

# Surveillance Impact Report

## BART Public Emergency Phone Towers & BART Closed Circuit Television (CCTV)

### Dublin/Pleasanton Access Improvements

BART Office of Infrastructure Delivery

**ME-BPEPT-SIR-02**

**ME-BCCTV-SIR-03**

21 Day BART Board Notice – February 21, 2024

15 Day Public Notice – February 28, 2024

BART Board Meeting – March 14, 2024



# Anticipated Surveillance Impact Report – BART Public Emergency Phone Towers & CCTV

## Introduction

The Dublin/Pleasanton Access Improvements project will advance the 2016 BART Station Access Policy goals (safer, healthier, greener) and targets by creating physical separation between the infrastructures for cyclists, pedestrians, and vehicles. It will also close the gap in the Iron Horse Trail so that BART riders can use it for recreation and access the broader network of trails and green spaces in the area. The complete scope of work includes:

- A two-way cycle track separated from vehicle traffic and from the pedestrian sidewalk
- ADA-compliant sidewalk
- Pedestrian-scale lighting
- Improved lighting under the freeway and aerial BART structures
- Additional secure bicycle parking and e-bike charging
- Wayfinding
- Landscaping and storm water management features
- A small park/plaza/gateway treatment at the transition to the Iron Horse Trail to the north
- Art
- Two public emergency phone towers with CCTV cameras

This Impact Report refers to the two public emergency phone towers with (fixed) CCTV cameras included in the project, which are intended to increase and improve safety and security for pedestrians and cyclists traveling to and from the station entrance.

## A. Information describing the proposed surveillance technology and how it generally works.

### Public Emergency Phone Towers

The Public Emergency Phone Towers are intended to act as an additional security precaution in public areas. By having these highly visible, and easily accessible blue light phones, the community is continually reassured that they can summon police assistance immediately. The BART Police Integrated Security Response Center (ISRC) will automatically know where the call is coming from and quickly dispatch an officer to the exact location. At night a blue light atop the phone is automatically lit making them easily visible from long distances.

### CCTV

CCTV (closed-circuit television) is a TV system in which signals are not publicly distributed but are monitored, primarily for surveillance and security purposes. CCTV relies on strategic placement of cameras and observation of the camera's input on monitors. Because the cameras communicate with monitors and/or 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 various types of cameras that are employed for public surveillance purposes include visible and semi-visible, each having its own purpose. Visible cameras are intentionally designed to be visible to the public and for the most part, one can easily detect what is being recorded by the direction of the camera. Semi-visible cameras have become increasingly more common. These cameras have a dome-shaped covering that prevents the public from identifying the direction the camera is facing. For crime prevention efforts, this type of camera is more effective for deterrence purposes because would-be offenders are unable to determine whether they are being recorded and may therefore refrain from criminal activity due to fear of apprehension.

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Sample Image of Public Emergency Phone Tower



Sample Image of Semi-Visible CCTV Camera



The CCTV system selected for the project will include fixed semi-visible cameras mounted on arms on the emergency phone towers.

### **B. Information on the proposed purpose(s) for the surveillance technology.**

#### Public Emergency Phone Towers

The primary use for the Public Emergency Phone Towers is for when police assistance is needed by a member of the public or BART employee. The Public Emergency Phone Towers will be deployed along the primary pedestrian and cyclist path of travel to/from the station entrance. There will be one unit installed on the Dublin side of the station and one unit installed on the Pleasanton side of the station. These towers will be equipped with emergency phones, blue strobes and CCTV.

#### CCTV

The use of cameras based on CCTV technology has proven effective in increasing the confidence of the community in public transport and improving the protection of patrons, employees, railcars, and critical infrastructure. The CCTV system captures and records video images of passengers. It serves the following key purposes:

- Reduces the fear of crime and reassures the public and employees.
- Prevents, deters and detects crime, damage of infrastructure and vehicles, public disorder, unlawful behavior and inappropriate conduct.
- Acts as a risk management tool against fare evasion and as a defense against fraudulent claims, particularly for individuals alleging injury during accidents.
- Aids in dispute mediation, complaint resolution, accident investigation, employee monitoring, etc.
- Used to monitor, identify, apprehend and prosecute offenders for criminal offenses, criminal damage, public disorder, roadway crashes and harassment.
- Used in investigations of complaints or offenses and provide evidence upon which to take criminal, civil and disciplinary actions.
- Collection of passenger and transport data to monitor and support network planning objectives and initiatives.

