

# Surveillance Impact Report

## BART Closed Circuit Television (CCTV)

### Market Street Entry Canopies

BART Office of Infrastructure Delivery

**ME-BCCTV-SIR-04**

21 Day BART Board Notice – February 21, 2024

15 Day Public Notice – February 28, 2024

BART Board Meeting – March 14, 2024



## **Introduction – Description of the CCTV for Market Street Entry Canopies Project**

Installation of canopies over street openings is necessary to comply with ASME 17.1 Article 6.1.8 requirements for weather protection of new escalators being installed or replaced. The existing escalators in the four downtown San Francisco Stations regularly malfunction and need replacement, and those escalators at the street level will need canopy protection. Contract 15LK-130 was a pilot installation of two street level canopies, one at Powell Street Station and the other at Civic Center Station. These two canopies were completed in 2018. Contract 15LK-140, Market Street Entry Canopies, currently in progress, includes the construction of 19 canopies to cover more street escalators and stair openings at the downtown S.F. stations. If the bid options for three additional canopies in the contract are exercised, there will be 22 new canopies constructed under 15LK-140.

In addition to providing weather protection, the canopies are promoted to provide added safety and security enhancements, including roll-up grilles to close the canopies off at street level and CCTV cameras. Each canopy is designed to have three cameras installed to provide surveillance of stair/escalator and real-time train display units beneath the canopy ceiling. If all 22 canopies are constructed, there will be a total of 66 fixed-type cameras placed into service in addition to the six cameras already activated under the first two canopies completed in 2018.

### **A. Description of the proposed surveillance technology and how it generally works**

CCTV relies on strategic placement of cameras, and observation of the camera's input to monitors. Because the cameras communicate with video recorders across private communication links, they gain the designation "closed-circuit" to indicate that access to their content is limited by design only to those able to see it. The recorded content will be in BART communication links that have encryption and firewalls to prevent them from being hacked and viewed by unauthorized viewers.

The three cameras installed in each canopy are visible/identifiable to the public as CCTV cameras. Two of the three cameras will be focused on the canopy entrance stairs and escalator area. The third camera will be focused on the area immediately below the rear of the canopy where real-time display monitors are mounted to provide train departure information. All canopy cameras have a dome-shaped covering for vandalism deterrence.

### **B. Proposed purpose(s) for the surveillance technology**

The use of cameras based on closed-circuit television (CCTV) technology has proven effective in increasing the confidence of the community in public transportation and improving the protection of the public, patrons, employees, and critical infrastructure. The CCTV system at the canopies of the four downtown San Francisco stations along Market Street serves the following key purposes:

- Reduces the fear of crime and reassures the public and employees.
- Prevents, deters, and detects crime, damage of canopy infrastructure, public disorder, unlawful behavior and inappropriate conduct.
- Acts as a risk management tool as a defense against fraudulent claims, particularly for individuals alleging injury during accidents.
- Aids in dispute mediation, complaint resolution, accident investigation, employee monitoring, etc.
- Provides a video recording of events for the investigation of complaints or offences and provide evidence upon which to take criminal, civil and disciplinary actions. The canopy CCTV cameras will not have audio capability.

## D. The general locations of new cameras seeking approval

Please see “LIST OF NEW MARKET STREET ENTRY CANOPIES WITH CAMERAS” in the table below and attachments titled "Market Street Canopy and Escalator Locations" and “Locations of Three Cameras Per Canopy”.

