

SUMMARY OF TRANSIT AGENCIES' RESPONSES TO SURVEY QUESTIONS

1. Does your agency use video surveillance in stations or on boarding platforms, in railcars or on buses, in railyards or parking areas, or in other transit-owned or -controlled areas?

Seventy-two transit agencies responded to the survey. All reported that they conduct video surveillance to some extent.

2. When did your agency begin using video surveillance?

The agency reporting the longest use of video surveillance is the San Francisco Bay Area Rapid Transit District, which began surveillance in 1972.⁵⁹² Many more transit agencies began using video surveillance in the 1980s.⁵⁹³

The number of agencies using video surveillance increased in the 1990s. For example, CT Transit stated that it had surveillance cameras inside and outside its operating facilities, including parking areas, at least since 1990 and for many years prior to 1990 security video in the money-counting rooms. Although it now installs cameras routinely on all buses, the agency has had some on-bus cameras since 1990. The CTfastrak bus rapid transit (BRT) system has 120 cameras along the guideway and at stations.

The Milwaukee County Transit System (MCTS)

began experimenting with onboard video surveillance in 1990 after it was requested by a Milwaukee County Supervisor and endorsed by the union. The system was only tested on 2 buses at the time. Those systems proved that they

⁵⁹² On February 9, 2016, an article reported that “[f]ewer than a quarter of what appear to be surveillance cameras inside BART train cars are real and functional” and that BART has been “relying for years on scores of decoy cameras to fool criminals and commuters.” The article reported that over seventy percent of BART’s cameras are fakes and that only slightly more than twenty-two percent of cars have working cameras. Demian Bulwa, *SFGATE*, “BART admits 77 percent of train cameras are fake or don’t work,” February 9, 2016, <http://www.sfgate.com/crime/article/BART-admits-77-percent-of-train-cameras-are-fake-6818459.php> (last accessed Aug. 22, 2017). BART reportedly has replaced the fake cameras with real cameras. Brock Keeling, *Curbed SF*, “BART replaces all fake security cameras with real ones,” June 28, 2017, <https://sf.curbed.com/2017/6/28/15887626/bart-sf-security-cameras> (last accessed Aug. 22, 2017).

⁵⁹³ Capital District Transportation Authority (surveillance initially of facilities in the 1980s, followed by surveillance of buses, facilities, and stations in 2006 to 2007); Duluth Transit Authority (1989); Greater Cleveland Regional Transit Authority (1981 or 1982); and Tri-Met (late 1980s or early 1990s).

were not very functional in the transit environment and more systems were not installed at that time. In 1996, MCTS installed 146 cameras manufactured by a company called Prima Facia. That company experienced financial issues which led to them going out of business. MCTS could no longer maintain the system with [its] provider out of business. After that experience, MCTS took time to test different systems. In 2005 MCTS began looking for funding sources for a new system and in 2007, an REI 4 camera system was installed on the fleet. The REI system recently reached the end of its useful life and in early 2017, MCTS completed fleet-wide installation of a new 10 camera HD system provided by Apollo Video Technology. MCTS was awarded a Transit Security Grant in 2005 to install 39 building cameras at the of its facilities to bring the total camera count at the facilities to 110. It is unknown ... when those cameras were installed.⁵⁹⁴

Based on the responses to the survey, the number of agencies using video surveillance increased significantly between 2000 and 2010. Escambia County Area Transit purchased a bus audio/visual surveillance system in July 2002. The Gold Coast Transit District stated that the District was using video surveillance in the dispatch and money room more than eleven years ago. The District began using video and audio surveillance on all buses in July 2009, and in the following years, added video surveillance in the garage and parking areas. The District's bus video and dispatch video have an audio component but the rest of the video surveillance does not. VIA Metropolitan Transit in Texas stated that the agency installed a bus/van video surveillance system in 2009 and that it installed "main campus cameras" about fifteen years ago.⁵⁹⁵

⁵⁹⁴ Ann Arbor Transportation Authority (approximately 1998 when its downtown transit center was constructed); Central Ohio Transit Authority (approximately 1995); Gold Coast Transit District (approximately 1997); Greater Peoria Mass Transit District (1992); Metro Transit (Bi-State Development Agency) (opening of light rail line in 1993 and installation of surveillance cameras on buses in 1997); Middletown Area Transit (terminal surveillance twenty years ago, surveillance of buses and vans five years ago, and surveillance of garage two years ago); Milford Transit District (1999 for the facility; 2012 for buses); Rhode Island Public Transit Authority (early 1990s); and Santa Clara Valley Transportation Authority (approximately 1990).

⁵⁹⁵ Antelope Valley Transit Authority (on board surveillance about 2010 and facility surveillance in 2012); Cedar Rapids Transit (approximately 2003); Chatham Area Transit (around 2000); City of Alexandria Bus Transit (approximately 2002); Centre Area Transportation Authority (2007 after an arson affecting the administration building; 2012 for on-bus surveillance); City of Eau Claire Transit (2001); Dallas Area Rapid Transit (surveillance on buses since 2004/2005; surveillance on station platforms since 2007); Golden Gate Bridge Highway & Transportation District (approximately 2001); Go Raleigh Transit (2005); Greater Attleboro Taunton Regional Transit Authority (2004); Greater Hartford Transit District (approximately ten years ago); Greater Peoria Mass Transit District (2007); Hillsborough Transit Authority (2002); Intercity Transit (2007); Jacksonville Transportation Authority (more than 10 years

According to the survey, the number of agencies using video surveillance has increased since 2010 but not by as much as in the 2000 to 2010 period.⁵⁹⁶

3. Please identify the areas, facilities, and/or equipment that are subject to video surveillance.

The Ann Arbor Transportation Authority has cameras inside and outside buses. At its headquarters, approximately thirty-five cameras cover all surrounding parking lots and entrances/exits, all bus storage and bus washing/servicing areas, and its maintenance shop area. At the Blake Transit Center, the agency's main hub, thirty-four cameras cover the main driveway and boarding locations, the perimeter of the building, customer lobby, all stairs and hallways, and conference room. At the Ypsilanti Transit Center, the secondary hub, sixteen cameras cover all boarding locations, the customer lobby, and the security office.

The Department of Transportation and Public Works (DTPW) in Miami identified the

“[p]assenger platform/waiting areas at Metromover and Metrorail platforms, entry and exit points of Metromover and Metrorail stations, select passenger parking facilities, critical operational areas of the DTPW system, currency collection and control areas, operations control areas for all system modes, inventory storage areas, bus entry areas at maintenance facilities, and maintenance areas/yards, inside select buses, rail cars, and automated guideway vehicles, and select common areas of office spaces or maintenance areas.”

ago); Knoxville Area Transit (2001); Lehigh and Northampton Transportation Authority (July 2004); Los Angeles County Metro Transit Authority (bus surveillance implemented in 2004); Manchester Transit Authority (2000); Massachusetts Bay Transportation Authority (2006 for fare collection; 2004 for rail); Massachusetts Bay Transportation Authority (2006 for the current system); Metro Transit (pilot program in 2006 followed by surveillance of its full fleet in 2009; building surveillance a few years later); Metropolitan Tulsa Transit Authority (2006); Niagara Frontier Transportation Authority (prior to 2000); Montachusett Regional Transit Authority (2008); Monterey-Salinas Transit District (2004); Nashville Metro Transit Authority (2008); Pace (Regional Transportation Authority Suburban Bus Division) (2002); Palm Tran (approximately 2000); Pierce Transit (approximately 2009); Pueblo Transit (seven years ago); Regional Transportation District (2004); Sacramento Regional Transit District (approximately 2002 beginning with video equipment on buses); Salem Area Mass Transit District (approximately 2001); Spokane Transit (building surveillance in 2005; surveillance on buses and vans in 2011); Transit Authority of River City (2003); Topeka Metropolitan Transit Authority (approximately 2000); and Winston-Salem Transit Authority (about 8 years ago).

