

Report on Illegal Street Racing and Side Show Activity Study

SANTA CLARA, CALIFORNIA



February 7, 2020

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1 Introduction and Executive Summary

The Matrix Consulting Group was retained by the City of Santa Clara to conduct an assessment of Illegal Street Racing and Sideshows and to develop potential solutions. The report which follows presents the results of the study.

In reaching the concluding points of the study, the project team has assembled this final report which summarizes our findings, conclusions and recommendations where appropriate. The following document presents the final report analysis of illegal street racing and sideshows along with recommended solutions. This report relies upon the results of research and by the Matrix Consulting Group project team. The document is organized by specific area of study and contains analysis of each:

- **Assessment of Current Street Racing and Sideshows:** Primary activities include analysis of CAD, Interviews with City Staff and Elected Officials, An Online Community Survey, Targeted Business Outreach, and Interviews with Law Enforcement Agencies. This process was designed to determine the scope of the problem and covered:
 - Is Illegal Street Racing Occurring in Santa Clara?
 - Where is Illegal Street Racing occurring?
 - When is it occurring?
- **Research of Past Local Solutions:**
 - Was it effective?
 - Would it be effective today?
- **Research of Successful Solutions:**
 - What are other communities doing?
 - Would it be effective in Santa Clara?

The project team utilized a number of approaches in order to understand the issues relevant to the study, including the following:

- **On-site interviews** with SCPD staff.
- **Community survey** to solicit feedback from all community members.
- **CAD Data collection** to understand the scope of the problem in order to enable extensive and objective analysis.

This report represents the culmination of this process, presenting the results of our analysis, including specific recommendations for the City of Santa Clara.

The following table provides a comprehensive list of every recommendation made in the report:

Summary of Recommendations			
Rec. #	Legislative		Approximate Option Cost
1.	City Ordinance	Enact an ordinance to address Illegal Street Racing and Sideshows	Staff Time
2.	State Legislature	Develop a strategy to enable speed camera enforcement at the State Assembly.	Staff Time
Enforcement			
3.	Police	Use overtime to address illegal street racing on weekend afternoons/ evenings when pre-event intelligence is obtained.	\$69,600
4.	Police	Assign street racing cases to the traffic unit for follow up investigations, where possible.	Staff Time
5.	Police	Train officers (in a California Highway Patrol (CHP) class) on Illegal Street Racing enforcement.	Staff Time
Public Education			
6.	Social Media	Draw attention to the dangers of illegal street racing by using social media and other media PSAs.	Staff Time
7.	Street Signs	Add street signs to areas where illegal street racing is occurring that notify drivers that it is illegal, actively enforced and that outline potential penalties for illegal street racing.	\$2,800
Technology			
8.	ALPR (Automatic License Plate Readers)	Add two additional fixed post ALPR systems with speed measuring on Lafayette north of the golf course pedestrian bridge that crosses Lafayette Street. One system for northbound travel and one for southbound travel.	\$70,000

Rec. #	Legislative	Approximate Option Cost	
9.	Speed Warning Signs	Add two speed activated warning signs in conjunction with the proposed ALPR systems on Lafayette Street. One system for northbound travel and one for southbound travel.	\$7,000
Additional Solution Information			
Redevelopment		The area of Lafayette and Calle De Mundo is slated for re-development as a mixed use residential and commercial project. If /when this project is completed it will change the physical environment of the area and make it less desirable for organized illegal street racing. The development will bring in residential development that will be next to Lafayette Street which means additional witnesses which will make the area less attractive to illegal street racing. This change in physical environment may dissuade illegal street racing form the area without other intervention.	No anticipated direct costs

The body of the report provides greater detail on these recommendations.

2. Assessment of Street Racing and Sideshow Activity

In order to assess current racing and sideshow activity in Santa Clara, the project team utilized CAD data, an online community survey, business outreach and interviews. The results of these different inputs yielded two distinct types of Illegal Street racing which have different impacts on the motoring public. The types of illegal street racing and sideshows activities are defined in the following section.

1. Illegal Street Racing Defined

There are several descriptions of what illegal street racing is from both a legal and ordinance viewpoint. For the purposes of this report the project team is using a basic description of any unauthorized or officially unsanctioned speed contest on a public street.

Illegal street racing can be further defined by how it occurs: Organized and planned by illegal street racing groups and Ad hoc or spontaneous. Each of these types of illegal street racing are unique which would require different strategies to address them from a crime control perspective. The two types of illegal street racing are defined in the following section:

(1) Organized Illegal Street Racing. Organized Illegal Street racing typically has the following characteristics:

- The date, time and location are pre-arranged by a group.
- The races typically occur on weekends.
- Races can be set up in advance so that specific illegal races are matched.
- Spectators are encouraged to attend.
- Organizers assign traffic control roles to insure a clear race route.
- Locations that are chosen are typically remote or in industrial areas with at least two travel lanes in the same direction.
- Participants monitor police radio traffic when possible.
- Organizers often send scouts prior to event to look for potential problems or police patrols.
- Several races are run one after another.

(2) Ad hoc or Spontaneous Illegal Street Racing. Ad hoc or unplanned Illegal Street racing typically has the following characteristics:

- The date, time and location are not pre-arranged by a group and often times the drivers do not know each other.
- A race is started when two or more drivers decide to race with no clear or consistent method for starting or ending the race.
- Racing occurs regardless of other vehicle traffic.

- Locations that are chosen typically have at least two travel lanes in the same direction.
- Participants split up after the race taking different routes.

2. Sideshow Activity

As with illegal street racing there are different descriptions for sideshow activity. For the purposes of this report the project is defining sideshow activity as specifically involving spectators who watch vehicle stunts in an open area. Sideshow activity:

- The date, time and location are pre-arranged by a group and often times the drivers know each other.
- The activity is conducted in open lots, intersections or by blocking roadways with vehicles or people.
- It involves stunts such as “doughnuts” (turning vehicles in tight circles while applying acceleration and drifting (making vehicle slide while turning)).
- Crowds gather to watch the sideshow.
- The activity is often recorded by personal cell phones or video recording equipment for future dissemination on social media.

The variety of the illegal street racing and sideshow activities have implications for public safety and efforts to reduce it.

