



Public Works Commission

AGENDA
May 19, 2021

To: Reimagining Public Safety Task Force
From: Liam Garland, Public Works Director
Submitted by: Shamika Cole, Co-Secretary
David White, Co-Secretary
Subject: Reimagining Public Safety/BerkDOT

INTRODUCTION

The July 14, 2020 omnibus package to reimagine public safety included a referral to the City Manager to:

- a) pursue the creation of a Berkeley Department of Transportation (BerkDOT) to ensure a racial justice lens in traffic enforcement and the development of transportation policy, programs, and infrastructure, and
- b) identify and implement approaches to reduce and/or eliminate the practice of pretextual stops based on minor traffic violations.

In addition to instilling a racial justice lens in transportation programs and services, the referral's stated purpose was "to separate traffic enforcement from the police," "reduce traffic enforcement as a tool for enhancing traffic safety," and to "shift traffic enforcement, parking enforcement, crossing guards, and collision response & reporting away from policed officers—reducing the need for police interaction with civilians..."

By this report, staff seeks the Reimagining Public Safety Task Force's input and advice on a) research and analysis conducted to date, b) input solicited from the Public Works Commission, Transportation Commission, and public speakers and incorporated herein, and c) a draft phased approach to explore possible next actions. This work raises important questions about how the current Public Works department and the City's transportation functions are—and should be—organized, and how a racial justice lens can be applied across transportation-related programs and projects.

The referral component to reduce and/or eliminate stops based on minor traffic violations is at the core of the original omnibus package approved by City Council. The Mayor's Fair and Impartial Policing Working Group submitted recommendations to City

Council at a special meeting held on Tuesday, February 23, 2021.¹ The City Council unanimously adopted recommendations from the Fair and Impartial Policing Working Group that will result in a new, evidence-based traffic enforcement model that focuses traffic stops on safety, such as running a red light, rather than lower level offenses, such as minor equipment violations. The City Council also approved the implementation of procedural justice reforms including, but not limited to, the implementation of an early intervention system and requiring written consent for certain searches.² BPD is in the early stages of defining, developing, and implementing these measures.

This staff report complements the efforts of the Fair and Impartial Policing Working Group, lays out initial background and approaches to the creation of a BerkDOT, and explores opportunities to shift functions into this new department or division, as well as potential new positions or functions. In particular, staff seeks further input from the Task Force on the following questions:

- What near term actions should be prioritized?
- What areas of future research and/or due diligence should staff focus on?
- What is missing from the analysis and possible actions?
- Which of the three organizational approaches to a BerkDOT provided below align best with the City Council's referral and the City's adopted strategic and other plans (e.g., Berkeley Strategic Transportation Plan, Vision Zero, and recently-adopted Pedestrian Plan), both in the short and long term?

This staff report concludes with a list of proposed actions phased in over time. These actions support establishment of a BerkDOT that translates City Council's direction (and staff's intent) into racially just, equitable, sustainable, and accessible transportation policies, programs, services, and projects. The phased actions explored in this report are considered for inclusion in Annual Appropriation Ordinance #1 in December 2021, the two-year budget adopted by June 30, 2022, or future budget adoptions.

BACKGROUND

Public Safety Reimagining Process. On July 14, 2020, the Berkeley City Council made a historic commitment to reimagine the City's approach to public safety with the passage of an omnibus package of referrals, resolutions, and directions.³

¹ https://www.cityofberkeley.info/Clerk/City_Council/2021/02_Feb/Documents/2021-02-23_Special_Item_01_Report_and_Recommendations_pdf.aspx.

² Please see the annotated agenda for the February 23, 2021 Special Meeting of the City Council, which can be found at the following -

https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Agenda_Index.aspx.

³ https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/07-14_Annotated_Agenda_pdf.aspx

On December 15, 2020, the City Council authorized the City Manager to enter into a contract with the National Institute of Criminal Justice Reform (NICJR) to conduct research, analysis, and use its expertise to develop reports and recommendations for community safety and police reform as well as plan, develop, and lead an inclusive and transparent community engagement process to help the City achieve a new and transformative model of positive, equitable and community-centered safety for Berkeley. NICJR's scope and contract documents are complete.⁴

On January 19, 2021, City Council amended the enabling legislation for the Reimagining Public Safety Task Force. Appointments have been made from the City Council, Mental Health Commission, Police Review Commission, and Youth Commission, and three "At-Large" appointments confirmed by City Council on March 9, 2021.⁵

The Task Force met on February 18, March 11, April 9, April 29, and May 13, and covered topics ranging from the consultants workplan; community survey; calls-for-service analysis and framework; and overviews of the Police Department, priority dispatch, new and emerging models of community safety, and specialized care unit.

Public Works and Police Departments. Today, Public Works includes 320 full time employees (FTEs) across seven divisions. The divisions of Transportation, Engineering, Zero Waste, and Administration report to the Public Works Director. The Facilities, Streets & Utilities, and Equipment Maintenance divisions report to an Operations Manager who, in turn, reports to the Director.

The Transportation Division has 43 FTEs and is responsible for the following functions: traffic engineering, planning and design of transportation-related capital improvement projects, off- and on-street parking management, and transportation planning, policies, and programs, e.g., Vision Zero. In January 2018, traffic maintenance and parking meter maintenance were shifted from the Streets and Utilities Division to the Transportation Division. This division's breadth of functions is well beyond that of transportation divisions in similarly sized cities.