LIST OF NEW MARKET STREET ENTRY CANOPIES WITH CAMERAS Three cameras per canopy	
LOCATION	STATION ENTRANCE STREET ADDRESS
Canopy #1, Embarcadero	5 Embarcadero
Canopy #2, Embarcadero	101 Market
Canopy #3, Embarcadero	One California
Canopy #4, Embarcadero	225-245 Market
Canopy #5, Embarcadero	380 Market
Canopy #6, Embarcadero	333 Market
Canopy #7, Montgomery St.	One Sansome
Canopy #8, Montgomery St.	575 Market
Canopy #9, Montgomery St.	554 Market
Canopy #10, Montgomery St.	595 Market
Canopy #11, Montgomery St.	582 Market
Canopy #12, Montgomery St.	643 Market
Canopy #13, Powell St. OPTION	760 Market
Canopy #14, Powell St. OPTION	799 Market
Canopy #15, Powell St.	845 Market
Canopy #16, Powell St.	885 Market
Canopy #17, Powell St.	901 Market
Canopy #18, Civic Center	1122 Market
Canopy #19, Civic Center OPTION	UN Plaza
Canopy #20, Civic Center	1145-1155 Market
Canopy #21, Civic Center	1192 Market
Canopy #22, Civic Center	1185 Market

## E. Crime statistics for any location(s), if the equipment is used to deter or detect crime.

The Closed-Circuit Television System is intended to be integrated into the District CCTV system having amongst other functions the purpose of prevention, deterrence and detection of crime. The system will target crimes as measured by the BART Police Performance Measurements monthly report and the reported data from the BART official monthly FBI Uniform Crime Reporting (UCR) program.

Data from 07/01/22 thru 06/30/23

Station Code	Full Station Name	City	County	Violent Crimes	Property Crimes	Select Vehicle Crimes	Electronic Crimes	Other	Station Totals
M16	Embarcadero	San Francisco	San Francisco	9	14		10	17	50
M20	Montgomery St	San Francisco	San Francisco	6	15		12	5	38
M30	Powell St	San Francisco	San Francisco	21	36		33	31	121
M40	Civic Center/UN Plaza	San Francisco	San Francisco	34	41	1	34	29	139
<b>Totals by Crime<sup>1</sup></b>				<b>70</b>	<b>106</b>	<b>1</b>	<b>89</b>		<b>348</b>

<sup>1</sup> Excludes records where the location/area is listed as either "Off Property" or "Not Applicable"

## **F. An assessment identifying any potential impact on privacy rights and discussing any plans to safeguard the rights of the public**

CCTV cameras will be used in strict compliance with their Use Policy adopted by the Board in 2018.

BART recognizes that all people have an inalienable right to privacy and is committed to protecting and safeguarding this right. Through the placement of these CCTV cameras, no still or video footage or audio of persons will be captured in areas where there is an expectation of privacy, such as restrooms; and will not be used to harass, intimidate, or discriminate against any individual or group. BART's use of CCTV cameras will not include facial recognition or other biometric data collection.

**Authorized Use:** The CCTV security cameras and the images/video/audio they capture will be used in a lawful manner for BART business purposes only, including the uses identified in Section 1 of the CCTV Surveillance Use Policy, and not for personal use or other non-BART uses.

**Data Access:** Access to images and video footage will be restricted to the designated BART departments and staff.

**Data Protection:** BART will maintain data collected by CCTV System in a secure location where physical access is limited to authorized individuals and includes physical access protections and/or firewall protections from external intrusion.

**Data Retention:** BART will retain/stored data collected from the CCTV system per BART Police Department Policy 707. Relatively short retention periods will avoid the unnecessary over-accumulation of data.

**Public Access:** BART will grant Public access to data collected from the CCTV system per BART Police Department Policy 707. All video images/data will be used for District operations, law enforcement or public safety purposes only; except as required by law, subpoenas or other court process, such data will not otherwise be disclosed/released by the BART Police Department without the consent of the Chief of Police.

**Third Party Data Sharing:** BART will share data with third parties as follows:

- In response to subpoenas issued by a defendant
- Pursuant to a Court Order
- To assist criminal Investigations by Law Enforcement Agencies
- In adherence to the District's Safe Transit Policy.

## **G. The fiscal costs for the surveillance technology, including initial purchase, personnel and other ongoing costs, and any current or potential sources of funding**

### **Initial Purchase Cost**

Cameras are District-provided at a cost of approximately \$300 per camera. In addition to the camera cost, the contractor's contract includes labor for installation of the Closed-Circuit Television System.

### **Ongoing Costs**

The ongoing costs associated with the deployment of Closed-Circuit Television System are for normal preventative and corrective maintenance. If a two-man, maintenance crew were assigned for periodic maintenance including lens-cleaning, it is estimated that the annual cost for the 66 total cameras would be approximately \$10,000. The anticipated lifespan of the system is about Ten (10) years. However, with proper maintenance and absence of vandalism, staff anticipates the useful operational lifespan of the system could be extended.

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## Sources of Installation Funding

- Capitol /Bond Funds

## **H. Whether use or maintenance of the technology will require data gathered by the technology to be handled or stored by a third-party vendor on an ongoing basis**

Third party vendor support requires the use of log files and sample image data to be collected for analysis of errors and system malfunctions. The data shall be deleted after maintenance is complete.

## **I. A summary of alternative methods (whether involving the use of a new technology or not) considered before deciding to use the proposed surveillance technology, including the costs and benefits associated with each alternative and an explanation of the reasons why each alternative is inadequate or undesirable.**

BART examined two types of technology in the implementation of the Closed-Circuit Television System, legacy Analog and current Digital IP Based technology. The benefits and disadvantages are:

### Benefits of Analog Cameras

- Cost
- Larger pool of installers and vendors
- Simplicity
- Advancements in image quality

### Disadvantages of Analog Cameras

- Image quality is significant less than Digital IP Based Technology
- Less coverage
- More Cables
- No Encryption

### Benefits of IP Cameras (PTZ and Fixed)

- Multiple image sensors in one unit.
- Decrease in cost
- Ease of Installation
- Image Resolution
- Intelligence and analytics
- Security -video is encrypted
- Less equipment
- Open Platforms

### Disadvantages of Digital IP Based Technology (PTZ and Fixed)

- Cost of initial set-up
- Storage
- Training for new technologies

### Benefits of No Camera Option

- Cost

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### Disadvantages of No Camera Option

- BART's loss of the intended purpose and benefits for the surveillance technology.

### **J. A summary of the experience, if any is known, other law enforcement entities have had with the proposed technology, including information about the effectiveness, any known adverse information about the technology such as unanticipated costs, failures, civil rights or civil liberties issues.**

BART uses CCTV technology for the following:

- Situational awareness for Transportation, Planning, and Operations Control Center personnel for managing stations and special events.
- Allowing BART personnel to avoid train-holds in situations that can be resolved remotely by CCTV, reducing delays in revenue service.
- Accident/incident investigations, mechanical failure investigations, and for California Public Utilities Commission (CPUC) compliance checks.
- Essential direct investigation evidence of violent crimes.
- Identification and capture of criminal perpetrators.

Effectiveness:

In FY23, BART Police detectives produced 310 wanted person bulletins using CCTV images to attempt to identify persons involved in criminal activity. Establishing a causal relationship between the occurrence of crime and the presence, or absence, of CCTV is difficult, but CCTV is an essential part of the safety and security strategy that customers and employees expect the District to provide as part of running a Tier-I mass transit system.

Failures & Unanticipated Costs:

There were no significant CCTV equipment failures in FY23, and no unanticipated costs related to the use of the equipment.

Civil Rights & Civil Liberties:

Access to the CCTV network is highly controlled, and BART has in place a detailed process for fielding requests for CCTV video from both internal and external entities. Copies of CCTV video are provided only in strict accordance with the District's Safe Transit Policy and Surveillance Use Policy.

In FY23 there were a total of 4,892 (non-train car) CCTV video requests by 39 entities (mostly law enforcement), of which 85% were BART PD Investigations. The other 15% were comprised of internal BART requests (non-PD), court subpoenas, California Public Records Act requests, and outside law enforcement requests.

An audit of 57 randomly selected cases showed no violations of the Surveillance Use Policy for the CCTV system by the BART Police Department video recovery unit or District Personnel requesting access to specific videos.

In relation to CCTV cameras, in FY23, BART Customer Service received no complaints pertaining to privacy or civil liberty concerns or harm.