3. Computer Aided Dispatch (CAD) Data

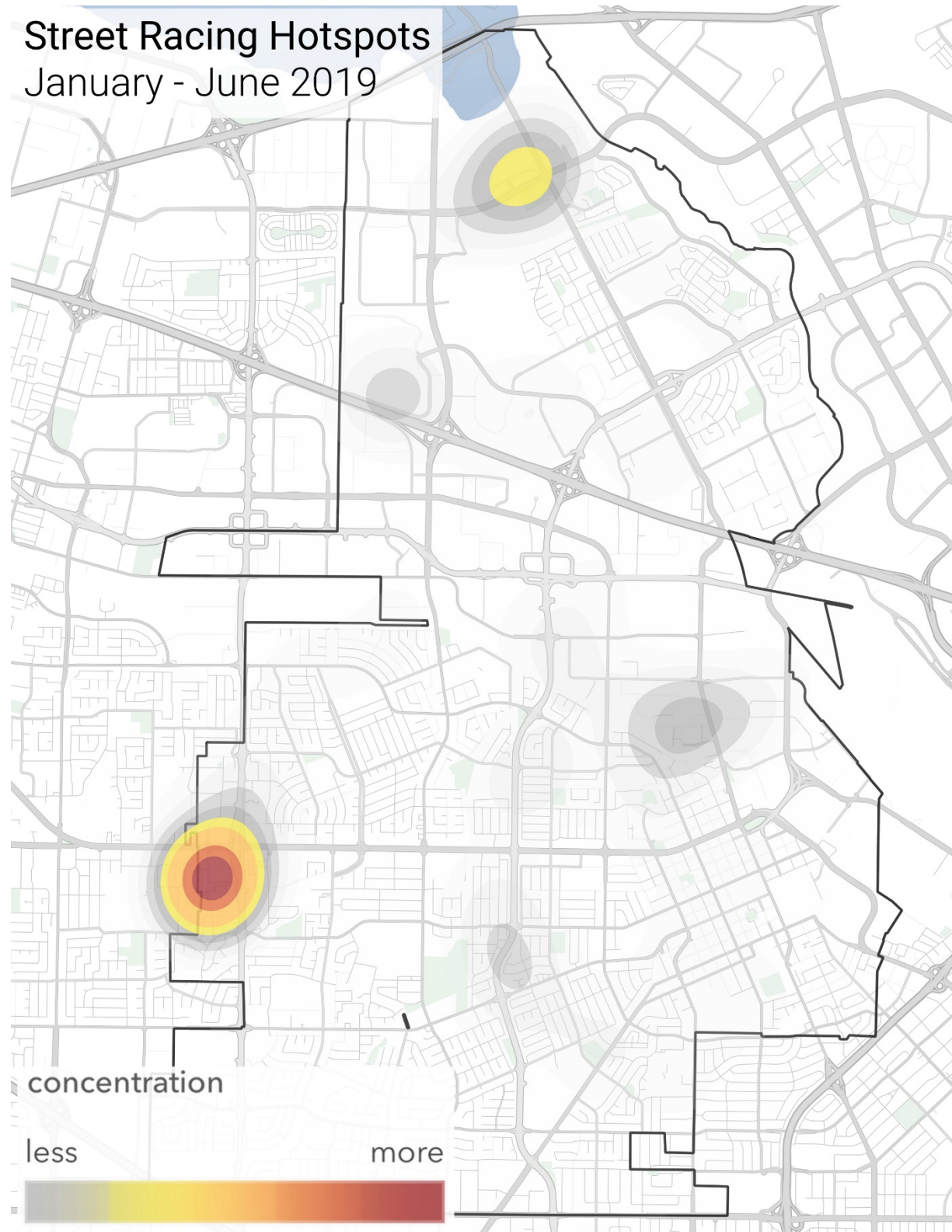
The project team was provided with illegal street racing and sideshow CAD data for City of Santa Clara covering the period of January 1 to June 30, 2019. The data indicated a total of 73 calls for service that could be considered illegal street racing (and reckless driving). A review of the data indicates most activity occurs between 2pm and 1am, with the heaviest concentration of calls occurring on Sunday - with 28% of all calls occurring on that day. The following table shows the calls by hour and day of week:

Hour	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Total
12am	3	0	1	1	0	1	0	6
1am	0	0	0	0	0	0	0	0
2am	0	0	0	0	0	0	0	0
3am	0	0	0	0	0	1	0	1
4am	0	0	0	0	0	0	0	0
5am	0	1	0	0	0	0	0	1
6am	0	0	0	0	0	0	0	0
7am	0	0	0	0	0	0	0	0
8am	0	0	0	0	0	0	0	0
9am	0	0	0	0	0	0	1	1
10am	0	0	0	0	0	0	0	0
11am	1	0	0	0	0	0	0	1
12pm	1	1	0	1	0	0	0	3
1pm	1	0	0	0	0	0	0	1
2pm	3	1	0	0	0	0	1	5
3pm	1	0	0	0	1	0	2	4
4pm	0	2	0	2	0	0	2	6
5pm	1	1	0	0	0	2	0	4
6pm	1	0	1	2	1	0	2	7
7pm	3	0	1	0	0	1	0	5
8pm	3	0	0	1	0	0	1	5
9pm	1	0	0	1	0	1	3	6
10pm	2	0	1	2	2	2	0	9
11pm	0	0	1	1	2	4	0	8
Total	21	6	5	11	6	12	12	73

As the data also indicates, the most frequent reported time of occurrence is at 10pm. The data when compared with interviews would indicate that not all calls for service are associated with organized illegal street racing. Through the course of our interviews the project team was told that organized illegal street racing occurs mostly between 6pm and 2am Friday through Sunday. This represents a total of 18 CFS or 24% of total calls that would likely be organized illegal street racing. It should be noted that there is no definitive documentation to verify whether all calls for service for illegal racing or reckless driving would be considered illegal organized street racing since that information may not be captured in the call information.

Call for service coordinates from CAD data further indicated that illegal street racing is occurring City wide, but there are also two concentrated areas within the City of Santa Clara. In some cases, the callers report racing in the area so the actual location of

occurrence may be incorrect. The two areas of concentration are at Tasman/Lafayette and El Camino Real and Lawrence Expressway as indicated on the following heat map:



The areas with the highest concentrations are near roadways which have two or more travel lanes going the same direction.

