LES systems within County right-of-way and/or attached to County-maintained traffic signal infrastructure, for which no prior guidelines have been established; Broward County Commission approval is required for all standard form revocable license agreements between the County and other municipalities or agencies.

What Action Accomplishes

Establishes general guidelines and formalizes the responsibilities of the County and cities and local,

state, and federal law enforcement agencies regarding installation, operation, and maintenance of various types of LES systems within County right-of-way and/or attached to County-maintained traffic signal infrastructure.

Is this Action Goal Related

No

Previous Action Taken

Deferred from May 10, 2022 - Item No. 43

Summary Explanation/Background

PUBLIC WORKS DEPARTMENT/TRAFFIC ENGINEERING DIVISION AND HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION RECOMMEND APPROVAL.

During the September 9, 2021, Board of Broward County Commissioner's Meeting, (Item No. 59), the Board discussed a request from the City of Coral Springs Police Department to install law enforcement surveillance (LES) systems either within County right-of-way or attached to County-maintained traffic signals in city right-of-way. As a result of the discussion, staff was directed to address the various issues and concerns cited by the Board and bring back an item that would allow the LES systems to be installed within County right-of-way and/or be attached to County-maintained traffic signals. The Board specifically indicated the systems could not be used to issue citations, such as for red-light running, speeding, or other infractions.

In response, County staff prepared a set of general guidelines for the installation and operation of LES systems, which are currently not established as part of any existing County regulations. Staff also prepared the required standard form revocable license agreement (RLA) to allow such systems to be installed in County right-of-way or be affixed to County-maintained traffic signal infrastructure in city right-of-way. As part of the first motion (Motion A), staff is requesting Board approval of the general guidelines which outline the types of allowable LES systems, operation, maintenance, and general parameters of installation including number of devices per intersection or roadway segment, maximum heights, separation distances, and other physical parameters of the equipment installation. Should the Board approve the first motion (Motion A), staff requests approval of the second motion (Motion B) to approve a standard form of the RLA, which outlines the responsibilities of the parties, conditions of use, and the physical mechanics of installing and maintaining the system, including electrical segregation from County-maintained infrastructure, special technical provisions, standards and specifications for the equipment, as well as qualifications of the installers.

County staff also recognized the important permitting distinction between LES systems that could be installed in County right-of-way as standalone systems (not attached to traffic signals) versus systems that could be installed in city right-of-way but would be attached to County-maintained traffic signals. The first scenario would require a County engineering permit only, while the latter would require a city permit but also require approval by the County's Traffic Engineering Division which operates and maintains the city's traffic signals through an interlocal agreement. Therefore, two versions of the standard form RLA have been prepared: (1) for installations within County right-of-way, and (2) for installations within city right-of-way but attached to County-maintained traffic signals.

The main conditions of LES system installation include but are not limited to the following:

- The LES system shall be used for public safety purposes only and shall not be used for the issuance of traffic citations, including speeding, red-light running or other traffic infractions.
- The LES system shall be operated in a manner that does not violate any federal, state, or local laws, regulations, or ordinances.
- The LES system operator shall establish internal controls and procedures to minimize any potential intrusion of privacy while using the LES system and to prohibit any opportunities for voyeurism, misconduct, or other inappropriate use of the system by any party with access to the system.
- The LES system shall be installed on a separate electric circuit completely segregated from County-maintained signal equipment and shall not tap into any traffic signal electric circuit.
- The LES system shall not utilize any existing County-maintained conduits, conduit sweeps or pull boxes, unless approved in writing by the County.
- The LES system shall not incorporate equipment that can record, intercept, or transmit video images from County-maintained traffic signal video detection cameras, which are currently not recorded.
- LES systems that propose passive (non-intrusive) attachment of LES cameras, detectors, and other equipment to traffic signal supports shall be installed in a manner that does not interfere with the safe operation and efficient maintenance of the traffic signal equipment as determined by the County.
- The LES system shall be installed in accordance with the RLA's Special Technical Provisions that address technical specifications and standards.
- LES system operators and their technicians shall not access, enter, attach to, adjust, remove, relocate, or otherwise manipulate any County equipment without the physical presence of the County's Traffic Engineering Division staff. The LES system operator shall reimburse County staff for any costs associated with on-site supervision, inspection services, or other required services in accordance with the hourly pricing schedule included in the agreement.
- The proposed LES systems operated by cities or law enforcement agencies may inherently record, digitally scan, analyze, transmit, broadcast, or otherwise manipulate the images obtained from their LES system, potentially creating a public record for the operator agency (County does not record any images from traffic detection camera systems). Such recorded images could be used in criminal or civil investigations or proceedings, and therefore all parties involved with the system, including County staff through its permitting of such systems, could be subpoenaed. LES system operators shall therefore reimburse the County for any costs resulting from public records requests or subpoena of County staff for deposition or court testimony related to the operator's use of the LES

system.

If approved by the Board, County staff will use the standard form RLA documents to work with the requesting cities and/or law enforcement agencies to develop a RLA suitable for their specific LES system. The County Administrator, or designee, will execute resulting agreements based on the approved standard form agreement and any amendments to the standard form agreement and exhibits, including amendments to resulting agreements, as may be necessary and provided the amendment does not impose any additional financial obligation on the County, each subject to review for legal sufficiency by the Office of the County Attorney.

This item was previously Agenda Item No. 43, deferred from the 5/10/22 Board Meeting. The amendments proposed by Commissioner Ryan discussed at the 4/26/22 Board Meeting have been incorporated into the attached Exhibits 1-4. Exhibit 5 contains a consolidated redlined copy showing the changes to the General Guidelines document, both standard form RLAs, and Exhibit C (RLA Conditions of Use) as a result of Commissioner Ryan's amendments. Newly added is Exhibit 6, the memorandum prepared by the Office of the County Attorney addressing the ability of third parties to potentially acquire records generated from the LES System either pursuant to a public records request or subpoena. The Traffic Engineering Division has confirmed that the Florida Department of Transportation currently does not permit LES Systems, including license plate recognition systems, within its jurisdictional right-of-way.

Source of Additional Information

Scott Brunner, P.E., Director, Traffic Engineering Division, (954) 847-2601

Trevor M.A. Fisher, P.E., MBA, Director, Public Works Department, (954) 357-6410

Fiscal Impact

Fiscal Impact/Cost Summary

There is no fiscal impact to the County.