Both the Transportation and Engineering Divisions currently sit on the 4th Floor of 1947 Center Street. The permanent repair of streets and sidewalks is planned and executed by the Engineering Division with 2.5 full time engineers. Smaller, temporary street and sidewalk repairs are made through our Streets and Utilities Division Operations by two separate units of 13 FTEs. These units work out of the City's Corporation Yard, as does our Facility Management Division and its nearly 7 FTEs handling streetlight maintenance and repair.

⁴ https://www.cityofberkeley.info/Clerk/City_Council/2020/12_Dec/Documents/2020-12-15_Supp_2_Reports_Item_7_Supp_CMO_pdf.aspx

⁵ https://www.cityofberkeley.info/Clerk/City_Council/2021/01_Jan/Documents/2021-01-19_Item_18_Revisions_to_Enabling_Legislation_for_Reimagining.aspx

Today, all traffic enforcement functions are housed within the Traffic Bureau of the Police Department's Investigation Division. The Traffic Bureau includes all traffic enforcement functions, parking enforcement, traffic control, serious injury collision investigations and review, collision data functions, and crossing guards. The Traffic Bureau currently sits at 841 Folger and this substation will soon move to 125 University.

Current Plans and Programs for Racial Justice and Equity. The City of Berkeley set a goal in its strategic plan to “[c]hampion and demonstrate social and racial equity,” which is an especially important goal for Public Works. The 2020 end of year workforce report showed the department was 63% African American and Latino (and 77% non-white), 92% of that year's new hires were non-white, and 78% of staff promoted were non-white. While racially diverse, that report also showed only 16% of the department was female and only 38% of management was non-white, suggesting more work was needed in our department's gender diversity and having management reflect the racial diversity of the department's staff.

In recent years, the Transportation Division sought to more explicitly incorporate racial justice into transportation policies, projects, and services. The Berkeley Strategic Transportation (BeST) Plan adopted in 2016 prioritized capital projects by whether those projects would increase transportation choices for disadvantaged communities. The Vision Zero Plan adopted in March 2020 documented racial disparities in severe and fatal traffic injuries, and it acknowledged racial and economic inequities associated with traffic enforcement. As a result, the Vision Zero Plan emphasized improvements to traffic safety through engineering solutions over enforcement, and it called for an equitable enforcement policy before making any Vision Zero-related enforcement changes.

The first set of Healthy Streets established during the COVID-19 pandemic were selected from bicycle boulevards in traditionally underserved neighborhoods. Most recently, the Pedestrian Plan adopted in January 2021 built on the work of Vision Zero to document that black pedestrians are twice as likely to be victims of traffic violence as white pedestrians. The Pedestrian Master Plan uses redlining maps to prioritize safety improvements in these historically underserved neighborhoods.

Other aspects of Public Works' services aid equity and racial justice in Berkeley, including:

- The Clean Cities Unit abates illegal dumping, trash, and debris, especially in and around encampments, and many of these locations are in historically underserved areas;
- An existing Disability Services Specialist helps ensure the accessibility of new improvements, existing infrastructure, and current Public Works services;
- Most repairs of the City's sewers, streets, streetlights, and sidewalk are completed without regard to the adjacent property owner's ability to pay; our

stormwater and sewer fees are eligible for relief under the City's Very Low Income Fund; and, in the proposed budget, Public Works has recommended extending relief from sewer charges for more low income families; and

- Public Works, Public Works Commission, and Facilities, Infrastructure, Transportation, Environment, and Sustainability Committee are proposing to City Council on June 1 revisions to the street rehabilitation policy that specifically address racial justice and equity through the creation of an Equity Zone where paving repairs are prioritized. If adopted, Public Works will explore broader applicability of this zone to our sidewalk, streetlight, and other maintenance and repair services.

The department is at an inflection point. A new director was hired in July 2020 and since that time, the department has adopted [top goals and projects](#),⁶ drafted [performance measures](#),⁷ and sought more open lines of communication with the department's Commissions. An all-staff survey has been completed, showing the department faces a significant staff morale challenge. One driver of the morale challenge is a persistent vacancy rate of 15%+. The high vacancy rate diminishes the department's ability to deliver programs, leads to delays in implementing projects, and leaves the remaining staff shouldering a larger work burden. The work burdens are only increasing. The department is leading up the effort to turn Vision 2050 into reality; accelerate conversion of our fleet and facilities to all-electric; construct a whole range of T1 and other capital projects; and develop comprehensive plans for our street lights, paving, green infrastructure, and storm drains. All while Public Works and IT are working together on the simultaneous replacement of three key internal asset management systems without which a modern Public Works or Transportation department cannot operate.

As a result of these significant opportunities and challenges, Public Works is initiating a process to adopt a strategic plan in the next fiscal year. The plan will help clarify the department's core mission, values, priorities over the next five years, including how the department's staffing, programs, and projects can advance racial justice and equity.