4. Online Community Survey

The online community survey was designed to capture the impact of illegal street racing and sideshows from the community perspective. The survey was posted on the City of Santa Clara website and was available from August 8, 2019 through August 26, 2019. The survey received a total of 275 responses. It should be noted that the survey only collected responses from community members that elected to participate in the survey and therefore may not accurately reflect the opinions of the community as a whole. The questions and responses are summarized in the following section:

Questions regarding whether community members witnessed activity:

Questions	Yes	No
In the last 12 months, have you personally witnessed an illegal street race in Santa Clara?	27.5%	72.5%
In the last 12 months, have you personally witnessed an exhibition of speed in Santa Clara? An exhibition of Speed is the act of accelerating or driving a vehicle at a dangerous speed, in order to show off or make an impression on someone else.	53.9%	46.1%
In the last 12 months, have you personally witnessed a group of people watching drivers performing stunts? Santa Clara?	4.9%	95.1%
Was the activity reported to the Police Department?	18.1%	81.1%

Question regarding where community members have witnessed Illegal Street racing or sideshows:

Question	Residential Neighborhood Area	Business or Manufacturing Area
If you witnessed any of the above activities, which best describes the type of location where it occurred?	73.6%	26.4%

Question regarding what is the type of roadway where Illegal Street racing or sideshows occurred:

Question	Residential Street	Boulevard, Business Route or Major Roadway	Expressway or Bypass	Freeway or Highway
Which best describes the type of roadway where the activity occurred?	44.3%	26.8%	22.8%	6.0%

Question regarding why a community member did not report the activity to police (More than one answer could be provided so percentages are relevant to total of answers provided):

Question	Did not know to call	Concerned about personal Safety	Did not know it was really a problem	Other
If you did not report the activity to police; why not?	23.0%	15.6%	21.3%	54.9%

Questions regarding what community members think should be done to address illegal street racing or sideshows:

Question	Increased Enforcement	Additional City Ordinances	Use of Technology (Photo Radar, etc.)	Physical Changes to the roadway	Other
In your opinion, what is the best way to reduce illegal street racing?	65.7%	13.8%	45.2%	28.0%	19.7%

The survey also provided community members with an opportunity to provide additional feedback. The major themes from the open input were:

- There needs to be alternatives for illegal street racing.
- Illegal street racing and sideshow activity is occurring on Lafayette.
- 81.1% of respondents indicated they did not report illegal street racing related activity to the police because they believe the response will be too slow to be effective.
- Many people reported hearing the activity but did not actually see it occur.
- Some reported that they have reported it or recorded it but no police follow up was completed.
- Some community members do not see it as significant problem.

The community survey was consistent with CAD data in that community members were reporting activity that was consistent with other sources. Overall the survey yielded that

over 50% of community members have witnessed illegal street racing or an exhibition of speed in the last year. Many support increased enforcement and the use of technology to address illegal street racing, though a smaller portion supported additional city ordinances.

5. Business Input

In order to directly solicit input from potentially impacted businesses, the project team used CAD data to identify where the largest concentration of street racing calls for service were occurring. The project team then selected two areas Tasman/Lafayette and El Camino Real and Lawrence Expressway to conduct in person door to door surveys. A total of 39 in person interviews were conducted (20 in the Tasman/Lafayette area and 19 in the El Camino Real and Lawrence Expressway area). Each of the business contacts were asked the same questions, though many gave additional feedback.

The questions and responses are summarized in the following section:

Question	Yes	No
Are you aware of Illegal Street Racing or Sideshows occurring in the area?	82.1%	17.9%
Is your business impacted by it?	17.9%	82.1%

Question	Trash	Blocking Traffic	Noise
If your business is impacted, what is the impact?	12.5%	25%	62.5%

Several businesses provided additional input. The major themes from this input were:

- Several businesses in the area of Tasman/Lafayette St. stated they were more impacted by events at the Levi's stadium. Several stated they find trash and illegal parking as a result of events at the stadium.
- Two businesses in the area of Tasman/Lafayette reported seeing side shows and Illegal street racing when they have come into work during weekends evenings.
- It was reported that sideshow activity occurs on a regular basis in the intersection of Lafayette St and Calle De Luna and at Lafayette and Calle Del Mundo. Also, vehicles conduct "drifting" maneuvers at the east end of Calle Del Mundo.

The business interviews were consistent with CAD data and other information received throughout the course of this project.

6. Community Outreach

At the beginning of the project, the project team conducted a series of interviews with community members, city staff and elected officials. The interviews were conducted to help determine the scope of the issue and to identify other potential stakeholders. The major theme from the interviews were:

- Illegal street racing was occurring throughout the city, but two areas seemed to be most impacted (Lafayette St and Calle De Luna and El Camino Real and the Lawrence Expressway).
- When Lafayette was reduced to one lane north of Calle Del Mundo Illegal Street Racing did not occur.
- One of the biggest impacts was noise.

7. Physical Environment Assessment

Illegal street racing and sideshow activity like other crimes/infractions tend to be place based and occur under similar physical environments. Some crimes are place based and happen only when the physical environmental conditions are present. The project conducted an assessment of the physical environment where current illegal street racing is occurring based on interviews and CAD data. The assessment was to determine if there are environmental conditions that may contribute to illegal street racing and sideshows.

Through the project team interviews with law enforcement officers, it was learned that certain types of physical environment are conducive to illegal street racing and sideshows. The following types of physical environment are more conducive to illegal street racing and sideshow activity:

Illegal Street Racing

- Two or more travel lanes in the same direction to allow for head to head speed exhibition contests.
- Area where there are few open businesses or residences to allow for gathering of participants and to reduce chances that activity will be reported.
- Long straight roadway (1/4 mile plus).
- Multiple escape routes to avoid police.
- Available open lots or a wider street for participants to park and observe.

- Few cross streets or traffic lights.

Sideshows

- Area where there are few open businesses or residences to allow for gathering of participants and to reduce chances that activity will be reported.
- Large open parking lot or wide streets and intersections.
- Multiple escape routes to avoid police.

The above list of environmental factors is not exhaustive, and these types of events have been known to occur in other types of environments as well.

8. Conclusions

Using CAD data, Interviews, Community Surveys and Physical Environment Assessments, the project team has developed some conclusions regarding Illegal Street Racing and Sideshows in Santa Clara. The conclusions are listed below:

- Illegal Street Racing and Sideshow activity is occurring in the City of Santa Clara.
- Spontaneous or unplanned Illegal Street Racing and Sideshow activity is occurring at a higher frequency than organized Illegal Street Racing.
- Organized Illegal Street Racing and Sideshow activity is mostly concentrated in the area of Lafayette St and Calle De Luna.
- There are two types of Illegal Street racing in Santa Clara; organized illegal street racing and spontaneous illegal street racing.
- Noise is the most common complaint.
- Many people don't call the police because they believe it will be ineffective.
- Most people support increased enforcement followed by the use of technology.

Using these conclusions, the project team reviewed potential solutions to address illegal street racing and sideshows.

3. Research on Past Local Solutions

Illegal Street Racing and Sideshows became a community concern in the early 2000's as the number of reported illegal street races and sideshows increased. To address this, several communities enacted legislation to help combat the problem. The City of Santa Clara was among the cities that enacted legislation. The City enacted Ordinance No. 1790 in March of 2004. The ordinance gave specific authority to the police to temporarily close specific streets where illegal street racing and sideshows were occurring. The ordinance had a sunset clause and was not extended beyond 2006.

During the course of our interviews we learned that the ordinance was effective at deterring organized illegal street racing and sideshows but had no effect on ad-hoc illegal street racing. The ordinance listed 22 specific streets/areas by name, however two current areas (El Camino/Lawrence Expressway and Lafayette St.) where there is currently the highest incidence of reported illegal street racing and sideshows were not on the list.