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### C. If applicable, the general location(s), it may be deployed.

- L30 – Dublin/Pleasanton

See Figure I at the end of the report for locations.

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

Crime statistics for Dublin/Pleasanton station in FY23 are as follows:

Type of Crime	Number of Incidents
Violent Crime	7
Property Crime	45
Select Vehicle Crimes	21
Electronic Crimes	5
Bicycle Thefts	13
Battery, Simple Assaults	6
<b>Total</b>	<b>97</b>

The Public Emergency Phone Towers are intended as an emergency communication system for when police assistance is needed by a member of the public or BART employee. CCTV is intended as a Districtwide security system having amongst other functions the purpose of prevention, deterrence and detection of crime. Together, the two systems 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.

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

CCTV cameras and Emergency Phone Towers will be used in strict compliance with their respective Use Policies 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 and Emergency Phone Towers, 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 Emergency Phone Towers 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 I of the CCTV and Emergency Phone Towers Surveillance Use Policies, 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.

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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.

Specifically for this project:

On the Dublin side of the station, the phone tower and fixed CCTV cameras will be installed where the Iron Horse Trail and BART bus access road intersect with DeMarcus Blvd so as to serve pedestrians and cyclists traveling to and from the station in this direction. The two fixed cameras will be aimed to capture the pedestrian and cyclist path of travel and to a lesser extent the bus intermodal. They will not be aimed to capture footage of persons in the housing development across the street.

On the Pleasanton side of the station, the phone tower and four fixed CCTV cameras will be installed at the edge of the pedestrian path and cycle-track within the BART parking lot. There are no private properties (e.g. apartment buildings, offices, etc) within sight of the CCTV cameras at this location. All visible areas are within the station area.

### **F. 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 and Installation Cost

The emergency towers will be purchased and installed as part of a capital project that will go out to bid. Total cost to purchase and install the surveillance technology is approximately \$40,000.

#### Ongoing Costs

The ongoing costs associated with the deployment of Public Emergency Phone Towers and CCTV are for normal preventative and corrective maintenance.

According to the Annual Surveillance Report, the following were the average operation and maintenance costs for the technology:

<b>Technology</b>	<b>Average Annual Cost</b>
Public Emergency Phone Towers	\$ 1,425/tower
CCTV cameras	\$ 560/camera

Since the technology being installed as part of this project will be brand new, the cost to operate and maintain them should be lower than the average costs in FY23.

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 Funding (capital improvement)

- Measure RR Access Program funds
- Alameda CTC CIP grant
- MTC Mobility Hub grant

### **G. 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.**

#### Public Emergency Phone Towers

No data is gathered or stored by third-party of this technology for use or maintenance.

#### CCTV

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 is not stored after maintenance is complete.

### **H. 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.**

#### Public Emergency Phone Towers

No alternative methods examined.

#### CCTV

BART examined two types of technology in the implementation of the CCTV 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 Based Technology (PTZ and Fixed Cameras)

- Multiple image sensors in one unit

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- 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 Cameras)

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

### Disadvantages of No Camera Option

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

## I. 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's own prior experience with the existing technology is described in detail in BART's 2023 Annual Surveillance Report.

### Experience

BART uses Public Emergency Phone Tower technology to provide a direct connection to the BART Police Integrated Security Response Center (ISRC) for BART passengers and employees to report emergencies or unsafe conditions.

Public Emergency Phone Towers were deployed at the Coliseum BART Station as a pilot in 2019. In FY23, there was a total of 40 calls received from the telephone towers, as follows:

Type of Call	Number of Calls
Hang Up/Call Abandoned	30
Unknown	1
Accidental dial	0
Sick/injured person	0
Welfare check	4
Theft	0
Interfering with Rail Operations	0
Information	0
Suspicious Person	0
Smoker	1
Mental Health	4
<b>Total</b>	<b>40</b>

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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 or public emergency phone tower equipment failures in FY23, and no unanticipated costs related to the use of the equipment.

### Civil Rights & Civil Liberties

BART does not record audio from public emergency phone towers unless a call is placed from the tower; there were no requests for public emergency phone tower data in FY23.

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 and public telephone towers, in FY23 BART Customer Service received no complaints pertaining to privacy or civil liberty concerns or harm.



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Figure I: Locations of proposed Public Emergency Phone Towers with CCTV along the project alignment