APPROACHES

To inform the approaches presented in this staff report, interviews were held with director-level staff of Transportation and Public Works departments in Los Angeles, Minneapolis, Oakland, Denver, Ft. Collins, and Cambridge. These cities were selected for their variety of organizational, political, and governance structures. These conversations revealed different ways to structure a department, and how some cities were applying a racial justice lens to their transportation (and other) work. The

⁶ https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_General/FY20-21%20Berkeley%20PWD%20Goals%20and%20Projects-Sep%202020.pdf

⁷ https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_General/CoB%20Performance%20Measures%20041921.pdf

interviews showed there are many different ways to organize, and pros and cons associated with each method of organization.

At a high-level, there are three approaches to a new BerkDOT. Each of these presents an opportunity to refine the mission and overall organization of functions within the Transportation Division and the Public Works Department, and to carry out any new functions assigned by the City Council or reorganized within Public Works. The three approaches are:

A. Establish the existing Public Works' Transportation Division as BerkDOT:

This option would retain the existing Public Works department and structure, revamp the current *Division* of Transportation as BerkDOT, and create a new Deputy Director for Transportation reporting to the Public Works Director. Public Works' FY 21/22 budget request includes the adjustment of a current position to Deputy Director for Transportation. This would confirm the centrality of transportation in the department.

B. Remake Public Works into the Department of Transportation & Infrastructure (BerkDOTI):

This option would create a new BerkDOTI, subsume the existing Public Works Department into it, and the department's mission would focus on stewardship of the City's transportation system and public right-of-way, as well as the safety of the public in using streets and sidewalks. The functions of the remade department would include discrete lines for Transportation, Utilities, and Administration. Within these lines, a new Deputy Director for Transportation would be created, while infrastructure services such as storm water, sewer, and Zero Waste would remain in a newly configured Utilities division. This option still allows for intra-departmental coordination between planners and engineers by retaining an overall singular department under the oversight of a unified administrative structure. It elevates the new department's transportation programs and services to the whole of the public right-of-way, consistent with Vision 2050's positioning of the right of way as the *Public Commons*. An integrated BerkDOTI department would allow for ongoing coordination between functions affecting all aspects of transportation and non-transportation services in the public right-of-way, and a single point of contact for inter-departmental coordination.

C. Create a new, stand-alone BerkDOT that subsumes the current Division of Transportation and leaves a separate, stand-alone Public Works Department:

This would shift transportation functions out of Public Works into a standalone, new department oriented around a mission inclusive of transportation services and projects. Transportation operations, safety, and maintenance functions

would be transferred to this new stand-alone BerkDOT, while non-transportation capital project delivery and utilities such as storm, sewer, and Zero Waste would remain in the Public Works department. While duplicating back-office requirements, this structure may offer a more focused mission and vision, and resolution of items at the level of City Manager, not Department Director.

Mission and Vision. Each of these options presents an opportunity to sharpen the mission of our transportation work and deliver racially just, equitable, accessible, safe, and environmentally sustainable transportation programs, services, and projects. A stand-alone BerkDOT with a new Director reporting to the City Manager may provide the opportunity to start from scratch and create a whole new vision for transportation in this City. This also may provide the Public Works' department an opportunity to sharpen and improve its mission. On the other hand, the City's transportation and infrastructure visions are evident through the City Council's adoption of existing and recent plans, such as Vision 2050 (2020), BeST (2018 and update 2021), pedestrian plan (2021), and Vision Zero (2020). There may be conflict between Vision 2050's envisioning of the right of way as a public commons, and its implementation depending on two separate, stand-alone departments. It also may be the case that these adopted plans do not sufficiently capture Berkeley's transportation and infrastructure vision. If that is the case, then a new stand-alone BerkDOT may help chart whatever that new vision may be.

Prioritization and Coordination. A new stand-alone BerkDOT reporting to the City Manager or Deputy City Manager may elevate the transportation function's importance among many other competing priorities in the City. However, two separate departments will require staff currently sitting in the same department—with direct opportunities and incentives to collaborate—to be in stand-alone separate departments with more divergent priorities and more difficulty in coordination.

Transition Costs: Each of these organizational options would have different cost implications. Creating a wholly new stand-alone DOT alongside a stand-alone Public Works department is the highest cost option. Staff's initial estimate is \$750,000, mostly based on Oakland's experience creating a new DOT from its Public Works Department. These are hard costs related to hiring a new Director; building the required HR, payroll, and finance functions; consultant support for the change effort; and ancillary costs related to the new department, such as updates to the website, municipal code, letterhead, and work clothing. The ongoing operating costs for future years are in the range of \$500,000-\$750,000 annually.

Standing up a new department will incur significant non-financial costs, especially in time and effort. Interviews with other DOTs suggest this is an intense two-year process to stand up the organization and another two to three years until it is a cohesive organization. It would involve significant need to bridge and manage the transition with staff, collaboratively build a new department culture, and reorganize career advancement pathways in the workplace. Logistics are important, too. Staff are not

aware of building space that may accommodate a new stand-alone BerkDOT. In addition, the necessary investments in time and effort may require tradeoffs that slow down or put at risk other high-priority projects, e.g., Vision 2050, Vision Zero, T1, November 2022 infrastructure-focused revenue measure, and implementation of the BeST, Bicycle, and Pedestrian Plans.

The BerkDOTI option of a remade Public Works department with transportation, utility, and administration lines is estimated to cost less than \$150,000, mostly related to one position upgrade (Deputy Director, Transportation), hard costs related to the name change, and some support for the change efforts. Given the department's intention to undergo strategic planning next year, there may be an opportunity to leverage this process to support the BerkDOTI change effort. There would be limited ongoing additional operating costs for future years.