In reviewing the ordinance, the project team noted that while effective at the time, it has some limitations:

- It named specific streets and required a council vote to add additional locations or streets, the manner in which the previous Ordinance was written would not serve the City's residents/businesses in the same manner as it did in 2004.
- This area has been subsequently developed and a temporary street closure of designated streets, between 11pm-5am, to foot and vehicular traffic is unrealistic due to the make-up of the area. In addition, to tow any vehicle left remaining as a result of a street closure would be impactful to residents and businesses who rely on street parking.
- An Ordinance could be effective at deterring organized illegal street racing and sideshows, but has no effect on spontaneous Illegal Street racing.
- Through our interviews we have learned that organized illegal street racing and sideshow participants use multiple locations and plan locations that can be altered.

The project team also researched successful efforts elsewhere. These are described in the next chapter.

4. Research of Successful Solutions

The project team reviewed several sources for possible solutions. The emphasis of our research was to find solutions that had proven to be successful in other jurisdictions. To find potential solutions we relied on of the following resources:

- Interviews with other police agencies.
- Public Input from the online community survey.
- Research of solutions that other cities have implemented.
- Review of studies conducted by Public Safety Organizations and Professional Law Enforcement Organizations.
 - PERF- Police Executive Research Forum
 - IACP – International Association of Chiefs of Police
 - ASEBP – American Society for Evidenced-Based Policing
 - CEBP – Center for Evidenced-Based Policing.
 - Center for Problem Oriented Policing (US DOJ COPS)
 - NATCO - National Association of City Transportation Officials

Though there were several different solutions found, none had been academically researched or proven to be effective through a rigorous scientific process. Solutions generally fell into four main categories: Legislative, Enforcement, Engineering and the use of Technology. Each of the potential solutions are further detailed below.

1. Legislative

(1) Local Ordinances

Several cities have enacted specific city ordinances that address Illegal Street Racing and Side Shows which allow officers more authority in dealing with both spectators and participants. Though legislative solutions have not been thoroughly studied for effectiveness, the project team learned in our interviews that police departments believe effective legislation gives them more tools to address illegal street racing.

One area that municipal ordinances address is the gathering for the organized illegal street racing and sideshows. In these incidents, individuals may be contributing to unsafe acts, but there are limited enforcement tools to address these gatherings.

The project team did not find any relevant municipal ordinances that address spontaneous illegal street racing or side shows. In these instances, officers can rely on several established state laws that are mentioned in the following sections.

The project team reviewed city ordinances from San Jose, San Diego, and Reno, NV. The ordinances have many similarities which are noted in the following:

- They specifically note what qualifies as Illegal Street or Sideshows.
- They give a specific penalty or type of charge.
- They narrow the application of the ordinance to specific acts.

These ordinances give officers an additional tool to address organized illegal street racing and sideshows. The adoption of a similar ordinance for the City of Santa Clara would allow the same deterrent and tool locally which would make Santa Clara a less desirable location to conduct illegal street racing.

(2) California Legislative Assembly

One of potential solutions to address illegal street racing is the use of automated speed enforcement cameras, however it is not a current remedy under California law. In 2017 AB-342 - Automated Speed Enforcement (ASE) was introduced as a “pilot project” law that would have allowed the City of San Jose and The City/County of San Francisco to conduct a pilot project on the use of Automated Speed Enforcement cameras. The bill died during the legislative session. The bill was an important first step in allowing the use of automated speed enforcement cameras in California as earlier legislation that allowed photo red light expressly prohibited the use of speed enforcement cameras.

Though Automated Speed Enforcement is not a current solution, it is one of the few technologies that has been widely studied and found to be effective at reducing speeds and crashes. The technology is used in over 90 cities nationally and many countries.

The Centers for Disease Control (CDC) has compiled some research that has been conducted on speed enforcement cameras. The summary of their findings is listed in the following section:

Speed cameras can reduce crashes substantially. [Decina, Thomas, et al., 2007] reviewed 13 safety impact studies of automated speed enforcement internationally, including one study from a United States jurisdiction. The best-controlled studies suggest injury crash reductions are likely to be in the range of 20 to 25 percent at conspicuous, fixed camera sites. Covert, mobile enforcement programs also result in significant crash reductions area-wide ([L. Thomas et al., 2008]). Prior reviewers also concluded that, although the quality of evidence was not high, speed cameras and speed detection technologies are effective at reducing traffic crashes and injuries ([Pilkington and Kinra, 2005]; [C. Wilson, Willis, Hendrikz, and Bellamy, 2006]). Recent crash-based studies from the United States have reported positive safety benefits

through crash and speed reductions from mobile camera enforcement on 14 urban arterials in Charlotte, NC ([Cunningham, Hummer, and Moon, 2008]), and from fixed camera enforcement on an urban Arizona freeway ([Shin, Washington, and van Schalkwyk, 2009]). (UNC Highway Safety Research Center, 2011, pp. 3-12–3-13).

The Shin et al. (2009) study examined effects of a fixed camera enforcement program applied to a 6.5-mile urban freeway section through Scottsdale, Arizona. The speed limit on the enforced freeway is 65 mph; the enforcement trigger was set to 76 mph. Total target crashes [crashes during nonpeak periods that are materially affected by camera enforcement] were reduced by an estimated 44 to 54 percent, injury crashes by 28 to 48 percent, and property damage only crashes by 46 to 56 percent during the nine month program period. (The program was temporarily suspended, then reactivated; future evaluations may elaborate on the results.) Since analyses found low speeding detection rates during peak travel times, the target crashes (speeding-related crashes) were considered to be those that occurred during non-peak flow periods (weekends, holidays, and non-peak weekdays hours). In addition to the crash reductions, average speed was decreased by about 9 mph and speed variance [a measure related to the range of speeds and the amount of variability around the average speed] was also decreased around the enforced zones. (UNC Highway Safety Research Center, 2011, p. 3-13).

[In addition, an] economic analysis suggested that the total estimated safety benefits [including medical, quality of life, and other costs (emergency responders, insurance, wage loss, household work loss, legal fees, and property damage)] were from \$16.5 [million] to \$17.1 million per year, although other economic impacts were not considered. Another positive finding from this study was that all types of crashes appeared to be reduced, with the possible exception of rear-end crashes, for which effects were non-significant. Thus, there were no obvious trade-offs of decreases in some crash types at the expense of increases in others. The program effects should be considered short-term. There was also very limited examination of spillover effects, including the possibility of traffic or crash diversion to other routes. (UNC Highway Safety Research Center, 2011, p. 3-13).

Pilot project evaluations of speed camera use in the United States have also obtained promising speed reductions from fixed speed cameras on a high-speed, urban freeway in Scottsdale, Arizona ([Retting, Kyrychenko, and McCartt, 2008]), low-speed, school zones in Portland, Oregon (Freedman et al., 2006), and low-speed limit residential streets and school zones in Montgomery County, Maryland ([Retting, Farmer, and McCartt, 2008]). In the latter case, speed reductions attributed to spillover from the automated enforcement program were also observed on unenforced comparison streets ([Retting, Farmer, and McCartt, 2008]). The percentage of speeders was also substantially reduced when police-operated photo radar enforcement vans were present in a work zone on a non-interstate highway in Portland, Oregon, but there was no carry-over when the enforcement was not present (Joerger, 2010). Given that there was no evidence of any accompanying publicity, there was, however, no reason to expect carry-over outside of the enforced periods. Crash and injury outcomes were not evaluated in these studies. (UNC Highway Safety Research Center, 2011, p. 3-13).

As the above research suggests, speed enforcement cameras can be very effective at reducing speeding and accidents. This solution would require advocacy and legislative support before becoming a viable solution that could be years out.

2. Enforcement

During the course of this project, the team reached out to several law enforcement agencies to gain knowledge on how they respond to illegal street racing: The agencies contacted were:

- California Highway Patrol
- Fremont Police Department
- Los Angeles Police Department
- Mountain View Police Department
- Oakland Police Department
- Portland Police Bureau
- San Diego Police Department
- San Jose Police Department
- Sunnyvale Department of Public Safety

The agencies had different approaches to how they responded to illegal racing and seshows. The size (and resources) had the largest impact on how these departments attempted to address illegal street racing. Larger agencies tended to conduct proactive missions to locate and disrupt illegal street racing and seshows, while smaller agencies tended to be reactive and responded to calls for service. Though agencies highlighted the success of their response, most consider addressing Illegal Street Racing and Seshows an ongoing law enforcement concern.

Outside of municipal ordinances, officers have relied on existing California laws such as those listed in the following section:

(1) Driving Offenses

23103.

(a) A person who drives a vehicle upon a highway in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(b) A person who drives a vehicle in an off-street parking facility, as defined in subdivision (c) of Section 12500, in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(c) Except as otherwise provided in Section 40008, persons convicted of the offense of reckless driving shall be punished by imprisonment in a county jail for not less than five days nor more than 90 days or by a fine of not less than one hundred forty-five dollars (\$145) nor more than one thousand dollars (\$1,000), or by both that fine and imprisonment, except as provided in Section 23104 or 23105.

23109.2.

(a) (1) Whenever a peace officer determines that a person was engaged in any of the activities set forth in paragraph (2), the peace officer may immediately arrest and take into custody that person and may cause the removal and seizure of the motor vehicle used in that offense in accordance with Chapter 10 (commencing with Section 22650). A motor vehicle so seized may be impounded for not more than 30 days.

(2) (A) A motor vehicle speed contest, as described in subdivision (a) of Section 23109.

(2) Spectators and Passengers

23109.

(a) A person shall not engage in a motor vehicle speed contest on a highway. As used in this section, a motor vehicle speed contest includes a motor vehicle race against another vehicle, a clock, or other timing device. For purposes of this section, an event in which the time to cover a prescribed route of more than 20 miles is measured, but where the vehicle does not exceed the speed limits, is not a speed contest.

(b) A person shall not aid or abet in any motor vehicle speed contest on any highway.

(c) A person shall not engage in a motor vehicle exhibition of speed on a highway, and a person shall not aid or abet in a motor vehicle exhibition of speed on any highway.

(d) A person shall not, for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest or exhibition upon a highway, in any manner obstruct or place a barricade or obstruction or assist or participate in placing a barricade or obstruction upon any highway.

(e) (1) A person convicted of a violation of subdivision (a) shall be punished by imprisonment in a county jail for not less than 24 hours nor more than 90 days or by a fine of not less than three hundred fifty-five dollars (\$355) nor more than one thousand dollars (\$1,000), or by both that fine and imprisonment. That person shall also be required to perform 40 hours of community service. The court may order the privilege to operate a motor vehicle suspended for 90 days to six months, as provided in paragraph (8) of subdivision (a) of Section 13352. The person's privilege to operate a motor vehicle may be restricted for 90 days to six months to necessary travel to and from that person's place of employment and, if driving a motor vehicle is necessary to perform the duties of the person's employment, restricted to driving in that person's scope of employment. This subdivision does not interfere with the court's power to grant probation in a suitable case.

(2) If a person is convicted of a violation of subdivision (a) and that violation proximately causes bodily injury to a person other than the driver, the person convicted shall be punished by imprisonment in a county jail for not less than 30 days nor more than six months or by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by both that fine and imprisonment.

(f) (1) If a person is convicted of a violation of subdivision (a) for an offense that occurred within five years of the date of a prior offense that resulted in a conviction of a violation of subdivision (a), that person shall be punished by imprisonment in a county jail for not less than four days nor more than six months, and by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).

(2) If the perpetration of the most recent offense within the five-year period described in paragraph (1) proximately causes bodily injury to a person other than the driver, a person convicted of that second violation shall be imprisoned in a county jail for not less than 30 days nor more than six months and by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).

(3) If the perpetration of the most recent offense within the five-year period described in paragraph (1) proximately causes serious bodily injury, as defined in paragraph (4) of subdivision (f) of Section 243 of the Penal Code, to a person other than the driver, a person convicted of that second violation shall be imprisoned in the state prison, or in a county jail for not less than 30 days nor more than one year, and by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).

These laws are effective tools when individuals are actually directly involved in illegal racing but are not as effective with spectators. Officers also responded that they rely on vehicle equipment violations including tinting, lighting and smog control alterations to discourage participation in Illegal Street racing activities.

(3) Enforcement Education

The California Highway Patrol offers a one-day class in policing Illegal Street Racing and Sideshows. The class focuses on current illegal street racing activities and identifies trends and how to successfully enforce existing California laws. The class identifies which laws can be effectively used on illegal street racing activities. The class is free to attend and is offered throughout the year.

(4) Overtime Enforcement Missions

The Santa Clara Police Department has limited capacity to conduct illegal street racing missions due to staffing and other department obligations. One approach to increasing illegal street racing enforcement is the use of overtime missions that are targeted where there is a higher incidence of illegal street racing. Using CAD data and interviews as detailed earlier illegal street racing occurs more frequently during specific time periods and at specific areas which makes targeted enforcement more likely to be successful.

One issue with this solution is the competing demands for other overtime missions and the limited availability of officers to work more overtime. Officers and sergeants are already assigned to other overtime duties in support of Santa Clara University, Levi's Stadium and other assignments.

