

THIS PRINT COVERS CALENDAR ITEM NO: 14

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Streets

BRIEF DESCRIPTION:

Authorizing the SFMTA to use a design-build-operate-maintain (DBOM) delivery method for the implementation of the Automated Speed Enforcement Project (Project); and authorizing the Director of Transportation to seek approval from the Board of Supervisors for a Project-specific ordinance to implement the DBOM delivery method in a manner that is most efficient for the Project.

SUMMARY:

- The Automated Speed Enforcement Project (Project) includes the design, installation, operation, and maintenance of automated speed enforcement systems (ASE Systems) at 33 sites throughout the city.
- The SFMTA is committed to implementing the Project as quickly as possible, aiming to be the first jurisdiction in California to begin the use of potentially life-saving technology.
- Based on the need to bring the ASE Systems online as quickly as possible, and the available pool of vendors, staff have determined that it is appropriate and in the City's best interest to deliver the Project utilizing a design, build, operate, and maintain (DBOM) procurement method.
- The SFMTA requires a project-specific ordinance from the Board of Supervisors because existing authority to utilize the DBOM delivery method does not currently exist in the Administrative Code.
- The Project-specific ordinance is required before the SFMTA issues the request for proposals for the Project in the summer of 2024.

ENCLOSURES:

1. SFMTAB Resolution

APPROVALS:

DIRECTOR _____



SECRETARY _____



DATE

March 13, 2024

March 13, 2024

ASSIGNED SFMTAB CALENDAR DATE: March 19, 2024

PURPOSE

Authorizing the SFMTA to use a design-build-operate-maintain (DBOM) delivery method for the implementation of automated speed enforcement systems; and authorizing the Director of Transportation to seek approval from the Board of Supervisors for a Project-specific ordinance to implement the DBOM delivery method in a manner that is most efficient for the Project.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

This item will support for following goals and objectives of the SFMTA Strategic Plan:

Goal 1: Identify and reduce disproportionate outcomes and resolve past harm towards marginalized communities.

Goal 4: Make streets safer for everyone.

Goal 8: Deliver quality projects on-time and on-budget.

Goal 10: Position the agency for financial success.

This item will support the following Transit First Policy Principles:

1. To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the safe and efficient movement of people and goods.
10. The City and County shall encourage innovative solutions to meet public transportation needs wherever possible and where the provision of such service will not adversely affect the service provided by the Municipal Railway.

DESCRIPTION

Project Background

On October 13, 2023, the State Legislature enacted Assembly Bill 645 (AB 645) authorizing six jurisdictions, including the City and County of San Francisco, to implement an automated speed enforcement system pilot program (the Project). The Project involves the use automated speed-limit enforcement cameras (ASE Systems) to improve road safety and is authorized to be operational for five years or until January 1, 2032, whichever comes first. San Francisco actively supported AB 645 during throughout the legislative process.

ASE Systems have demonstrated high effectiveness in detecting speed violations and the California State Transportation Agency and the National Transportation Safety Board have acknowledged the effectiveness of this technology in reducing speeding and enhancing road safety. The National Highway Traffic Safety Administration has awarded automated speed enforcement technology its maximum 5-star effectiveness rating for its significant impact on traffic safety. When combined with educational initiatives and traffic engineering, the Project can significantly reduce speeding, improve traffic safety, and thereby prevent traffic-related

fatalities and injuries, including those involving roadway workers. ASE Systems in other states have successfully reduced speeding and improved traffic safety.

The implementation of the Project advances equitable traffic enforcement. It ensures more predictable and effective speeding control and, when broadly implemented, helps change driver behavior. Enforcing speed limits using ASE Systems on streets where speeding drivers create dangerous roadway environments is a reliable and cost-effective method to prevent further fatalities and injuries.

The SFMTA is committed to implementing the Project as quickly as possible, aiming to be the first jurisdiction in California to begin the use of this life-saving technology. This goal faces considerable scheduling and interface risks if the SFMTA executes separate contracts for design, construction, operation, and maintenance, as required under its existing contracting authority. Therefore, the Director of Transportation has determined that it is in the public's best interest to utilize the DBOM delivery method to achieve the time efficiencies necessary to achieve this goal.

Project Objectives

The SFMTA's objectives for the Project are as follows:

- Design and install 33 ASE Systems on High-Injury Network streets where data indicates outlier speeding is a significant issue.
- Create an equitable program that slows vehicle speeds and improves safety in the City.
- Collect data and evaluate the impact of ASE Systems to inform further legislation at the state level.