The option of creating BerkDOT out of the existing Transportation Division, and remaining within Public Works, is likely to involve similar cost as the BerkDOTI option as it includes similar actions, e.g. position upgrade, name change costs, and change efforts.

City Council could consider covering these costs through budget reductions to the Berkeley Police Department, reductions to other departments' budgets, or with additional General Fund resources. However, the source of funds does not change the fact that these three approaches have different cost impacts. Similarly, it is possible that as the number of sworn personnel in traffic enforcement is reduced, those savings are shifted into transportation programs and/or services. However, those savings may be speculative, as costs related to the civilian traffic enforcement unit and/or automated enforcement are very likely to rise.

Under any of these structures, there will be additional costs associated with implementing new policies or programs. This could include automated enforcement programs with staffing required for citation processing and review, a new specialist staffing for public engagement and racial justice programs, etc.

Implementation Risks. Many reorganizations fail or take much longer than planned. According to a 2016 Harvard Business Review study, more than 80% of reorganizations fail to deliver the hoped for value in the time planned, and 10% can cause real damage to the organization. The creation of a separate, stand-alone BerkDOT with a separate stand-alone Public Works Department entails the most risk of failure and/or delay. A BerkDOT subsuming Public Works entails low to moderate risk. Creating the BerkDOT out of the existing Transportation Division, and keeping it within Public Works, is low risk. To mitigate these risks, the changes might be made incrementally, allowing for smaller course corrections to address issues that may arise and preserving options moving forward.

City Size. Few cities of Berkeley's size have a stand-alone DOT. Nor do most cities of Berkeley's size have the breadth of transportation functions already assigned to the existing Transportation Division within Public Works.

Racial justice lens. Staff's view is that any of these organization approaches could apply an improved racial justice lens to transportation programs, and none of the approaches provide distinct benefit over the others in advancing racial justice and equity.

Shifting functions. Staff's view is that any of these organizational approaches could facilitate shifting of functions as explored later in this staff report, and none is uniquely configured for a particular shifting of functions.

SHIFTING FUNCTIONS

The BerkDOT referral incorporated into the City Council's omnibus package adopted on July 14, 2020 stated the following:

A Department of Transportation in the City of Berkeley could shift traffic enforcement, parking enforcement, crossing guards, and collision response & reporting away from police officers—reducing the need for police interaction with civilians—and ensure a racial justice lens in the way we approach transportation policies, programs, and infrastructure. It would also ensure a focus on transportation that is separate and apart from public works issues, fitting for the importance of transportation as an issue of concern to Berkeley and as a key component of our greenhouse reduction goals.

There are a variety of transportation-related functions within the City of Berkley which are performed by:

1. Sworn, uniformed officers (e.g., police officers assigned either to Patrol Division or the Traffic Bureau);
2. Non-sworn, uniformed personnel (e.g., parking enforcement officers);
3. Civilian personnel (e.g., crossing guards); and
4. Civil engineers, transportation engineers, transportation planners, and operations and maintenance staff.

Below, each function is assessed for possible shift into any of the three BerkDOT approaches described above.

Traffic Enforcement

The original referral suggested shifting traffic enforcement to a new BerkDOT. However, California Vehicle Code section 21100 appears to delegate authority to localities to enforce traffic laws by means of "traffic officers," which are further defined by Penal Code Section 830, et seq., as sworn police officers. Thus, enforcement of traffic

violations set forth by non-sworn personnel could violate existing state law. Until state law changes, such a shift in function outside of BPD may be preempted.

The City Council adopted a resolution on December 15, 2020, requesting the California legislature enact legislation to give cities greater flexibility in traffic enforcement. Staff has considered prioritizing near-term action to develop a plan for standing up a civilian traffic enforcement unit. However, given the content of the state law change is likely to be important for the particulars of how such a unit is structured and organized, staff suggests the civilian traffic enforcement unit be considered a longer term action, and that this action be triggered when there is a change in state law. In the meantime, the City could engage in discussion with state legislators about potential legislation on this topic. When such a state law change does occur, staff would evaluate the legislation and prepare a plan for City Council discussion with the aim that Berkeley thoroughly evaluate and engage the community and its employees over the potential to establish a civilian traffic enforcement unit.

Other state law changes might alter the nature of traffic enforcement, as well. Current state law prohibits automated enforcement of speeding violations. Assembly Bill (AB) 550 would permit several cities to initiate pilots of automated enforcement of speeding violations⁸. On May 11, 2021, the Council took formal action to support AB 550 and urge that the City of Berkeley be included as a pilot location. Similar to red light cameras, photo speed enforcement could reduce the need for traffic stops and the associated interactions between police officers and drivers, while providing effective enforcement against speeding, which is the traffic violation most likely to contribute to several or fatal traffic injuries especially among pedestrians. The degree to which automated speed enforcement could be administered by non-sworn staff would depend on the enabling legislation. AB 550 currently calls for violators to be subject to civil penalties and the availability of diversion programs.

Given the legal hurdles to a civilian traffic enforcement unit and automated enforcement, staff suggest prioritizing advocacy for state law changes in the near-term, and, over the longer term, develop practical plans and policies to implement state law changes when they occur. As suggested in Vision Zero, the City's adoption of a Vision Zero Enforcement Policy could help explain and further detail the City's approach to enforcement as a tool of last resort, provide guidance for the implementation of automated enforcement, and ensure the lens of racial justice and equity is incorporated into enforcement efforts.