Another issue with this solution is the cost. In order to staff a mission, the department would need to have at least 2 officers working on overtime for the peak hours of potential illegal street racing which is approximately 6pm to Midnight Friday through Sunday. The cost would be approximately \$4,350 per week or \$226,200 per year as shown in the following tables:

Weekly Cost

Officers Needed	Hours Needed per Week (Six Hours Per Day X 2 Officers)	Overtime Pay Rate	Weekly Cost
2	36	\$120.84	\$4,350

Yearly Cost

Weekly Cost	Approximate number of Weekends	Yearly Cost
\$4,350	52	\$226,200

A drawback to this solution is though there is a pattern of when and where illegal street racing is most likely to occur, there is no guarantee that officers assigned to the mission will find illegal street racing every night nor every weekend even when assigned to specifically look for and respond to illegal street racing activity.

3. Engineering

As previously mentioned, the physical environment has a significant impact on where illegal street racing and sideshows are likely to occur. There are several roadway changes that can be made to reduce the likelihood of illegal street racing occurring; however, most physical changes to the roadway have significant liabilities or other negative impacts. Some potential engineering solutions are listed below:

- **Speed humps and raised platforms** treatments are only appropriate for locations where the speed is 30 mph or less.
- **Gateway infrastructure treatments** indicating a new speed regime e.g. when entering a built-up area, residential areas or school zones from a higher speed or access road.
- **Roundabouts** slow traffic at intersections, positively change the potential impact angle, provide better visibility and provide clarity about traffic flow and the right-of-way.
- **Pavement narrowing** and optical treatments present a feeling or even illusion that the driver is going too fast.

NATCO, the National Association of City Transportation Officials, suggests the following speed reduction mechanisms:

- **Medians** create a pinch point for traffic in the center of the roadway and can reduce pedestrian crossing distances.
- **Chokers or pinch points** restrict motorists from operating at high speeds on local streets and significantly expand the sidewalk realm for pedestrians.
- **Chicanes** slow drivers by alternating parking or curb extensions along the corridor
- **Lane Shifts** – A lane shift horizontally deflects a vehicle and may be designed with striping, curb extensions, or parking.
- **Speed Humps** – Speed humps vertically deflect vehicles and may be combined with a midblock crosswalk.
- **Signal Progression** – Signals timed to a street's target speed can create lower speeds along a corridor.

The above listed engineered speed reduction strategies, though proven effective through studies, would not be appropriate where illegal street racing is concentrated. The areas

of concentration either already have divided medians, lack signals or are main roadways with higher speed limits.

4. Technology

Though there is no technology specifically designed to reduce or mitigate Illegal Street Racing or Sideshows, there is technology used to reduce speeding and crime.

(1) Speed Enforcement Cameras

Speed Enforcement Cameras are growing in use because they are an effective deterrent to speeding. There have been a few studies that have showed their effectiveness. Recently Cedar Rapids, IA has stated the use of Speed Enforcement Cameras have reduced accidents by 62%. As mentioned above The CDC has compiled research that indicates speed enforcement cameras are effective. This solution is not currently viable in California due to current laws.

(2) Speed Activated Warning Signs

Many cities utilize speed activated signs that show the posted speed and the driver's actual speed. Various studies have shown this to be effective at reducing overall speed and limiting crashes. There are no specific studies found that have measured the effectiveness of speed activated warning signs to reduce illegal street racing, however overall studies indicate there is net benefit in the reduction of speed and crashes. Some speed activated warning signs are also equipped with cameras that can record the date, time, location of the excessive speed and take a digital photo of the registration plate and vehicle. This data could be used to initiate an illegal street racing investigation or used for later prosecution if desired.

Speed Activated Warning Signs range in price between \$2,000 and \$5,000 depending on features. Installation and electrical hookup would be an additional cost, though many public works departments have the resources to assist with installation which would reduce costs. There is an additional annual subscription fee of \$1,000 for use of the web accessed database, if desired.

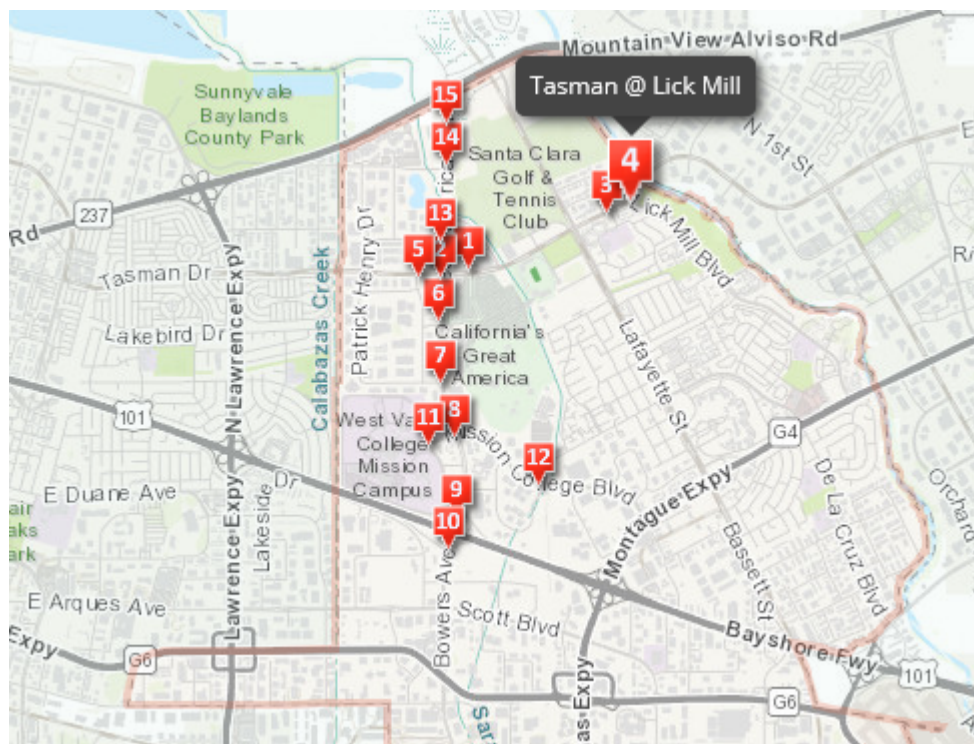
(3) Traffic Cameras

The City of Santa Clara utilizes traffic cameras in numerous locations primarily in the northern part of the city. The locations of existing cameras are:

- Bowers Avenue @ Highway 101 southbound ramp
- Great America Parkway at Highway 101 northbound ramp
- Great America Parkway @ Mission College Boulevard
- Mission College Boulevard @ Mission College Circle

- Great America Parkway @ Patrick Henry
- Great America Parkway @ Old Glory Lane
- Great America Parkway @ Tasman Drive
- Great America Parkway @ Old Mountain View/Alviso Road
- Great America Way @ Great America Parkway
- Tasman Drive @ Convention Center Drive
- Tasman Drive @ Old Ironsides Road
- Tasman Drive @ Calle Del Sol
- Tasman Drive @ Lick Mill Boulevard
- Great America Parkway @ Bunker Hill
- Mission College Boulevard @ Agnew Road
- Mission College Boulevard @ Marriott

Santa Clara Traffic Camera Locations



As can be seen above, the cameras are located north of Hwy 101. The cameras are not located near the areas where there is a higher incidence of illegal street racing. There is no evidence that traffic cameras reduce speeding or illegal street racing, but the evidence captured on the cameras can provide leads for follow up investigations.