DBOM Delivery Method

Recognized by the U.S. Department of Transportation's Federal Highway Administration and Federal Transit Administration, the DBOM delivery method is an integrated procurement model that combines a project's design and construction services with longer term operations and maintenance responsibilities under a single contractor or contractor team. This method is also known as "turnkey" procurement and "build-operate-transfer."

The DBOM delivery method offers compelling advantages to meet the Project's objectives:

- **Cost and Time Savings.** The DBOM model's ability to fast-track certain project elements while maintaining a high-quality standard can result in significant cost and time efficiencies. This is the key advantage of the DBOM method for the Project, as ASE Systems are a critical public safety tool and must be implemented as quickly as possible.
- **Enhanced Quality Assurance.** It promotes higher quality across all project phases, integrating design, construction, operation, and maintenance under a single contractor. As the Project is complex, having a single contractor to manage all phases of work will ensure technological compatibility throughout the entire contract term.
- **Efficiency in Project Execution.** This single-contractor approach consolidates multiple project phases and streamlines project delivery, enhancing coordination and reducing

typical delays. By limiting interface and integration risks between multiple contractors, a single contractor could execute the Project more efficiently.

- **Proactive Maintenance Planning.** The responsibility for long-term maintenance under the DBOM procurement method allows for upfront, comprehensive planning, resulting in a more sustainable and cost-effective approach to project upkeep. A DBOM delivery method also ensures that the designer and installer of the ASE Systems has the capability to maintain them throughout the project pilot period.

Selection Process for Contractor

The SFMTA will utilize a best-value solicitation process in the contracting phase, ensuring the selection of a DBOM contractor team that provides the best value to the city. The SFMTA seeks to combine the request for qualifications and request for proposals phases into a single solicitation process in order to improve time efficiencies. The SFMTA would issue a single document that solicits both the qualifications and proposals of interested contractors or contractor teams. Based on the evaluation and scoring of the proposals received, the SFMTA may select the respondent with the highest proposal score as the presumptive best-value proposer, with which the SFMTA would enter negotiations to finalize the contract to provide DBOM services for the Project.

The SFMTA will require that any construction and other covered work or improvement performed under any contract pay prevailing wages in accordance with Section 6.22(e) of Article II of Chapter 6 of the Administrative Code, comply with applicable certified payroll requirements under those provisions of the Administrative Code by submitting certified payroll through the City's certified payroll reporting system, and comply with the requirements of the State Apprenticeship Program in accordance with Section 6.22(n) of Article II of Chapter 6.

At all stages of the solicitation process, the SFMTA will obtain applicable approvals from the SFMTA Board of Directors or Board of Supervisors as required under the San Francisco Charter or Municipal Code.

Project-Specific Legislation

Administrative Code Chapter 6 codifies the City's public works contracting policies and procedures, and includes contracting requirements for design, engineering, and construction services; and Administrative Code Chapter 21 regulates the City's acquisition of commodities and services, and includes contracting requirements for professional and general services. The design, construction, operation, maintenance, and related services necessary to implement the Project under the DBOM procurement method span the subject matter of Chapters 6 and 21, but neither of these chapters contemplate contracting for these services under a single solicitation.

If the SFMTA Board endorses this approach, the SFMTA would expect the project specific ordinance to be introduced to the Board of Supervisors in April 2024.

STAKEHOLDER ENGAGEMENT

AB 645 states that stakeholder engagement should include working collaboratively with “relevant local stakeholder organizations, including racial equity, privacy protection, and economic justice groups.” Throughout November 2023, December 2023, and January 2024, SFMTA staff met with area stakeholders to gather input on the speed camera pilot program. Staff reached out to nearly 40 organizations that represented racial equity, privacy protection, economic justice, and/or transportation safety in San Francisco. Initial outreach distributed information about the speed camera program and invited organizations to schedule a meeting with SFMTA staff. These meetings and conversations were intended to answer organizations’ questions, explain the plan for implementing speed cameras in San Francisco, and gather input on how to ensure the program benefitted San Franciscans.