Crossing Guards

Berkeley Function Today

Crossing guards are civilian personnel within the Police Department who help ensure safe routes to school and Vision Zero functions, which are important citywide priorities.

⁸ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB550

There are currently 15 part-time crossing guards, equivalent to 3.7 FTEs, working during school arrival and departure times. Crossing guards do not enforce the law, rather they enhance safety by stopping traffic and escorting children across an intersection.

Other Cities' Experiences

Some cities, such as Los Angeles and Cambridge, MA, employ crossing guards through the Transportation and/or Public Works department; other cities that house crossing guards in the Police Department, such as the City of Oakland, are considering moving them to OakDOT in response to similar conversations around racial justice in traffic enforcement. Another model is schools overseeing the crossing guard functions with the City providing some portion of funding, which is the case in Fort Collins, CO.

Potential Options for Berkeley

Crossing guards could move into BerkDOT with minimal disruption. Shifting that staff to a new department will require a BerkDOT staff person to take on a new supervisory role, which could require new training. Within BerkDOT, crossing guards could be assigned to school sites based on racial equity and Vision Zero priorities. Including crossing guards in BerkDOT could have the positive effect of bolstering local relationships between BerkDOT and local schools and communities.

There are some impacts to BPD's operations of moving crossing guards to BerkDOT. By removing this function, it means severing a visible tie between elementary school staff, local residents, and BPD. Otherwise, the impacts are not significant. This change could be accomplished in the budget proposed for adoption in June 2022.

Parking Enforcement

Berkeley Function Today

Parking Enforcement Officers are non-sworn, uniformed officers within the Police Department. These officers support the City's parking program, which is stewarded by Public Works and the officers are funded out of the Public Works' on-street parking fund. (Citation revenue goes to the General Fund.) There are currently 24 FTE parking enforcement officers, supervisors, and a manager within BPD's Traffic Bureau.

The City of Berkeley's current [parking program](#) offers a payment plan for low income persons, and a fee waiver for low-income citation recipients who request an appeal hearing.

Other Cities' Experiences

Other cities, both large and small, manage parking enforcement under the Transportation and Public Works departments: examples include Los Angeles, Fort Collins, CO, Cambridge, MA, and Orlando, FL. Some parking enforcement staff maintain inter-departmental connections and access to shared communication systems with Police Departments where there are concerns for staff safety. For example, the OrlandoDOT has a parking enforcement function, and parking enforcement staff share a

radio frequency with the Police Department. Some cities, such as Los Angeles, have qualified relief programs to address the burden of parking fines on low-income residents, such as the [Community Assistance Parking Program](#).

Potential Options for Berkeley

The parking enforcement function could move into BerkDOT, which would be a major shift in terms of the number of employees and their day-to-day interface with the Police Department. Parking enforcement staff currently sit within PD offices, and their trainings and career development paths are through PD.

Shifting this function to a new BerkDOT would require investment and training in the newly transitioned staff on the BerkDOT mission and career advancement paths, and new management and supervisory capacity within BerkDOT to absorb responsibility for the parking enforcement staff. Given that the Transportation Division is currently 43 FTEs, this shift would increase this organization's size by more than 50%. It poses some logistical challenges, too, as BPD Traffic Unit's staff and parking enforcement's staff currently sit with one another in the same location, and there is not an obvious solution for co-locating parking enforcement staff and existing transportation division staff given significant space constraints at the City's Corporation Yard.

Such a shift would have significant impacts on BPD and its 24 parking enforcement staff. BPD would lose important members of its team, and parking enforcement staff themselves would have a more difficult time keeping up communication with the Police Department for backup requests, which occur weekly. Nearly one-half of parking enforcement officers participated as public speakers when the Public Works Commission heard this BerkDOT item, and expressed a strong sentiment that affiliation with PD helped them feel safer in their work and strong opposition to any move outside of PD.

As suggested by several Public Works Commissioners, staff proposes further dialogue with the parking enforcement officers themselves. After that dialogue, staff would return to City Council for discussion on whether the parking enforcement function should sit within PD.

Paving

Berkeley Function Today

Public Works has 2.5 engineers who put together the paving plan, and then do the public procurement for the annual paving and sidewalk repair projects. Another engineer or inspector is involved in the construction management and inspection of the improvements. All of these staff are in the Engineering Division, and consult regularly with Transportation's planning unit to ensure coordination with the various transportation plans.

Other Cities' Experiences

Both OakDOT and Minneapolis include some paving functions. Both pothole repair and designing and bidding contracts for paving are held within OakDOT. However, the paving and capital project construction management function is still held within Oakland's separate Public Works department. In Los Angeles, the paving function is housed in Streets LA, a division of Public Works, not LADOT. Cambridge, MA also does not house paving functions in its Transportation, Parking, and Traffic Department; instead, the Community Development Department prepares the paving plan, and Public Works completes the paving.

Potential Options for Berkeley

The existing configuration results in collaboration on paving between engineers in Public Works' Engineering Division, and engineers and planners in the Transportation Division. Moving this function to the BerkDOT has the potential to realize more opportunities for Vision Zero, Bicycle Plan, and Pedestrian Plan improvements in the course of paving. However, the paving budget faces an annual funding shortfall of more than \$10 million for basic pavement maintenance, not to mention the improvements suggested by the Vision Zero, Bicycle Plan, and Pedestrian Plan. Thus, these opportunities to use our paving program to further the goals of our transportation plans may be more vision than reality. In addition, even if this function moves to Transportation, significant coordination with the Engineering Division will be required to ensure consideration of sewer, green infrastructure, storm drain, and other utility projects occurring in the streets. Staff believes that the coordination between Transportation Planning and paving engineers has improved over the past several years, but agree more improvement and coordination is needed. What is less clear is whether improvement will come from an organizational decision—either moving the paving planning function from Engineering into Transportation's planning unit or moving transportation planners into Engineering's Pavement Unit—or bringing in new revenue into paving through a November 2022 infrastructure-focused revenue measure. The latter would be the most significant action the City Council could take to ensure our paving program advanced our BeST, Vision Zero, Pedestrian, and Bike Plan's goals. Staff could return to City Council as part of the budget adopted in June 2022 with a discussion of where the paving planning function might sit.

Collision Investigation**Berkeley Function Today**

Today, BPD's Traffic Bureau sworn officers are responsible for traffic collision investigations. This includes forensic functions, determining why and how the crash occurred, data collection on victim information, and the state of existing street safety infrastructure. No Public Works or Transportation staff participate in that data collection. Collision investigation invariably requires sworn officers to collect witness statements and evidence, conduct analysis, and develop a report, all of which are governed by state vehicle code. In addition, collisions can happen at any time of day or night and police staff with assigned vehicles are on duty 24/7 in the field and enable rapid response.

Other Cities' Experiences

Collision investigation functions are conducted by police departments, and in many cities there is limited data sharing and collaboration in data collection, which can be a barrier to data-driven Vision Zero work. A few cities have built partnerships with police departments to share crash investigation functions as it pertains to transportation engineering. Director-level partnerships with the police department has allowed some cities, such as Fremont, CA, to share more Vision Zero-related traffic data.

Potential Options for Berkeley

Many of the forensic functions of crash investigation are important for the Police Department to carry out. Increased collaboration between BerkDOT and the Police Department through sharing of some collision investigation functions could improve traffic safety. Bringing BerkDOT planners and engineers into the process to assess site context and transportation infrastructure issues in the field during investigation is likely to lead to better understanding of why crashes occurred and may help identify opportunities to improve infrastructure to improve safety outcomes in the future. This also advances the City's Vision Zero focus, and encourages direct access to police reports and other disaggregated data for purposes of Vision Zero analysis and monitoring, which includes an assessment of racial disparities in traffic safety. Improved information sharing could occur within existing structures and progress is already being made. The most important near-term action to promote this information sharing and safety improvements would be the hire of a new staff member into BerkDOT to support the Vision Zero program and codify this interdepartmental coordination. A request for this FTE will be included in the budget proposed in June 2022.

Traffic Control**Berkeley Function Today**

Both sworn officers and parking enforcement officers provide special traffic control during major planned events today, such as festivals, marches and protests, and other large-scale events, and also during emergencies, such as street flooding, large structure fires, and during high wildfire-risk periods. Public Works, BPD, and parking enforcement staff frequently coordinate on traffic controls, including temporary signage and barricades often planned by Traffic Engineers and deployed by Traffic Maintenance staff.

Other Cities' Experiences

In other cities, both sworn and non-sworn uniformed officers can carry out traffic control functions. In San Francisco, parking enforcement officers have traffic control functions as part of their regular duties, which includes directing traffic during both planned events and critical incidents. In Minneapolis, the Regulatory Services department provides uniformed personnel for traffic control functions, which include rush hour traffic management, emergency response to traffic control needs via 311, and support for special events.

Potential Options for Berkeley

Event-related traffic control could be provided by non-sworn, uniformed personnel for planned events in Berkeley. Parking enforcement personnel provide this function today. Non-sworn, uniformed officers could also provide some or perhaps all emergency-related traffic control. Consideration would need to be given to time of day and week to ensure availability of appropriate staff, and ensuring proper training of non-sworn staff conducting planned and emergency related traffic control.

3. Racial Justice in Transportation Policies, Programs, and Infrastructure

Ensuring a racial justice lens in transportation policy, programs, and infrastructure would mean that all decisions, procedures, and guidelines that govern transportation in this City would affirmatively work to reduce the burdens of racial inequities and mitigate structural harm put on people of color, and create streets where people are safe, experience belonging, and can thrive.

From listening to the input received so far and considering other organizations approaches, staff see three important opportunities moving forward. First, establish a BerkDOT that uses racial and social justice and safety data to improve safe and equitable access to mobility and helps reduce traffic violence, economic violence, and risk of institutional violence experienced by the most vulnerable users of the public streets and sidewalks.

Second, embed the racial justice lens in BerkDOT through one of two potential organizational approaches:

- A. **Racial Justice and Equity Division within BerkDOT:** The Racial Justice and Equity Division could be a separate division within any of the three BerkDOT approaches, at the same organizational level as project delivery, maintenance, or administration. The division may be staffed with one or two people, and those staff working across divisions, similar to how engineers and planners already work across divisions and functions today.
- B. **Deputy Director of Transportation, Racial Justice, and Equity:** The racial justice function could move up a tier in the organizational chart to assign that function to a newly titled, Deputy Director of Transportation, Racial Justice, and Equity. This would elevate the transportation and racial justice functions and accountability in the organizational hierarchy. It might then mean that existing staff take on day-to-day responsibility for racial justice functions, with approval and strategy provided by the Deputy Director for Transportation, Racial Justice, and Equity. This position could still be supplemented with a Racial Justice Specialist position as an assistant to the Deputy Director.

The organizational structure of the racial justice function within BerkDOT might also consider the size of Berkeley's city government and BerkDOT itself. For example, the division itself might contain one FTE; however, regardless of the number of FTEs, creating a division within an organizational chart on equal footing with other departmental functions elevates its importance in the department's mission. Under either approach, it will be important to ensure that people of color, and especially African Americans, have clear and well-used career pathways.

Public Works' budget proposed for adoption in June 2021 includes an adjustment for a Deputy Director of Transportation, so Option B is readily achievable and does not preclude a change later to Option A.

Third, as suggested by various contributors in the public process to date, incorporating a racial justice lens into transportation work requires in-depth examination, discussion, training, and action. This work has an aspect that is inward-facing and focused on our staff and their experiences and career pathways. It also must focus on BerkDOT's services, programs, and projects delivered to the community. For that reason, staff propose using the assistance of an expert to lead the internal examination, discussion, training, and action that would culminate in the development of a *Racial Justice and Equity Action Plan, Part 1*. A budget request for Annual Appropriation Ordinance #1 in December 2021 would fund this third-party's work. *Part 2* would examine the department's services, programs, and projects, and identify the areas and actions where more progress is required. This work would be proposed for inclusion in the budget adopted June 2023.

INPUT RECEIVED FROM COMMISSIONS TO DATE

This report reflects input provided by the Transportation Commission, Public Works Commission, and public speakers at both commission meetings. Prior versions of this report incorporated this specific feedback from the Transportation Commission. More has been provided on the purpose and vision of the omnibus package and BerkDOT referral, and the report provides more focus on near-term actions to change transportation's mission, vision, programs, services, and projects and ensure they are imbued with a racial justice lens. There is more background and explanation on the civilian traffic enforcement unit, and City Council's direction to focus traffic stops on safety and eliminate stops for minor traffic violations. Greater detail has been provided on automated enforcement, inclusion of career pathways for people of color, and the cost implications of the three organizational approaches.

Several Transportation Commissioners suggested crossing guards and parking enforcement were functions that should be moved to a BerkDOT sooner rather than later. Staff incorporated a suggestion to re-work the near-term and longer-term actions into a phased approach.

There was consensus at the Public Works Commission and its public speakers that the revised staff report responded to much of the Transportation Commission's feedback. There was a consensus that enforcement as a method of improving traffic safety should be a tool of last resort within the City's toolbox. There was not consensus on the organizational approach to BerkDOT or on which functions might be prioritized for shifting into BerkDOT. Some commissioners wanted to learn more about how BerkDOT might be informed by a strong, transparent public engagement process. On this latter point, staff are exploring on-the-street, intercept surveys and/or public opinion surveys to be conducted this summer in order to engage and learn from traditionally underrepresented and underserved members of the community.

PHASED APPROACH

The phased approach described below combines the direction set by Council in the original omnibus package, the input received to-date, and the constraints of our existing budget, commitments, laws, and bandwidth. The order and phasing of the approach is designed to preserve opportunities for the City to speed up or slow down along the way.

Phase 1: July 1, 2021-June 30, 2022

Ongoing	Coordinate with PD on implementation of precision policing and major v. minor stops. Monitor state legislative proposals and be prepared to engage and advocate for automated enforcement.
Jun 2021	Proposed budget includes Deputy Director of Transportation, Racial Justice, and Equity.
Jul	Opinion and/or intercept surveys to solicit input on BerkDOT.
Dec	Submit budget request in AAO#1 for expert support on <i>Racial Justice and Equity Action Plan, Part 1</i> , focused on staff and career pathways.
Jan 2022	Berkeley <u>Division</u> of Transportation stood up as BerkDOT with lead Deputy Director of Transportation, Racial Justice, and Equity.
Jun	Potential budget proposals implementing various aspects of BerkDOT and submit request for new Vision Zero staff member to coordinate with PD on data sharing and collision analysis.

Phase 2: July 1, 2022-June 30, 2023

Jul 2022	Report to City Council on results of legislative advocacy on civilian traffic enforcement and automated enforcement, and if automated enforcement on speeding enabled by change in state law, plan for implementing.
Dec	Council considers adoption of Vision Zero enforcement policy. Complete <i>Racial Justice and Equity Action Plan, Part 1</i> .

- Jan 2023 City Council discusses possibility of creating civilian traffic unit. This discussion and deliverable is wholly dependent on state law changes permitting such action.
- Jun Report to Transportation Commission on equity of City's existing parking fines and rates, and possible revisions.

Phase 3: July 1, 2023-June 30, 2025

- Dec 2023 Complete *Racial Justice and Equity Action Plan, Part 2*, focused on programs, services, and projects.
- Jun 2024 Update to Council on progress to date and seeking direction on final BerkDOT organizational structure (enhanced division, BerkDOTI, or stand-alone BerkDOT), civilian traffic enforcement unit, and equity policies.
- Jun 2025 Final report closing BerkDOT referral.

Attachment:

- 1: Budget and Position Inventory

Attachment 1: FTEs and Budget for Existing BerkDOT-related Functions

Total potential FTEs **99.95** *Total Costs* \$ **49,627,069**

PW Engineering/Streets

Implementing capital projects to maintain 216 miles of street and 300 miles of sidewalk

Associate Civil Engineer	1	\$	143,157.66		
Assistant PW Engineer	1	\$	123,956.56		
Supervising Civil Engineer	0.5	\$	81,070.50		
Total	2.5	\$	348,184.72	\$	660,534
			Nonpersonnel Costs	\$	330,267
			Capital Costs	\$	11,010,303
			Total	\$	12,001,104

PW Transportation

Improve traffic safety, encourage transit use, bicycling and walking, and address transportation issues. Capital projects include parking facilities; street improvements; traffic calming measures; and bicycle and pedestrian infrastructure improvements.

Management	Transportation Manager	1	\$	177,577.71	
	Administrative Secretary	1	\$	88,553.50	
	Administrative Assistant	1	\$	88,293.71	
	Assistant Management Analyst	1	\$	89,820.02	
Parking (off and on-street)	Parking Services Manager	1	\$	130,562.85	
	Senior Planner	1	\$	126,667.01	
	Assistant Management Analyst	4	\$	359,280.08	
	Accounting Office Specialist II	1	\$	69,366.54	
	Parking Meter Maint & Collection Supv	1	\$	91,188.45	
	Parking Meter Maintenance Worker	6	\$	391,547.52	
	Parking Meter Mechanic	5	\$	369,082.50	
CIP Engineering	Associate Civil Engineer	2	\$	286,315.32	
	Supervising Traffic Engineer	1	\$	165,189.86	
Traffic Engineering	Assistant Traffic Engineer	2	\$	250,942.02	
	Associate Traffic Engineer	2	\$	286,315.32	
	Engineering Inspector	1	\$	106,362.46	
	Traffic Engineering Assistant	1	\$	86,079.55	
Planning	Principal Planner	1	\$	143,078.83	
	Senior Planner	1	\$	126,667.01	
	Associate Planner	2	\$	219,506.56	
	Assistant Planner	1	\$	90,424.05	
Traffic Maintenance	Traffic Maintenance Supervisor	1	\$	91,188.45	
	Traffic Maintenance Worker I	3	\$	202,701.42	
	Traffic Maintenance Worker II	2	\$	147,742.40	
Total	43	\$	4,184,453.14	\$	7,938,238
			Nonpersonnel Costs	\$	4,175,377
			Capital Costs	\$	12,500,000
			Total	\$	24,613,615

PW Streets/Sidewalk Operations

Performs spot repairs on the City's maintain 216 miles of street and 300 miles of sidewalk

Management	Senior PW Supervisor	1	\$	111,161.44	
	PW Supervisor	1	\$	96,565.46	
Streets / Asphalt	Skilled laborer	2	\$	143,751.72	
	Construction Equipment Operator	1	\$	81,359.20	
	Laborer	2	\$	135,228.28	
Sidewalks / Concrete	PW Supervisor	1	\$	96,565.46	
	Concrete Finisher	2	\$	86,386.35	
	Skilled Laborer	1	\$	71,875.86	
	Laborer	2	\$	135,228.28	
Total	13	\$	958,122.05	\$	1,817,633
			Nonpersonnel Costs	\$	300,000
			Total	\$	2,117,633

PW Signals and Streetlighting

Maintains signals and traffic controls at 140 intersections and 8,000 LED streetlights.

Electrician	4	\$	411,091.20		
Lead Electrician	2	\$	219,648.00		
Senior Electrical Supervisor	0.75	\$	97,022.18		
Total	6.75	\$	727,761.38	\$	1,360,914
			Streetlights	\$	1,377,731

Signals	\$	896,755
Capital Cost	\$	1,050,000
Total	\$	4,685,399

PD-Investigations Division

The Traffic Unit's Motorcycle Officers focus on community safety through traffic law enforcement, investigation of serious injury/fatality traffic collisions; DUI enforcement, and coordinating grantfunded focused enforcement efforts. The Parking Unit's Parking Enforcement Officers enforce applicable State and Local codes which regulate parking and provide traffic control and support, e.g. Special Events or incident scene management.

Parking Enforcement	Parking Enforcement Manager	1	\$	114,869.25		
	Parking Enforcement Officer	21	\$	1,492,580.46		
	Parking Enforcement Supervisor	2	\$	84,899.98		
	Total	24	\$	1,692,349.69	\$	1,692,350
				Nonpersonnel Costs	\$	1,638,945
Traffic Bureau	School Crossing Guard	3.7		145987.2		
	Lieutenant	1	\$	178,231.87		
	Sergeant	1	\$	148,483.71		
	Motor Officer	4	\$	515,017.16		
	Assistant Management Analyst/OSII	1	\$	89,820.02		
	Total	10.7	\$	1,077,539.96	\$	1,077,540
				Nonpersonnel Costs	\$	1,800,483
				Total	\$	6,209,318

Total potential FTEs	99.95	Total Costs	\$	49,627,069
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