Traffic cameras vary greatly in cost, but High Definition Cameras with Infrared Technology are approximately \$2,000 per camera. Each camera can successfully monitor two travel lanes. Though traffic cameras are useful for monitoring traffic flow and recovering video

after the fact, the lack of plate capture data makes them less useful when compared to ALPR (discussed below) because ALPR can capture the event/license plate and send alerts.

(4) Traffic Light Timing

Many cities program traffic lights to reduce congestion. Changing the timing of traffic lights so that they are not all green at the same time or sequencing them so drivers will get a red light at some point can reduce overall traffic speeds for those who obey traffic lights.

This option could work in some areas but would not be effective in the areas identified by CAD data and interviews as most impacted by illegal street racing as there are no existing traffic lights. Additional traffic lights are not needed because there is no cross traffic where a traffic signal would be of use. Additionally, traffic lights increase rear collisions.

(5) Automatic License Plate Readers (ALPR)

Many cities use ALPR to locate suspect/stolen vehicles and to conduct investigations on crimes that have occurred. ALPR units record date, time and location of vehicles as well as capture an image of the plate and vehicle. Some offer speed enforcement options as well. Though ALPR would not likely reduce illegal street racing directly as it is occurring (No research has been conducted on this topic), it could be of substantial benefit in following up on illegal street racing cases. ALPR has programable alerts so that “hits” on the system for certain types of activities can be emailed in real time as they occur. Emails could go to smart phones, dispatch or other devices which could be used to dispatch officers to the location(s) to investigate potential illegal street racing activity. Santa Clara already uses ALPR technology with an existing vendor (Pips Technology) so integration of additional ALPR locations would be less complicated.

To be of benefit for illegal street racing investigations or potential real time alerts, additional fixed post locations would be needed. The systems cost approximately \$30,000 to \$45,000 per intersection on existing traffic signal arms plus installation depending on the number of travel lanes to be monitored. To install additional traffic signals at a four-way intersection costs approximately \$300,000 so this option is much more expensive than adding ALPR to existing traffic signal locations. Adding a pole with arm that is not a traffic signal would cost approximately \$20,000 per pole (adding required electricity not included and varies greatly by pole location).

5. Recommended Solutions

Through our research and interviews, the project team has learned that there is no one effective way to reduce illegal street racing and sideshows. Any solution must involve a variety of treatments. The following are recommendations based on research and interviews:

1. Legislative

The City should adopt a City Ordinance based on ordinances that have been adopted in other jurisdictions to address illegal street racing and sideshows. An ordinance would give officers an additional tool to address “all” participants in illegal street racing and sideshows. A proposed draft ordinance is included on Attachment A. This ordinance is based on the San Jose Illegal Street Racing Ordinance.

Recommendation:

#1. Enact an ordinance to address Illegal Street Racing and Sideshows.

Projected cost: Staff Time, no additional expenditures.

The City should lobby with the State to change existing law to allow for the use of speed enforcement cameras which have been proven effective at reducing speeding and accidents. Based on the results from previous studies, they would most likely be effective at reducing Illegal Street racing, whether it is organized or spontaneous. This should be viewed as a long-term solution.

Recommendation:

#2. Develop a strategy to enable speed camera enforcement at the State Assembly.

Projected Cost: Staff time working with other municipalities, League of California Cities or other organizations.

2. Enforcement

Based on CAD data and interviews, there is ample evidence that organized Illegal Street racing and Sideshows are occurring in the area of Lafayette St and Calle Del Mundo. There is a pattern to the organized street racing and sideshows which would allow the police department to address the issue through extra patrol. Based on current department staffing of the affected zones, routine patrol could also be used; but they would not be able to concentrate their efforts as needed to address the issue in a

sustainable way. In some cases, pre-event intelligence can be developed so that an occasional mission could be organized. Additionally, through CAD data and interviews it was determined that organized illegal street racing occurs only a couple of times a month within Santa Clara.

Some jurisdictions conduct follow-up on known illegal street racers when they have evidence that could be used for court proceedings. By conducting after the fact investigations, the police department could discourage further street racing. Illegal street racers commonly use social media to communicate and any enforcement action, especially after the fact would likely circulate on social media. If Santa Clara is commonly known as a jurisdiction where after the fact investigations are conducted it may dissuade additional illegal street racing in the area.

The California Highway Patrol offers an 8-hour class on addressing illegal street racing and sideshows. The class is free and covers current strategies and laws that can be used to address illegal street racing and sideshows.

Recommendations:

- #3. Use overtime to address Illegal Street racing on weekend afternoons/evenings when pre-event intelligence would suggest it would be beneficial. Based on current information this would be approximately two weekends a month about 8 months a year (Based on interviews less organized illegal street racing occurs during winter months).**

Projected Cost: \$69,600

Assign street racing cases to the traffic unit for follow up investigations where possible.

- #4. Projected Cost: Staff time, no additional expenditures.**
- #5. Train officers (in a CHP class) on Illegal Street Racing enforcement.**

Projected Cost: Staff time, no additional expenditures.

3. Public Education

In the course of interviews and after reviewing comments from the online community survey, it was apparent that many people did not think illegal street racing or sideshows were an issue. This was a surprising finding based on news coverage of several fatalities related to illegal street racing. Educating the public and notifying drivers of the

consequences, may be effective at reducing illegal street racing. Public education along with other solutions has been successful at reducing smoking.

Recommendation:

- #6. Draw attention to the dangers of Illegal Street racing by using social media PSAs.**

Projected Cost: Staff time on existing social media communication platforms, no additional expenditures.

- #7. Add street signs to areas where illegal street racing is occurring that notify drivers that is illegal, is actively enforced and outlines potential penalties for illegal street racing. Signs should be placed at the following four locations: 1-On Lafayette north of Calle De Mundo for northbound travel, 2- On Lafayette south of Great American Way for southbound bound travel, 3- On El Camino Real near Halton St for eastbound travel and 4- El Camino Real near Halton St for westbound travel.**

Projected Cost: Approximately \$2,800 (Based on the need for a total of 4 street signs)

4. Technology

There are two technology solutions that would be of current benefit in addressing illegal street racing: Speed warning signs that are camera and speed measuring equipped and additional fixed post ALPR. The ideal location for these solutions is on Lafayette, north of the golf course pedestrian bridge that crosses Lafayette Street. This location is the approximate mid-point for where illegal street racers currently race. Employing both solutions would give the best anticipated results.

The ALPR option is great as it could be tied into an existing system with a current vendor; however, the ideal location for this solution does not have a current traffic light arm that the system could be attached to; so the costs for this solution is increased.

The Speed Activated Warning Signs are an independent system that does not tie into the current ALPR system but does require a subscription service fee for information retrieval if desired.

Recommendations:

- #8. Add two additional fixed post ALPR systems with speed measuring on Lafayette north of the golf course pedestrian bridge that crosses Lafayette Street. One system for northbound travel and one for southbound travel.**

Projected Costs: \$70,000 to install required poles and ALPR systems to monitor both travel directions- four lanes (Electrical hookup is required as well and not included in cost estimate).

- #9. Add two speed activated warning signs in conjunction with the proposed ALPR systems on Lafayette Street. One system for northbound travel and one for southbound travel.**

Projected Costs: \$7,000 to install required poles and signs

5. Additional Solution Information

The area of Lafayette and Calle Del Mundo is slated for redevelopment as a mixed use residential and commercial project. If/when this project is completed it, will change the physical environment of the area and make it less desirable for organized illegal street racing. The development will bring in residential development that will be next to Lafayette Street which means additional witnesses which will make the area less attractive to illegal street racing. This change in physical environment may dissuade illegal street racing from the area without other intervention.

Attachment – Proposed City Ordinance (Based on San Jose Ordinance 10.50.010)

AN ORDINANCE OF THE CITY OF SANTA CLARA ADDING A NEW CHAPTER XX TO TITLE XX OF THE SANTA CLARA MUNICIPAL CODE TO PROHIBIT SPECTATORS AT STREET RACES AND RECKLESS DRIVING EXHIBITIONS

WHEREAS, the City Council of the City of Santa Clara is the decision-making body for this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SANTA CLARA:

A new Chapter XX is added to Title XX of the Santa Clara Municipal Code, to be numbered, entitled, and to read as follows:

Chapter XX SPECTATORS PROHIBITED AT STREET RACES AND RECKLESS DRIVING EXHIBITIONS

XX Definitions

The definitions in this Section apply to the following terms as used in this Chapter:

- A. “Street Race” means any motor vehicle speed contest or motor vehicle exhibition of speed referred to in subdivisions (a) and (c) of California Vehicle Code Section 23109, as may be amended.
- B. “Reckless Driving Exhibition” shall mean any exhibition of reckless driving referred to in California Vehicle Code Section 23103, as may be amended.
- C. “Offstreet Parking Facility” is defined in subdivision (c) of California Vehicle Code Section 12500, as may be amended.
- D. “Spectator” shall mean any person who is present at a Street Race or Reckless Driving Exhibition, or the site of the Preparations for either of these activities, for the purpose of viewing, observing, watching, or witnessing the event as it progresses. A “Spectator” includes any person at the location of the event without regard to the means by which the person arrived.
- E. A person is “present” at the Street Race or Reckless Driving Exhibition if that person is within two hundred (200) feet of the location of the Street Race or Reckless Driving Exhibition, or within two hundred (200) feet of the site of the Preparations for either of these activities.

F. "Preparations" for any Street Race or Reckless Driving Exhibition include, but are not limited to, any of the following acts done for the purpose of a Street Race or Reckless Driving Exhibition:

1. One (1) or more motor vehicles and persons have arrived at a predetermined location on a public street or highway or in an Offstreet Parking Facility;
2. One (1) or more persons have gathered on, or adjacent to, a public street or highway;
3. One (1) or more persons have gathered in an Offstreet Parking Facility;
4. One (1) or more persons have impeded the free public use of a public street, highway, or Offstreet Parking Facility by acts, words or physical barriers;
5. One (1) or more motor vehicles have lined up on a public street, highway, or Offstreet Parking Facility with motors running;
6. One (1) or more drivers is revving a motor vehicle's engine or causing the motor vehicle's tires to spin; or
7. A person is standing or sitting in a location to act as a race starter.

XX Spectators Prohibited at Street Races and Reckless Driving Exhibitions

A. It shall be unlawful for any person to:

1. Be knowingly present as a Spectator at a Street Race conducted on a public street or highway; or
2. Be knowingly present as a Spectator at a Reckless Driving Exhibition conducted on a public street or highway or in an Offstreet Parking Facility.

B. It shall be unlawful for any person to:

1. Be knowingly present as a Spectator where Preparations are being made for a Street Race conducted on a public street or highway; or
2. Be knowingly present as a Spectator where Preparations are being made for a Reckless Driving Exhibition conducted on a public street or highway or in an Offstreet Parking Facility.

C. Nothing in this Section prohibits peace officers or their agents who are acting in the course of their official duties from being Spectators at a Street Race or Reckless Driving Exhibition or Spectators at the location of Preparations for either of these activities.

XX Relevant Circumstances to Prove a Violation

A. Notwithstanding any other provision of law, to prove a violation of this Chapter, admissible evidence may include, but is not limited to, any of the following:

1. That the person charged has previously participated in or been a Spectator at a Street Race or Reckless Driving Exhibition;
2. That the person charged has previously aided and abetted Street Racing;
3. That the person charged has previously attended a Street Race or Reckless Driving Exhibition; or
4. That the person charged was previously present at a location where Preparations were being made for a Street Race or Reckless Driving Exhibition, or where a Street Race or Reckless Driving Exhibition was in progress.
5. Evidence of these prior acts may be admissible, to the fullest extent permissible by law, to show the opportunity, intent, plan, knowledge, identity, or the absence of a mistake or accident, or propensity of the defendant to be present at or attend a Street Race or a Reckless Driving Exhibition if the prior act or acts occurred within three (3) years of the presently charged offense. These prior acts may always be admissible to show knowledge on the part of the defendant that a Street Race or a Reckless Driving Exhibition was taking place.

B. In addition to the circumstances set out in subsection A. above, and notwithstanding any other provision of law, to prove a violation of this Chapter, admissible evidence may also include, but is not limited to, any of the following:

1. The time of day;
2. The nature and description of the Scene, including the number and configuration of traffic lanes;
3. The number of people at the Scene;
4. The location of the person charged in relation to any person or group of persons present at the Scene;
5. The number and descriptions of motor vehicles at the Scene;
6. That the motor vehicles at the Scene have been modified or altered to increase power, handling, or visual appeal;
7. That the person charged drove or was transported to the Scene.

C. For purposes of subsection B. above, “Scene” refers to the location of the Street Race or Reckless Driving Exhibition or the location of the Preparations for the Street Race or Reckless Driving Exhibition.