During this 12-week outreach period, SFMTA staff met with over a dozen stakeholder organizations. These organizations included:

- Racial Equity Organizations: San Francisco Office of Racial Equity and SFMTA Office of Racial Equity and Belonging, API Council, Wu Yee Children’s Services, American Indian Cultural Center, Chinatown TRIP
- Privacy Protection Organizations: SF Public Defender’s Office – Confront and Advocate, Lawyers’ Committee for Civil Rights of the San Francisco Bay Area
- Economic Justice Organizations: GLIDE, San Francisco Financial Justice Project, Anti Police-Terror Project, Fines and Fees Justice Center
- Transportation Safety Organizations: Senior & Disability Action, Tenderloin Traffic Safety Task Force, Walk SF, KidSafe SF, Safe Streets Save Lives Coalition, Families for Safe Streets

Much of the feedback gathered from these stakeholder organizations has informed policies related to data privacy, fee structures, and engagement with law enforcement. Specifically, the transportation safety advocacy organizations emphasized the importance of implementing the program as quickly and efficiently as possible. For many transportation advocates, speed cameras are a long-awaited transportation safety tool that should be implemented without delay in order to save as many lives as possible.

ALTERNATIVES CONSIDERED

An alternative to a DBOM project delivery method is to utilize the traditional design-bid-build approach, under which the SFMTA would procure each phase of the Project under separate contracts. The SFMTA would procure the design, construction services separately from the operation and maintenance services required for the various aspects of the Project and therefore be responsible for the integration of these services and project phases.

The SFMTA would be at risk for potential cost overruns, schedule delays associated with lack of coordination between the Project’s various designers, builders, and maintenance contractors. There are several different vendors and technology available to implement the Project, and it is possible that the work completed by one vendor would be incompatible with another vendor (for example, if one vendor designed the system according to their specifications and a separate vendor was selected for the construction phase, the completed design work would be immaterial). For this reason, this alternative was rejected.

FUNDING IMPACT

There is no immediate funding impact related to this calendar item. Staff believe the DBOM delivery method will ultimately provide savings to the SFMTA in both project cost and schedule adherence.

The overall ASE program will be before the SFMTA Board of Directors in August 2024 for official approval. Staff are currently analyzing potential fiscal impacts of the ASE program, including identifying funding sources, calculating the potential staffing needed to manage the program, and estimating potential citation revenue. Those financial implications will be described in detail at that time.

ENVIRONMENTAL REVIEW

On February 13, 2024, the SFMTA, under authority delegated by the Planning Department, determined that the proposed authorization is not a “project” under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b).

A copy of the CEQA determination is on file with the Secretary of the SFMTA Board of Directors and is incorporated herein by reference.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The City Attorney’s Office has reviewed this calendar item.

The Board of Supervisors will consider approval of the project-specific legislation for the Project in April 2024.

RECOMMENDATION

Staff recommends authorizing the SFMTA to use a DBOM delivery method for the implementation of Automated Speed Enforcement Systems in San Francisco; and authorizing the Director of Transportation to seek approval from the Board of Supervisors for a project-specific ordinance to implement the DBOM model in a manner that is most efficient for the Project.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, The Automated Speed Enforcement System Project (Project) includes the design, installation, and operation of speed safety cameras systems (ASE Systems) at 33 sites throughout the City; and,

WHEREAS, The San Francisco Municipal Transportation Agency (SFMTA) is committed to implementing the Project as quickly as possible, aiming to be the first jurisdiction in California to begin the use of this live-saving technology of speed safety cameras; and,

WHEREAS, Based on the need to bring the ASE Systems online as quickly as possible, and the available pool of vendors, staff have determined that it is appropriate and in the City's best interest to deliver the Project utilizing a design, build, operate, and maintain (DBOM) procurement method; and,

WHEREAS, The DBOM procurement method provides for a single point-of-responsibility for the design, construction, operation, and maintenance of integrated ASE Systems; and,

WHEREAS, The SFMTA requires a project-specific ordinance from the Board of Supervisors because existing authority to utilize the DBOM procurement method does not currently exist in the Administrative Code; and,

WHEREAS, The project-specific ordinance is required before the SFMTA issues the Request for Proposal (RFP) for the Project in the summer of 2024; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors authorizes the SFMTA to use a DBOM procurement method for the Project and permitting a best-value selection of the contractor; and be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors authorizes the Director of Transportation to seek approval from the Board of Supervisors for a Project-specific ordinance to implement the DBOM delivery method in a manner that is most efficient for the Project.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of March 19, 2024.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency