



## Agenda Report

20-234

Agenda Date: 2/25/2020

### REPORT TO COUNCIL

#### **SUBJECT**

Report on Illegal Street Racing and Sideshow Activity [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

#### **BACKGROUND**

On April 9, 2019, the City Council considered a request for the review and evaluation of illegal street racing and sideshow activity in the City of Santa Clara. Direction was given to the City Manager to conduct an analysis of the problem and return to City Council with proposed measures to curtail activity including the possible adoption of a new City ordinance. In addition, the Council requested that the Police Department focus on the prevention of illegal activity to the extent existing resources allowed and authorized the City Manager to provide resources as necessary to address the issue.

On April 25, 2019, the City Manager's Office initiated a Statement of Qualifications process to retain a consultant to conduct the analysis of illegal street racing and sideshow activity. The City entered into an agreement with Matrix Consulting Group for these services on June 21, 2019.

At the February 25, 2020 City Council meeting, Matrix Consulting Group will provide Council with an overview of their findings and recommendations for consideration. Their final written report is enclosed as Attachment 1. Staff has reviewed the consultant's recommendations and prepared this report for the purpose of providing Council with staff's analysis on the feasibility of implementing the consultant's recommendations in the City of Santa Clara.

#### **DISCUSSION**

##### **Study Methodology and Findings**

Matrix Consulting Group conducted an assessment of current street racing and sideshow activity in Santa Clara utilizing a number of different approaches including an analysis of the City's CAD data, on-site interviews with business owners in impacted areas, an online community survey and best practice research.

**CAD data** - A review of CAD data for the period January 1 through June 30, 2019 was conducted. This data showed a total of 73 calls for service considered to fit the definition of illegal street racing (and reckless driving). Most of the activity occurred between the hours of 2 p.m. and 1 a.m., with the heaviest concentration of calls occurring on Sunday (28% of calls occurring on that day). The CAD data also showed that while illegal street racing is occurring citywide, there are two areas of concentrated activity: 1) Tasman/Lafayette and 2) El Camino Real & Lawrence Expressway.

**On-site Interviews** - In person surveys were also conducted in the two areas of concentrated activity.

A total of 39 interviews were conducted. Key themes from this input method were: 1) Several businesses in the area of Tasman/Lafayette stated they were more impacted by events at Levi's stadium; and 2) Businesses in this area reported seeing illegal street racing/sideshow activity on the weekends with activity occurring on a regular basis at the intersections of Lafayette Street and Calle de Luna and Lafayette and Calle del Mundo. While onsite, the consultants also conducted an assessment of physical conditions that may be contributing to the concentrated illegal activity such as long straight roadways and two or more travel lanes in the same direction that allow for head to head speed exhibition contests.

Online Community Survey - An online community survey was conducted via the City's website from August 8, 2019 through August 26, 2019. A total of 275 responses were received. Key findings from this survey included: 1) confirmation that activity is occurring on Lafayette; 2) 81% of respondents indicated they did not report activity to the police as they believed response time would be too slow to be effective; and 3) while many individuals reported hearing the activity, few actually observed it happening. Overall, the survey indicated that over 50% of survey respondents had witnessed illegal street racing or an exhibition of speed in the past year.

### Consultant Conclusions

Based on their review, Matrix Consulting Group found that:

1. Illegal Street Racing and Sideshow Activity is occurring in the City of Santa Clara.
2. There are two types of Illegal Street Racing activity in Santa Clara - Organized Racing and Spontaneous Street Racing.
3. Spontaneous or unplanned Illegal Street Racing Activity is occurring at a higher frequency than organized activity.
4. Organized activity is mostly concentrated in the area of Lafayette Street and Calle de Luna.
5. Noise is the most common complaint.
6. Residents don't call the Police Department as they believe it will be ineffective.
7. Most survey respondents supported increased enforcement, followed by the use of technology as possible solutions.

Based on these conclusions, Matrix Consulting Group evaluated industry best practices and identified nine recommendations for possible consideration. The next section of this report provides a summary of these recommendations, along with the staff's analysis on the feasibility of implementing those recommendations in the City of Santa Clara.

### **Recommendation 1**

*Enact an ordinance to address Illegal Street Racing and Sideshows.*

**Response to Recommendation 1:** Support. Based on Matrix Consulting Group's research of ordinances enacted by other local cities, cities are providing officers more authority to deal with both spectators and participants of the illegal street races and sideshows. Enclosed as Attachment 2 is a proposed ordinance intended to discourage individuals from organizing, participating in, or acting as spectators at, illegal speed contests and reckless driving exhibitions. Should the Council wish to

proceed with this recommendation, staff would finalize the proposed ordinance and return at a future date for introduction and approval of the Ordinance.

### **Recommendation 2**

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

**Response to Recommendation 2:** Support. The Santa Clara Police Department has participated in other local and regional collaborations on many issues related to traffic safety and law enforcement activities. Staff will work with counterparts in other agencies and municipalities to continue to monitor State legislation in this area. Staff will also work with our new lobbyists, Townsend, to make sure that Santa Clara's concerns are surfaced in Sacramento and as part of the development of State legislation.

### **Recommendation 3**

*Use overtime to address Illegal Street Racing on weekend afternoons/evenings when pre-event intelligence is obtained.*

**Response to Recommendation 3:** Support with modifications. The Police Department has limited overtime resources. As such, implementation of this recommendation would be challenging. As an alternative, while we work to determine whether overtime is feasible as a voluntary assignment, staff would propose other, most cost-effective measures at the direction of Council:

1. Strategic placement of patrol vehicles: Patrol vehicles may serve as a visual deterrent in the areas where racers may congregate. Two patrol vehicles can be placed in each of the concentrated areas on Friday evenings, with pick up of the vehicles on Monday morning by Community Service Officers (CSO). It is anticipated this activity would take approximately four hours per week and would be added to the current CSO duties.
2. Use Police Reserves: The Police Department can reallocate existing resources by utilizing Police Reserves to monitor "hot spots." Police Reserves can be directed to patrol specific areas during times where street racing and sideshow activity is likely to occur based upon this study. There is no financial impact by utilizing this option.
3. Feasibility of CHP Overtime. Regional cities facing sideshow and illegal street racing activity have contracted with the California Highway Patrol (CHP) for supplemental resources on an overtime basis. While costly, the City of Santa Clara could pursue an agreement with the CHP where they would be focused on this activity on targeted nights and supplement law enforcement resources, if they are not available by the Santa Clara Police Department. This option would be entirely dependent on whether the CHP avails itself to resourcing this policy option.

### **Recommendation 4**

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

**Response to Recommendation 4:** Support. As noted in the consultant's report, the biggest challenge is that members of the public are reluctant to report activity. Staff will develop a communications strategy, including working with our new communications consultants to help educate the public on the importance of reporting activity so that follow-up investigations can be assigned.

**Recommendation 5**

*Train officers in a California Highway Patrol (CHP) class on Illegal Street Racing enforcement.*

**Response to Recommendation 5:** Support. Staff will develop a training plan to increase the capacity of trained police officers in this area.

**Recommendation 6**

*Draw attention to the dangers of illegal street activity by using social media and other media PSAs.*

**Response to Recommendation 6:** Support. As noted in the consultant's report, many residents who experienced (witnesses, heard, suspected) illegal street racing or sideshow activity did not report it. Staff will work to develop strategic messaging and/or educational campaign regarding the dangers of illegal street activity which can be delivered by existing social media outlets and resources such as Inside Santa Clara, cable Channel 15, utility bill insert, website, eNotify distribution, social media posts (e.g. Facebook, Nextdoor, Nixle, Twitter), etc. to heighten community awareness. This will be a communications effort that our new communications consultants can lead for the City of Santa Clara.

**Recommendation 7**

*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.*

**Response to Recommendation 7:** Defer. Staff suggests that this recommendation be deferred to allow staff to evaluate the effectiveness of other low/no cost strategies including the adoption and implementation of a new, applicable City ordinance and the educational campaign to heighten community awareness.

**Recommendation 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.*

**Recommendation 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.*

**Response to Recommendation 8 and 9:** Staff does not support implementation of these recommendations at this time. While the suggested cost provided by the consultant indicates an investment of \$77,000, there may be additional costs related to server and data hosting capacity, potential installation and structural costs, program implementation and monitoring, long-term maintenance and/or replacement costs, as well as legal and public outreach impacts that need to be considered.

Moreover, it is anticipated that the need for technology tools identified in Recommendations 8 and 9 may be offset by future development projects currently in the City's pipeline as noted in the consultant's report:

*The area of Lafayette and Calle Del 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 from the area without other intervention.*

The City is currently in the process of issuing land use permits for approximately 4,000 new residential units in the area which would significantly change the character of the physical environment near Lafayette. As part of the new development, some changes will also be made to the streets themselves, including a slight reduction in roadway width. Consequently, staff does not support recommendations 8 and 9 at this time.

### Conclusion

In summary, staff:

1. Supports Recommendations 1 through 6 which can be implemented with existing resources and/or have a minimal cost impact;
2. Recommends deferral of Recommendation 7; and
3. Proposes that Recommendations 8 and 9 not be implemented.

### ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

### FISCAL IMPACT

Budget to support the cost of the study was identified in the Police Department's current operating budget. The total not-to-exceed amount for the agreement with Matrix Consulting Group is \$27,900. Should the Council approve the staff recommended items, there would be no additional fiscal impact to the City.

### COORDINATION

This report has been coordinated with the City Attorney's Office.

### PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

### ALTERNATIVES

1. Direct staff to prepare a new ordinance amending Santa Clara City Code, Section 10 ("Vehicles and Traffic"), in consideration of consultant study findings, and to implement recommendations 1, 2, 3, 4, 5, and 6 as presented in this report.

2. Any other action as directed by Council.

**RECOMMENDATION**

Alternative 1: Direct the City Manager to prepare a new ordinance amending Santa Clara City Code, Title 10 (“Vehicles and Traffic”), in consideration of consultant study findings, and to implement recommendations 1, 2, 3, 4, 5, and 6 as presented in this report.

Reviewed by: Daniel Winter, Assistant Chief of Police

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Matrix Consulting Group report “Report on Illegal Street Racing and Sideshow Activity Study”, dated February 7, 2020
2. Draft Ordinance