⁵⁹⁶ Capital Area Transit (2013 for bus video; 2014 building surveillance); City of Albany Transit System (more than five years ago); City of Detroit Department of Transportation (approximately February 2015); Cobb County DOT (2013); Sioux Area Metro (2015); and VIA Metropolitan Transit (2005 video surveillance in the transit center and a pilot project on one bus).

The Greater Peoria Mass Transit District uses video surveillance in its administration and maintenance buildings and transit center. The District monitors the public areas, areas where public and agency personnel have contact, work areas involving money transactions, work areas that are hazardous, walkways, doors, driving lanes, the exterior of buildings, and the storage areas of the Citylink property.

The footnote summarizes other agencies' responses to the question.⁵⁹⁷

⁵⁹⁷ Antelope Valley Transit Authority (facility and on board buses (eight cameras); Smart Drive supplied by the contractor); Capital Area Transit (administration facility, maintenance facility, buses, and Strawberry Square Ticket Office); Capital District Transportation Authority (facilities, internal and external, and buses, inside and outside); Casco Bay Island Transit District (360 degrees outside the terminal and gates, passenger waiting areas, and onboard ferries); Cedar Rapids Transit (buses, passenger transfer facility, employee breakrooms, ticket sales office, and farebox vault); Central Ohio Transit Authority (all authority-owned or -leased structures and properties and all authority-owned vehicles); Centre Area Transportation Authority (buildings, grounds, all buses, customer service center; plans to include surveillance major bus stops and shelters); Chatham Area Transit (internal areas such as administrative hallways, control/dispatch center, revenue rooms, data rooms, and external areas, such as garage/shop and yard/grounds, and buses, trolleys, and shuttles); City of Albany Transit System (transit building, common areas within the transit building, parking lot, vehicle repair shops on site, parts room, and on fixed route buses and paratransit buses); City of Alexandria Bus Transit (downtown terminal, buses, and vans); City of Detroit Department of Transportation (all facilities and coaches); City of Eau Claire Transit (buses, office entry, money counting room, transfer center, and bus garage); Cobb County DOT (all transit service buses and paratransit vehicles); Dallas Area Rapid Transit (administrative offices, operating facilities, train station platforms, other passenger facilities, and buses and paratransit vehicles); Duluth Transit Authority (all buses, inside and outside, operations center, inside and outside, transportation center, inside and outside, and two major stops downtown, inside and outside); Escambia County Area Transit (all buses; building, including entrances and passenger areas; maintenance area; and parking lots); Gold Coast Transit District (all buses, some non-revenue vehicles (with more to come), dispatch office, money counting room, outside farebox receiver station, shop working bays, and outside parking areas (bus and private vehicle parking areas); Gold Coast Transit District (administration and maintenance buildings and three transit terminals, eighty-one transit buses, twenty-four paratransit buses, and twenty cars); Golden Gate Bridge Highway & Transportation District (vehicles, maintenance garages, transit center, and bus parking facility); Go Raleigh Transit (operations facility, buses, and primary station); Greater Attleboro Taunton Regional Transit Authority (buses, vans, maintenance garage, and bus terminal); Greater Cleveland Regional Transit Authority (parking lots, stairwells, vestibules, elevators, hallways, buses, trains, and common areas); Greater Hartford Transit District (the entire perimeter, most interior common areas of Hartford Union Station, and the surface parking lot that the District manages); Hillsborough Transit Authority (fixed route buses, streetcars, bus transit centers, bus transfer centers and maintenance facility, administrative facility, executive offices, and railyard); Intercity Transit (all coach and paratransit vehicles, Olympia Transit Center, Lacey Transit Center, Pattison Administration and Maintenance Facility, Martin Way Park and Ride, and the Hawks Prairie Park and Ride); ITP/The Rapid

4. Does your agency use video surveillance for any of the following purposes:

(a) Assist transit customers?

Fifty-one transit agencies (70.83%) use video surveillance to assist customers, whereas seventeen agencies (23.61%) do not use video surveillance to assist customers. Four agencies (5.56%) did not respond to the question.

(b) Deter and/or apprehend fare-evaders?

Fifty transit agencies (69.44%) use video surveillance to apprehend fare-evaders, but eighteen agencies (25%) do not. Four transit agencies (5.56%) did not respond to the question.

(c) Deter other crimes?

Sixty-seven transit agencies (93.06%) use video surveillance to deter crimes other than fare evasion. Two transit agencies (2.78%) said that they do not. Three transit agencies (4.17%) did not respond to the question.

(d) Defend against fraudulent claims?

Sixty-nine transit agencies (95.83%) use video surveillance to defend against fraudulent crimes. No transit agency said that it did not. Three transit agencies (4.17%) did not respond to the question.

(e) Investigate accidents?

(line haul buses, BRT buses and platforms, central station, administrative building, and operations building); Jacksonville Transportation Authority (Myrtle Avenue Operations Campus, transit busses, Skyway trains and facilities, transit hubs, and paratransit vehicles); Knoxville Area Transit (all buses, parts room, maintenance facility, facility for bus operations, administration facility, and bus platforms); Massachusetts Bay Transportation Authority (thirty-eight rail stations and all buses, rail lines, mobility vehicles, office buildings and other “key locations”); Metro Transit (buses, transfer points, parking lot, front office (customer service window), lower level of administrative office, dispatch window, halls, money room, service lane, and some areas of the garage); Pierce Transit (transit facilities, transit property, and coaches); Sacramento Regional Transit District (station platforms, bus lot/storage area, buses, trains, some facilities (revenue center, public lobby areas), limited parking lot areas, and rail crossings); and San Francisco Bay Area Rapid Transit District (stations, rail cards, support facilities, and body cameras for police officers).

Sixty-nine transit agencies (95.83%) use video surveillance to investigate crimes. No transit agency said that it did not. Three transit agencies (4.17%) agencies did not respond to the question.

(f) Investigate alleged injuries?

Sixty-nine transit agencies (95.83%) use video surveillance to investigate alleged injuries. No transit agency said that it did not. Three transit agencies (4.17%) did not respond to the question.

(g) Defend against tort claims?

Sixty-five transit agencies (90.28%) reported using video surveillance to defend against tort claims. Three transit agencies (4.17%) said that they do not. Four agencies (5.56%) did not respond to the question.

(h) Deter or prevent vandalism or other property damage or theft?

Sixty-seven transit agencies (93.06%) employ video surveillance to deter or prevent vandalism or other property damage. One agency (1.39%) said that it does not. Four agencies (5.56%) did not respond to the question.

(i) Combat terrorism?

Insofar as the use of video surveillance to combat terrorism, fifty-four transit agencies (75%) use video surveillance to defend against terrorism, whereas thirteen agencies (18.06%) reported that they do not. Five agencies (6.94%) did not respond to the question.

Some transit agencies reported that they use video surveillance for other purposes. The Capital District Transportation Authority uses video surveillance to assist law enforcement agencies. Casco Bay Island Transit District referred to other operational uses of video surveillance. The Department of Transportation and Public Works in Miami reported using video surveillance for general monitoring of activities in its facilities and on vehicles and to ensure compliance by staff with administrative policies and procedures.

The Dallas Area Rapid Transit uses video surveillance for the safety and security of DART passengers and employees. The Duluth Transit Authority uses surveillance to investigate customer service calls and assist law enforcement investigations and for operator training. The Gold Coast Transit District uses surveillance to investigate customer complaints and to review disciplinary actions and for training purposes. The Greater Peoria Mass Transit District uses cameras to control entry at secured doors and entry gates, to locate personnel and equipment on its property, and to investigate complaints and unsafe acts.

The Massachusetts Bay Transportation Authority uses video surveillance for single person train operation. Lee County Transit included as purposes for video surveillance customer service issues and response to harassment and civil rights violations. The Metropolitan Tulsa Transit Authority referred to the investigation of complaints and quality assurance for service performance of bus operators. The San Francisco Bay Area Rapid Transit District uses video surveillance to monitor passenger flow and crowd control.

5. Does your agency have a policy that applies to your agency’s use of video surveillance?

Forty transit agencies (55.56%) have a policy that applies to their agency’s use of video surveillance; however, twenty-nine agencies (40.28%) do not. Three agencies (4.17%) did not respond to the question. Appendix E includes a copy of policies provided by some of the transit agencies responding to the survey.

The Antelope Valley Transit Authority stated that its policy covers the release of video data. The Capital District Transportation Authority’s policy provides details on the uses of video surveillance and its rules and responsibilities. The Department of Transportation and Public Works in Miami stated that its use of CCTV “as a proactive security measure/application is incorporated in the Federal Transportation Administration’s (FTA) mandated System Security Emergency Preparedness Plan” for its Department. The Jacksonville Transportation Authority stated that its agency is governed by the standards set forth in Fla. Stat. §§ 119 and 281.

6. Please describe the process your agency used when deciding to implement a video surveillance system, including any public hearings or other non-agency participation.

The Ann Arbor Transportation Authority reported that “[t]here was no other non-agency participation or public hearings. Just approval from our board of directors. The union was included in the discussions, but it was not part of a contract negotiation.” The Antelope Valley Transit Authority also reported that there were no public hearings or non-agency participation.

Intercity Transit formed a committee with representatives from its operations, information systems, vehicle maintenance, and procurement departments. Its staff visited other transit agencies having surveillance systems to see the operation of equipment and to investigate system design. After the evaluation was completed, the procurement department prepared a Request for Proposal (RFP) in response to which the agency received eleven proposals. The agency developed a policy, procedures, and tasks associated with the implementation of a digital video recording system (DVRS). Simultaneously, the agency was involved in “impact negotiations” with the operators’ union (ATU Local 1384) regarding the implementation of a DVRS.

Metro Transit in Wisconsin stated that its decision was largely internal. There were discussions among a “cross-section” of the agency’s internal units but primarily of its customer service and safety and security teams that include planning, management, customer service and marketing, and operations. Although the agency did not hold public hearings, there were discussions with the union.

The Milwaukee County Transit System did not hold public meetings for a recent upgrade to a new 10-camera system. Apparently, public meetings were not held for earlier surveillance systems. There was some interaction between the transit system’s staff and the Milwaukee County Board to identify funding sources and to fulfill requests to improve transit security. Since then, the agency has made decisions on upgrading based on the useful life of its system, funding availability, and maintenance costs.

The footnote summarizes other agencies’ responses to question 6.⁵⁹⁸

7. Has your agency adopted any technological and/or administrative safeguards to prevent misuse or abuse of your agency’s video surveillance system?

⁵⁹⁸ Ben Franklin Transit (stating that cameras are installed in fixed-route and paratransit vehicles mainly for “liability purposes”); Capital Area Transit (stating that it was a “management decision”); Capital District Transportation Authority (advising that the agency reviewed various systems with all appropriate departments: safety, risk management, legal office, and transit IT, among others); Centre Area Transportation Authority (advising that after an arson incident, the administration decided to add building surveillance and that the operations staff determined the need to place cameras on buses); Chatham Area Transit (stating that it was an appropriate and necessary use of 49 U.S.C. § 5307 funding (1% for security); City of Albany Transit System (approved by the City Commission); City of Alexandria Bus Transit (“city-wide decision”); City of Eau Claire Transit (systems implemented through the administrative process); Miami Department of Transportation and Public Works (reporting that “[v]ideo surveillance systems are deployed based on operational need or risk mitigation strategies” and that “[d]ecisions are made internally with input from administration, operations, support divisions, and recommendations from outside law enforcement agencies”); Dallas Area Rapid Transit (stating that “video monitoring implementation was a business decision in support of the safety and security of passengers and employees”); Gold Coast Transit District (internal senior management discussions); Greater Hartford Transit District (reporting that it was an agency decision to expend the 1% of 5307 formula funds annually to install a video recording system); Greater Peoria Mass Transit District (stating that the process for deciding to implement surveillance is unknown); Pierce Transit (stating that a Capital Business Plan was implemented in 2009 using information garnered from the agency’s Threat and Vulnerability Assessments conducted in 2001, 2005, and 2008, as well as the TSA BASE Review in 2008); and Sacramento Regional Transit District (stating that the availability of grant funding, advances in video technology (fiber optics), and a reduction in the cost of technology made video surveillance a viable security option).

Fifty-six transit agencies (77.78%) reported having adopted technological and/or administrative safeguards to prevent the misuse or abuse of its surveillance system. Twelve transit agencies (16.67%) have not. Four agencies (5.56%) did not respond to the question.

The Ann Arbor Transportation Authority stated that its FOIA is used whenever someone other than the local police requests video surveillance data, which is encrypted. Unless the agency makes a special copy that converts a video to a format that can be viewed on Windows Media Player, one must have the video software to view the agency's video surveillance data. Internally, only select employees may save and make copies of video surveillance records.

Chatham Area Transit stated that "only our IT/application analyst can give access to video surveillance and approval must be given by the safety director; beyond that, video is only released to [an] insurer or defense counsel. Video may be released to police officials to aid in criminal investigations."

The Greater Peoria Mass Transit District stated that to prevent misuse or abuse of the surveillance system, access to see or review video is limited to the Director of Safety, Information Technology (IT), and the Director of Operations. Video is released to outside agencies in response to a FOIA request when the request meets FOIA requirements. Video is recorded and stored on a server and copies are made based on an IT request.

The Milwaukee County Transit System reported that "[h]ands on training was provided to all users of the system using a train-the-trainer method. MCTS uses software to view all clips coming from an onboard system. The software has a robust chain-of-command feature that tracks when video is viewed, downloaded, and deleted from the system. MCTS monitors the system for any improper activity."

The Sacramento Regional Transit District stated that only limited staff are allowed to access and download video surveillance data. Public areas can be viewed by its employees via their intranet; however, the ability to manipulate a camera's view is limited to select supervisors and personnel assigned to the District's security operations center. Downloading is limited to a few, select managers, one person in risk management, and the staff in the security operations center.

The footnote summarizes other agencies' responses to question 7.⁵⁹⁹

⁵⁹⁹ Ben Franklin Transit (noting restrictions access to video data); Capital Area Transit (stating that only designated staff members have access); Capital Area Transportation Authority (stating also that only designated persons have access to video data); Capital District Transportation Authority (stating that access is based on one's job description); Casco Bay Island Transit District (reporting that only the administration may copy video data); Department of Transportation and Public Works (identifying firewalls and electronic restrictions on applicable devices); Duluth Transit Authority (stating that only

8. Was your agency’s video surveillance system adopted for a clearly stated law enforcement purpose or purposes?

Only eight transit agencies (11.11%) adopted a video surveillance system for a clearly stated law enforcement purpose or purposes. Sixty-three agencies (87.50%) said that they had not. One agency (1.39%) did not respond to the question.

For example, the Ann Arbor Transportation Authority stated that its video system was not adopted for a specific law enforcement purpose. The Authority’s video surveillance “was supposed to provide some degree of preventative safety for our employees and customers. It was also supposed to eliminate or lend clarity to the ‘he said, she said’ customer/operator interactions that occur on board our buses.”

The Sacramento Regional Transit District stated that the primary purposes for video surveillance are law enforcement, safety, and security; however, video surveillance data have been used for accident investigations, litigation, and reviews of complaints.

The footnote summarizes other agencies’ responses to question 8.⁶⁰⁰

9. Was your agency’s video surveillance system adopted, in the opinion of your agency, to address a serious potential threat or threats to public safety of indefinite duration?

Eighteen agencies (25%) adopted a video surveillance system to address a serious potential threat or threats to public safety of indefinite duration. Fifty-one agencies (70.83%) did not. Three agencies (4.17%) did not respond to the question.

select personnel have password-protected access); Golden Gate Bridge Highway & Transportation District (reporting that only superintendent-level and above may view video); Go Raleigh Transit (stating that “only a handful of authorized personnel may request or view video”); Jacksonville Transportation Authority (stating that technological safeguards involve VPN, encryption, username and password access, and incorporation of administrative controls that limit access to the system); and San Francisco Bay Area Rapid Transit District (identifying its policy).

⁶⁰⁰ Casco Bay Island Transit District (stating that adoption complied with 33 C.F.R. parts 104 and 105); Greater Cleveland Regional Transit Authority (stating that the intent was to follow the standards of the American Public Transportation Association); Nashville Metro Transit Authority (stating that the agency adopted a system to deter criminal activity and assist in the apprehension of persons committing criminal acts); and San Francisco Bay Area Rapid Transit District (stating that it adopted the system for safety and security and that law enforcement is a stakeholder).

The Ann Arbor Transportation Authority initially adopted a system to provide ongoing safety and security for its operators and riding public but upgraded the system substantially after September 11, 2001 to be able to save and store recorded events and address a serious potential threat to public safety, *i.e.*, terrorism.

CT Transit stated: “Security cameras in facilities are intended to deter or thwart intrusion. Security cameras on buses are intended to deter and thwart claim fraud and support investigation of accidents and incidents. Security cameras on the CTfastrak guideway and stations are intended to provide customer safety and security and to deter and thwart vandalism.”

The Milwaukee County Transit System said that, based on documentation the agency has from when it first introduced on-bus video, “it is not apparent that video was desirable due to one specific threat. It was a tool to improve overall security of operators and passengers.” Video cameras on buildings were added to combat against unlawful access to MCTS facilities that could have a “terrorism nexus.”

The footnote summarizes other agencies’ responses to question 9.⁶⁰¹

10. Before adopting a video surveillance system, did your agency consider alternatives (and their costs) to a video surveillance system?

Fourteen transit agencies (19.44%) considered alternatives other than video surveillance; however, fifty-two agencies (72.22%) did not consider alternatives. Six agencies (8.33%) did not respond to the question.

When the Ann Arbor Transportation Authority adopted a video surveillance system, the agency “considered on-board security personnel and security cages around the operators. The former was too expensive. The latter was a discomfort to the operator and would reduce options for operators to escape the vehicle.”

Prior to the use of video surveillance, the Milwaukee County Transit System stated that the agency had other security elements, such as panic buttons and radio or security teams. Although the security elements are not alternatives to video surveillance, “they work with the video as part of a comprehensive approach to security.”

⁶⁰¹ Antelope Valley Transit Authority (surveillance justified because of concerns with safety); Capital District Transportation Authority (stating that protecting employees from assault was the primary motivation); Dallas Area Rapid Transit (reporting that surveillance addressed “threats to passengers and employees from criminal activity and threats to DART property from vandalism”); Greater Peoria Mass Transit District (advising that a video system was needed for security and safety); and San Francisco Bay Area Rapid Transit District (identifying safety concerns).

The Montachusett Regional Transit Authority “considered expanding the number of security personnel but determined that video surveillance was cost-effective.”

The Sacramento Regional Transit District also considered other options, such as new hires, training, or new equipment, but the availability of grant funding, advances in video technology (fiber optics), and a reduction in the cost of technology “made video a viable security option.”

The footnote summarizes other agencies’ responses to question 10.⁶⁰²

11. What is the expected duration (days, weeks, months, years, or indefinite) of your agency’s video surveillance system?

The answer given most frequently was “indefinite.”⁶⁰³ Some agencies stated the duration as a matter of years, a term that differed from agency to agency.⁶⁰⁴ Some agencies stated that the expected duration is a matter of days or weeks.⁶⁰⁵

⁶⁰² Capital District Transportation Authority (stating that the agency decided on continuous surveillance rather than as a response to an incident); Dallas Area Rapid Transit (stating that it considered expanding the police force as an alternative); Golden Gate Bridge Highway & Transportation District (stating that there was no “real alternative”); Greater Cleveland Regional Transit Authority (explaining that its rail yard has low lighting and the agency needed a camera system that would capture images in a low light setting); and Jacksonville Transportation Authority (stating that the Authority added video surveillance to supplement law enforcement and other security measures).

⁶⁰³ Antelope Valley Transit Authority; Centre Area Transportation Authority; City of Albany Transit System; City of Gardena Municipal Bus Lines; Cobb County DOT; CT Transit; Duluth Transit Authority; Go Raleigh Transit, Greater Attleboro Taunton Regional Transit Authority; Intercity Transit (perpetual); Knoxville Area Transit; Los Angeles County Metro Transit Authority; Massachusetts Bay Transportation Authority; Middletown Area Transit (terminal – indefinite; garage – indefinite; and buses and vans – three to four weeks); Milford Transit District (vehicles – seven days; facility – indefinite); Montachusett Regional Transit Authority; Nashville Metro Transit Authority; Niagara Frontier Transportation Authority; Palm Tran; Sacramento Regional Transit District; San Francisco Bay Area Rapid Transit District (stating that the CCTV systems are expected to remain operational indefinitely); Transit Authority of River City (stating indefinite but that video stored on a bus is over-written after two to three weeks); and VIA Metropolitan Transit.

⁶⁰⁴ Ben Franklin Transit (five years or more); Metro Transit (Bi-State Development Agency) (fifteen years); Milwaukee County Transit System (stating that the expected life of its system is about ten 10 years, that the agency can capture and archive data, that each bus can capture about fourteen days of video and video clips that are downloaded for accidents, and that incidents may be archived for a minimum of seven years in accordance with Wisconsin Law); and Pace (Regional Transportation Authority Suburban Bus Division) (stating that camera systems last approximately three years).

The Ann Arbor Transportation Authority reported that the expected life-span of the video systems and cameras is variable but is usually eight to ten years. The Authority expects to have continuous video surveillance throughout its system. As for how long the agency is able to save data before it is taped over, the time depends on the age of the bus and its type of recording system. The Authority stated that there are two versions of video recorders. Older buses having recorders with hard drives will store about forty-eight hours of recordings, or four to five days depending on how many hours the buses operate each day. Newer buses, now constituting about forty-five percent of its fleet, have hard drives with a terabyte of storage and may record more than three weeks of data.

Cedar Rapids Transit stated that the duration varies depending on the system, whereas Dallas Area Rapid Transit reported that because its program is on-going it has not established a duration.

Capital Area Transit stated that videos are saved for about two weeks.

For the Department of Transportation and Public Works in Miami, if there is no request for footage, or if footage is not archived, the duration is approximately thirty days. When data is requested, archived footage is retained indefinitely on a digital video recording device or other media.

12. Does your agency retain and/or archive images captured by video surveillance?

Sixty-seven transit agencies (93.06%) retain and/or archive images, whereas only three agencies (4.17%) stated that they do not. Two agencies (2.78%) did not respond to the question.

The Ann Arbor Transportation Authority stated:

We do record and archive video of events – accidents, crimes, ongoing insurance claims, extreme customer /employee behavior and interaction. If an individual is suspended from using our service due to behavioral issues, we post their photo

⁶⁰⁵ Capital Area Transportation Authority (thirty days); Casco Bay Island Transit District (two weeks); ITP/The Rapid (bus video – seven to ten days and site video – twenty-one to twenty-eight days); Lehigh and Northampton Transportation Authority (buses – approximately twenty-one days; facilities – approximately thirty days); Massachusetts Bay Transportation Authority (between seventeen and thirty days); Greater Peoria Mass Transit District (stating that the retention rate on different servers is thirty to forty-five days); and Tri-Met (seventy-two hours to fourteen days).

internally at our transit centers and headquarters so [that] our operators will be able to recognize them if they attempt to use the system prior to their suspensions expiring. We do not keep a 10 most wanted list of any persons or anything of that nature.

For the Central Ohio Transit Authority, “the retention period of recorded footage varies by location and type of device being recorded to. The retention period for our vehicles is 3-4 weeks. Our facility CCTV retention period varies between 1 week and 4 weeks.”

The City of Albany Transit System in Georgia sets its surveillance system to retain recorded data up to thirty days. If an incident or accident occurs, the related video footage is downloaded, evaluated, and retained.

For the San Francisco Bay Area Rapid Transit District, depending on the type of camera, the retention period is seven to thirty days for video surveillance data. Video that has been collected for investigation or litigation is retained until the associated incident is resolved.

The footnote summarizes other agencies’ responses to question 12.⁶⁰⁶

⁶⁰⁶ Ben Franklin Transit (three years); Capital Area Transit (one year); Capital District Transportation Authority (two years); Cedar Rapids Transit (stating that the agency saves data on vehicle accidents or incidents indefinitely pending a resolution of a claim); City of Eau Claire Transit (stating that when the video is viewed the viewed portion is retained and archived indefinitely); CT Transit (stating that video information is extracted and retained indefinitely if there is a triggering event, such as a complaint, accident, or incident; otherwise, overwritten after several days); Dallas Area Rapid Transit (stating that the agency complies with Records Controls Schedules as required by the Texas State Library and Archives Commission); Department of Transportation and Public Works (“Approximately 30 days if no request for footage is made or the footage is not expressly archived. Upon request, archived footage is retained indefinitely on a digital video recording device or other media.”); Duluth Transit Authority (stating that video data is archived for a period determined by its purpose: a few days for customer service issues, 7+ years for liability/personal injury claims, indefinite for some others); (three days); Gold Coast Transit District (stating that if the agency archives video for any reason it retains the video indefinitely and that the “average cycle time on the system (on buses) before the data is written over is between 3-6 weeks depending on the bus, its amount of use, and other various factors”); Gold Coast Transit District (stating that the agency retains archived video for approximately three years depending on any claims that were processed); Golden Gate Bridge Highway & Transportation District (stating that only video that is downloaded is retained); Greater Attleboro Taunton Regional Transit Authority; Greater Cleveland Regional Transit Authority (stating that the Authority “pulls video that is requested and that the retention schedule is ‘transient’” but that “[n]ormally video is kept for 15 to 30 days); Greater Hartford Transit District (reporting that the recording system can maintain information for approximately eighteen to twenty-eight days but if an incident/accident occurs the agency is able to “archive the information in a history file without losing the information and can retrieve it when needed”); Greater Peoria Mass Transit District (stating that there is no policy on how long the agency stores recorded data from incidents,

13. Does your agency's video surveillance system also record audio?

Fifty-nine transit agencies (81.94%) reported that their agency's video surveillance system also records audio, whereas eleven agencies (15.28%) do not have systems that record audio. Two agencies (2.78%) did not respond to the question.

The Ann Arbor Transportation Authority's surveillance systems on board buses record audio, but the systems in its headquarters and transit centers do not. The Authority reported that it is considering recording audio at the customer-information windows in its transit centers.

The Central Ohio Transit Authority records audio on its CCTV system on vehicles whenever a vehicle is in operation.

The Department of Transportation and Public Works in Miami stated that it has "[s]elect video monitoring systems inside buses [that] record both audio and video footage. These are the ONLY instances at the DTPW system where both voice and imagery are recorded simultaneously.... There are other areas within DTPW where the technology and ability to record ambient sound [are] present; however, the feature has not been enabled."

On the other hand, CT Transit stated that the CTDOT's counsel has advised the agency that state statutes may be construed to prohibit audio recording. The theory is that the state

accidents, or unsafe acts); Hillsborough Transit Authority (stating that videos are maintained for thirty days on the hard drives but can be stored indefinitely once downloaded for use); Intercity Transit (noting that the terms for retention are specified by the Secretary of State's office of the State Archives under the Local Government Common Records Retention Schedule (CORE) RCW § 40.14.070, as well as specific Transit Records Retention Schedules based on the incident and or a request that prompted the video to be reviewed and downloaded, and that the typical retention for video is six years under Destruction Authorization Number (DAN) TR50-31-23); Jacksonville Transportation Authority (stating that the Authority maintains roughly thirty days of existing data but that specific safety and security events may be stored for up to seven years depending on the incident and legal ramifications); Lehigh and Northampton Transportation Authority (three years); Metro Transit (Bi-State Development Agency) (stating that the system over-writes in thirty days for platforms and in seventy-two hours for rolling stock); Milwaukee County Transit System (reporting that video retention is based on the statutes of limitations for criminal and civil liability); Montachusett Regional Transit Authority (forty-five days); Niagara Frontier Transportation Authority (stating that in forty-five days the system "overwrites itself"); Palm Tran (stating thirty days for regular surveillance operations but indefinitely for surveillance data related to incidents); Sacramento Regional Transit District (reporting that the retention period depends on the type of camera/hard drives but that the range is from a week to three weeks and that when the agency has an incident that requires video data the agency downloads and makes a copy for the criminal or civil case at issue); and Tri-Met (four to ten years).

wiretapping statute requires consent by one party, but on-bus audio may pick up conversations between two passengers.

The footnote summarizes other agencies' responses to question 13.⁶⁰⁷

14. Is your agency's video surveillance system capable of identifying and/or tracking a specific individual?

Twelve transit agencies' (16.67%) video surveillance system is able to identify and/or track a specific individual. However, fifty-seven agencies' (79.17%) system is not cable of doing so. Three agencies (4.17%) did not respond to the question.

CT Transit's response to the question was "yes, but only to the extent that an image can be enhanced and expanded. This has been used in a few cases where a particular passenger was being sought by police, or where we wanted to post the photograph of a passenger accused of assaulting the driver."

Intercity Transit's system has identification and/or tracking capability. The agency stated that

video surveillance has been used numerous times to assist local law enforcement in the apprehension of suspects in a variety of crimes. Video is also requested by law enforcement for vehicle accidents occurring near a coach or paratransit vehicles. Video at transit centers and park and ride lots is used by law enforcement for auto thefts, bicycle thefts, assaults, and car prowls, etc. Video is

⁶⁰⁷ Antelope Valley Transit Authority ("on board yes, facility no"); Ben Franklin Transit ("to determine derogatory remarks by passengers or driver"); Capital Area Transit ("always"); Cedar Rapids Transit (audio on the buses and ticket sales office); Centre Area Transportation Authority (on buses); Chatham Area Transit (no surveillance on grounds/facilities but surveillance inside vehicles); City of Albany Transit System (audio and video surveillance used on fixed route and paratransit buses); Dallas Area Rapid Transit (audio recorded only on busses and paratransit vehicles when an event triggers the device and not used for law enforcement purposes); Duluth Transit Authority (all revenue vehicles record both; all facility cameras are video only); Escambia County Area Transit (on buses and in customer service area where money is exchanged); Gold Coast Transit District (on bus or in the dispatch area); Greater Cleveland Regional Transit Authority (use of video surveillance on the Authority's buses and audio recording on trains and in a few transit stations); Intercity Transit (audio recording on coaches and paratransit vehicles); Metro Transit (interior vehicle cameras, some building cameras and in front office (customer service), dispatch window, break room, and halls); Middletown Area Transit (no audio recording in terminal and garage but audio recording in vehicles); Milwaukee County Transit System (six cameras with integrated microphones on each bus); and Nashville Metro Transit Authority (audio recording only utilized on cameras installed on buses).

requested via public records requests by individuals who have lost or experienced thefts of personal property or were victims of some sort of assault to identify the person responsible and is often turned over to law enforcement for prosecution.

The footnote summarizes other agencies' responses to question 14.⁶⁰⁸

15. Does your agency share video surveillance images or data with:

(a) Other agencies or departments?

Fifty-four transit agencies (75%) share surveillance images or data with other agencies or departments. Sixteen agencies (22.22%) said that they do not. Two agencies (2.78%) did not respond to the question.

The Ann Arbor Transportation Authority shares video with departments within the agency but not with other agencies.

In some cases, CT Transit receives from TV stations FOIA requests for video surveillance data of accidents.

To track an individual, Metro Transit in Wisconsin explained that it usually uses pass numbers. For example, if passes are stolen, the agency uses farebox data to determine when and on which buses the passes were used. The agency uses video to find and identify the person or persons using the stolen passes.

(b) Law enforcement agencies without a subpoena?

Sixty-seven transit agencies (93.06%) share video surveillance data with law enforcement agencies without a subpoena. Three agencies (4.17%) do not. Two agencies (2.78%) did not respond to the question.

(c) Individuals such as private litigants?

Forty-four transit agencies (61.11%) share video surveillance or data with private litigants. Twenty-five agencies (34.72%) do not. Three agencies (4.17%) did not respond to the question.

⁶⁰⁸ Ann Arbor Transportation Authority (video system not capable of identifying or tracking specific persons); Ben Franklin Transit (by sight only); Miami Department of Transportation and Public Works (not presently); and Greater Hartford Transit District (stating that the agency can track an individual but must go from camera to camera).

16. Does your agency give notice to the public of the presence of a video surveillance system in or on any of your agency’s facilities and/or equipment?

Fifty-nine transit agencies (81.94%) give notice to the public of the presence of a video surveillance system in any of the agency’s facilities and/or on any of its buses or trains. Nine agencies (12.50%) do not provide notice to the public. Four agencies (5.56%) did not respond to the question.

The Ann Arbor Transportation Authority gives notice of its use of video surveillance on its buses and at its transit centers. Its website also advises that the agency uses video surveillance, <http://www.theride.org/How-to-Ride/Safety-Security>.

The footnote summarizes other agencies’ responses to question 16.⁶⁰⁹

17. Is any part of your video surveillance system kept secret (e.g., hidden cameras) from the public or from employees?

Six agencies (8.33%) keep part of their video surveillance system secret (e.g., hidden cameras) from the public or employees. Sixty-four agencies (88.89%) do not keep any part of their video surveillance secret. Two agencies (2.78%) did not respond to the question.

The Central Ohio Transit Authority reported that on occasion the Authority’s Security Department will deploy hidden cameras for investigations but that the Director of Security is the one who approves the use of hidden cameras.

The Gold Coast Transit District’s response was that “[a] couple years back we discovered what appeared to be theft from our fare revenue. As part of the investigation some hidden cameras were installed in certain areas to observe behavior based on data obtained from our fare

⁶⁰⁹ Capital Area Transit (signage on the bus); Capital District Transportation Authority (posted signage); Cedar Rapids Transit (video recording notices on the buses and in its “schedule booklet”); Centre Area Transportation Authority (on-board signage advising of the use of video and audio recording); Chatham Area Transit (“stickers” inside vehicles and placards on grounds); City of Albany Transit System (posted on buses); Cobb County DOT (notices posted on buses); CT Transit (sticker on bus stating that passengers may be subject to video surveillance); Miami Department of Transportation and Public Works (notice posted in select areas of video monitoring); Greater Peoria Mass Transit District (signage regarding video surveillance near the entry ways of buildings); and Milwaukee County Transit System (decal near entrance on all buses notifying passengers of recording).

system. Since the conclusion of that investigation the cameras have been made public and disclosed to all employees.”

The Milwaukee County Transit System does not utilize hidden cameras on a bus or in buildings on a regular basis; however, hidden cameras may be used on an *ad-hoc* basis during internal investigations.

The footnote summarizes other agencies’ responses to question 17.⁶¹⁰

18. Does your video surveillance system include “pan-tilt” cameras and/or the ability to “zoom-in” on a person or persons of interest?

Fifty-one transit agencies’ (70.83%) video surveillance system includes “pan-tilt” cameras and/or the ability to “zoom-in” on a person or persons of interest. Twenty agencies’ (27.78%) systems do not have such capability. One agency (1.39%) did not respond to the question.

The Ann Arbor Transportation Authority has two pan-tilt-zoom (PTZ) cameras at the Ypsilanti Transit Center and five at its headquarters. The Authority stated: “We do not use the panning/tilt function, because it misses events that happen in one place. We have no cameras at the Blake Transit Center (BTC) with PTZ cameras; however most of the cameras at the BTC have dynamic zoom capabilities. The technology is used to get a better look at an individual or ... at an item that has been stolen from a seat in the lobby.”

The Central Ohio Transit Authority’s CCTV system at its facility are PTZ-capable, a function the Authority utilizes to reposition cameras to cover high interest areas, such as areas of reported thefts or vandalism.

The footnote summarizes other agencies’ responses to question 18.⁶¹¹

⁶¹⁰ Ann Arbor Transportation Authority (stating there is no attempt to obscure or hide the presence of cameras from the public or the agency’s employees); Cobb County DOT (stating that some cameras are hidden from view to deter or prevent them from being disabled); and CT Transit (stating that cameras are mounted in conspicuous locations).

⁶¹¹ Capital Area Transportation Authority (pan-tilt cameras in exterior parking areas at headquarters and downtown transit center); CT Transit (PTZ features available on the CTfastrak cameras); Casco Bay Island Transit District (used operationally as well as to monitor suspicious persons); Chatham Area Transit (stating that the system has the ability to zoom-in but there is poor clarity); City of Detroit Department of Transportation (PTZ cameras only for facilities); Dallas Area Rapid Transit (stating that cameras at passenger facilities and some operating facilities have pan-tilt and/or zoom capabilities); Duluth Transit Authority (stating that the agency has one PTZ camera at its new transportation center used to isolate and identify events and/or individuals); Gold Coast Transit District (stating that its facility

19. (a) Does your agency use video surveillance in the workplace?

Sixty-three transit agencies (87.50%) use video surveillance in the workplace. Seven agencies (9.72%) do not. Two agencies (2.78%) did not respond to the question.

The Ann Arbor Transportation Authority uses video surveillance in its garage and bus storage areas to monitor how an accident, vehicular or industrial, may have occurred, or to ascertain whether an employee attempted “to punch in on the time clock.”

The Antelope Valley Transit Authority uses surveillance in its facility but stated that there is no direct surveillance of employees except in the customer service call center primarily for employee safety.

Intercity Transit reported that there are cameras in the lobby of the Olympia Transit Center, in the administration and maintenance facilities, and on coaches and paratransit vehicles.

The San Francisco Bay Area Rapid Transit District reported that the California Public Utility Code, General Order 172, requires CCTV for cabs in trains.

The footnote summarizes other agencies’ responses to question 19(a).⁶¹²

system currently has a few PTZ cameras); Greater Cleveland Regional Transit Authority (stating that for security purposes the agency could not divulge the requested information); Greater Hartford Transit District (stating that the agency has a number of PTZ cameras both for internal and external use throughout the agency’s station); Greater Peoria Mass Transit District (stating that the PTZ feature is used when there is a need for a close-up view of an incident, accident, criminal offense, or unsafe act); Intercity Transit (PTZ cameras used at the agency’s transit centers); Milwaukee County Transit System (stating that the agency does not use PTZ cameras on buses but that the agency is able to use a zoom feature on playback software and that the agency utilizes PTZ cameras on some buildings); and Sacramento Regional Transit District (stating that the agency’s cameras are primarily controlled in two ways: first, by supervisors assigned to control its trains and, second, by its “security operation center staff who monitor cameras and dispatch our sworn police officers”); and San Francisco Bay Area Rapid Transit District (used in parking lots, station platforms, drain storage areas).

⁶¹² Capital Area Transit (cameras located throughout the facility); Capital Area Transportation Authority (cameras in the operator day room, cash room, and hallways at headquarters); Casco Bay Island Transit District (used in the operations office); Cedar Rapids Transit (used in employee breakrooms); Central Ohio Transit Authority (CCTV cameras recording 24/7 deployed in and around all of the Authority’s work areas); Centre Area Transportation Authority (used on shop floor and in common areas, bus storage, service bay, and money counting area); Chatham Area Transit (video surveillance used for security and departmental issues and investigations and deterrence of theft); City of Detroit Department of Transportation (used continuously); City of Eau Claire Transit (used to review actions of employees in connection with complaints); City of Gardena Municipal Bus Lines (cameras located throughout the

(b) Are employees given prior notice of your agency’s use of video surveillance in the workplace?

Fifty-six transit agencies (77.78%) give prior notice to employees of the agency’s use of video surveillance in the workplace. Eleven agencies (15.28%) do not give prior notice. Five agencies (6.94%) did not respond to the question.

The Ann Arbor Transportation Authority reported that its employees are aware of the use of video surveillance, that the existence of video surveillance is addressed in the employees’ contract, that the agency’s employees also are informed verbally, and that the Authority posts a notice in the Authority’s buses of the presence of video surveillance.

The footnote summarizes other agencies’ responses to question 19(b).⁶¹³

transit facility); CT Transit (used in Metrobus, Metrorail, and Metromover dispatch areas; select common areas of offices and maintenance areas; and in the currency processing center); Dallas Area Rapid Transit (used to monitor common areas and certain secure work areas); Duluth Transit Authority (used only in areas identified as a security risk or being incident-prone, such as entrance doors, public areas, and maintenance work stations); Go Raleigh Transit (used to cover the perimeter, parking, entrances, halls, and common areas, as well as where an accident or incident may occur); Greater Cleveland Regional Transit Authority (used throughout the agency’s facilities); Greater Peoria Mass Transit District (used in areas where there is contact with the public, all areas responsible for handling and counting currency, parts rooms, and hazardous work areas such as the pits and lift area in the garage); Lee County Transit (video surveillance used in common areas of the workplace, break areas, exit doors, vault, and money counting areas); Milwaukee County Transit System (use of video surveillance of bus operators while operating a bus, cash-handling areas, facilities in general work locations, and in an investigation, but cameras not installed specifically to monitor employees at work); and Sacramento Regional Transit District (video surveillance of the cab of trains, driver’s area of a bus, and areas such as the agency’s revenue center).

⁶¹³ Ben Franklin Transit (posted notice in each vehicle); Capital Area Transit (signage); Cedar Rapids Transit (employees “verbally informed”); Central Ohio Transit Authority (stating that employees are aware that cameras are located in facilities and on buses); Centre Area Transportation Authority (stating cameras are in plain view and notice of the use of video surveillance is included in employee policy manuals); Chatham Area Transit (stating that employees are made aware of the use of video surveillance during orientation and training); City of Detroit Department of Transportation (signage clearly posted); City of Eau Claire Transit (employees are made aware of surveillance through posted materials); Department of Transportation and Public Works (stating that employees are advised of the presence of monitoring systems and that notice of the use of such systems is posted in conspicuous areas within an area being monitored); Gold Coast Transit District (stating that the District explains its video surveillance policy during training to all new bus operators and that the agency shows where the cameras are on a bus); Go Raleigh Transit (employees informed during training that most areas have cameras); Greater Peoria Mass Transit District (stating that all cameras are in plain view and that the agency advised both

(c) Did your agency bargain with the employees or the union, if applicable, before adopting a video surveillance system?

Nineteen transit agencies (26.39%) bargained with their employees or the union, if applicable, before adopting a video surveillance system. Forty-three agencies (59.72%) did not. Ten agencies (13.89%) did not respond to the question.

The Ann Arbor Transportation Authority did not bargain with the union regarding the use of video surveillance, but the Authority's management and the union discussed the issue of video surveillance and "came to a formal agreement."

The Capital Area Transportation Authority reported that the Authority cannot record video of specific bays and work areas in the maintenance area.

Chatham Area Transit's use of video surveillance is not addressed in its Collective Bargaining Agreement (CBA), but the agency reported that there is a verbal "side agreement."

Although CT Transit responded "no" to the question, the agency negotiated a CBA provision that on-bus video will be viewed only when there is a triggering event (*e.g.*, complaint, accident, or incident). That is, the agency agreed not to review on-bus video at random or to target a particular operator.

Intercity Transit's representatives had "impact negotiations with the operators' union" and in response to the survey provided a copy of a Memorandum of Agreement, a copy of which is included in Appendix E, between the agency and the union.

The Milwaukee County Transit System did not bargain with the union concerning the agency's purchase of a video system; however, the agency developed a "Letter of Understanding" after the system's installation to address how video may be used to discover infractions of certain rules. The agency kept the bus operators' union informed at the time of a new on-bus surveillance system.

the union and non-employees when the system became operational; Intercity Transit (stating that the agency makes employees aware of the use of video and that there is signage posted); and Jacksonville Transportation Authority (stating that posted placards identify the need for persons to remove anything that distorts a clear view of the face when entering safety-sensitive areas and that cameras are clearly visible).

The footnote summarizes other agencies' responses to question 19(c).⁶¹⁴

20. Does your agency use video surveillance (e.g., backward facing cameras) to monitor and/or record operators of transit vehicles and/or other equipment?

Fifty-five transit agencies (76.39%) use video surveillance (e.g., backward facing cameras) to monitor and/or record operators of transit vehicles and/or other equipment. Fifteen agencies (20.83%) said that they do not. Two agencies (2.78%) did not respond to the question.

The Ann Arbor Transportation Authority has at least one and in most cases two cameras that are focused on bus operators. Its older buses have only one camera dedicated to the operator. There is no on-board video surveillance of other vehicles, such as minivans that are used as operator shuttle vehicles.

Beginning in 2015, the Central Ohio Transit Authority began installing cameras in the front of a bus to capture images in the driver's area. The goal was to enable the Authority to gather evidence of assaults on operators.

Chatham Area Transit reported that there is a camera in the cab of each vehicle that also captures images of passengers as they enter the front door.

For the Greater Hartford Transit District's paratransit vehicles, either the driver has to push a button to activate the video surveillance system on the bus or a hand brake will activate the system automatically.

The footnote summarizes other agencies' responses to question 20.⁶¹⁵

⁶¹⁴ Dallas Area Rapid Transit (stating that the agency does not engage in collective bargaining with employee groups but that the agency did notify the union of the video program at the time the agency implemented it); Gold Coast Transit District (stating that the agency installed a video surveillance system without bargaining with the union/employees but that afterwards the agency met and conferred with the union on how the agency uses video surveillance); Golden Gate Bridge Highway & Transportation District (stating that there was a "meet and confer" prior to the agency's implementation of a video surveillance system); Greater Attleboro Taunton Regional Transit Authority (union approved surveillance in 2004); Greater Cleveland Regional Transit Authority (stating that the agency's management met with the union to advise the union of the reasons for installing cameras and that the agency often installs cameras in the presence of employees); Pierce Transit (Memorandum of Agreement reached in February 2013); and Santa Clara Valley Transportation Authority (stating that the VTA and the Amalgamated Transit Union negotiated the use of video surveillance records for disciplinary action).

⁶¹⁵ Antelope Valley Transit Authority (advising that its contractor supplies the Smart Drive system to which the agency does not have access); Ben Franklin Transit (full coverage outside and inside); Centre Area Transportation Authority (stating that there are cameras in the areas where farebox vaults are

21. Does your agency have a rule or policy regarding:

(a) When employees are required to activate video surveillance?

Twelve transit agencies (16.67%) have a rule or policy on when employees must activate video surveillance. Fifty-five agencies (76.39%) do not have such a rule or policy. Five agencies (6.94%) did not respond to the question.

Because its video surveillance system in its transit facilities is always in operation, the Ann Arbor Transportation Authority does not have a rule or policy when employees must activate cameras. Moreover, on-board cameras automatically turn on when an operator starts a bus.

The Greater Peoria Mass Transit District also does not have a policy; however, the District's video surveillance system operates twenty-four hours, seven days a week, at the District's facilities and whenever a bus is turned on. The District's employees do not have the ability to turn video on or off.

Intercity Transit's DVRS on coaches and paratransit vehicles starts automatically when there is ignition and operates while the vehicles are in service. Its systems at the transit centers and park and ride lots are motion-activated and operate twenty-four hours, seven days a week.

handled but the cameras do not record the bus operator while in the seat); City of Albany Transit System (stating that cameras on buses monitor activity [on] the bus from the front door, rear door, center aisle, front windshield, street side, curb side, rear view/back-up, and rear aisle to front); City of Detroit Department of Transportation (stating that bus transit has forward, backwards, and cameras above a driver); Cobb County DOT (stating that cameras cover the front, both sides, and rear of a vehicle); CT Transit (camera facing the front door of a bus includes the driver); Duluth Transit Authority (stating that the agency's newest buses have a camera directed at operators, primarily to mitigate the number of and to investigate assaults on operators); Gold Coast Transit District (stating that all buses and any equipped non-revenue vehicles camera systems include backward facing cameras that monitor and record an operator and any passengers); Gold Coast Transit District (stating that transit buses have a camera facing the operator from a side angle); Greater Cleveland Regional Transit Authority (cameras intended to monitor the public but can and do "pick-up" operators); Greater Peoria Mass Transit District (stating that buses have a camera focused on the operator and that the surveillance is used as an investigative tool when there are reports of unsafe acts, complaints, "work comp reports," accidents, and injuries); Metropolitan Tulsa Transit Authority (eight cameras recording an entire bus); Milwaukee County Transit System (stating that an onboard system includes a camera directed at the operator area of a bus to assist the agency in determining what an operator was doing at the time of an accident, incident, or other onboard issue); and San Francisco Bay Area Rapid Transit District (cameras with microphones in the train cab).

The Milwaukee County Transit System's camera system activates automatically when a bus is turned on. Its equipment is secure in that bus operators are unable to activate or deactivate a system. The agency informs operators that

[a]ll MCTS buses are now equipped with a 10-camera mobile video and audio system. Your bus has an event button for incidents. Push this button to "flag" video for download within seconds of:

- Accidents
- Passenger falling/injury
- Verbal threats of violence
- Objects thrown at [the] bus that cause damage

DO NOT Push this button for:

- Fare disputes
- Extended Riders
- General Profanity

Depressing the event switch will NOT automatically summon the police or security. You must contact dispatch in addition to flagging the video!

The footnote summarizes other agencies' responses to question 21(a).⁶¹⁶

(b) When employees are prohibited from deactivating video surveillance equipment?

⁶¹⁶ Casco Bay Island Transit District (stating that CCTV is used for security purposes and that the District complies with 33 C.F.R. parts 104 and 105); CT Transit (stating that video records automatically all the time and that employees neither activate nor deactivate recording); Golden Gate Bridge Highway & Transportation District (stating that bus video equipment is automatically activated when the vehicle is started and that drivers have no access to video equipment); Jacksonville Transportation Authority (stating that operators are required to inspect functionality of a camera system during pre-trip inspection); Sacramento Regional Transit District (stating that operators may be instructed to "mark" or "tag" video after an incident to create a file on the hard drive); and San Francisco Bay Area Rapid Transit District (attached copy of its policy applicable to police officers).

Twenty transit agencies (27.78%) have a rule or policy on when employees are prohibited from deactivating video surveillance equipment. Forty agencies (55.56%) do not have such a rule or policy. Twelve agencies (16.67%) did not respond to the question.

For the Ann Arbor Transportation Authority's buses, the video equipment is housed in a locked cabinet onboard each bus. Its employees will be disciplined for damaging any equipment that provides evidence of what happened during an incident or accident. The video system on board a bus deactivates automatically when a bus has been off for a certain amount of time.

The Milwaukee County Transit System's Operator Bulletin 16-369 states that employees who intentionally obstruct a video camera's view is subject to discipline. Moreover, its ATU 998 Labor Contract, 2015-2018, Letter of Understanding provides:

For the term of the Labor Agreement, when [a] video camera recording from a bus is used as a basis for the imposition of disciplinary action by the Company, such evidence should be limited to the incident(s) that either caused or led up to the need to review the video recording, except in the case of gross misconduct such as tampering with video camera or radio equipment, violation of the Company's electronic device policy, assault, theft, robbery, dishonesty, insubordination, or unlawful acts. Any other issues that arise from reviewing a video recording will be used for guidance and/or counseling except any repeat rule violation where the employee was previously given guidance and/or counseling.

The footnote summarizes other agencies' responses to question 21(b).⁶¹⁷

22. Please identify any statutes or ordinances that apply to your agency's use of video and/or audio surveillance of:

(a) Members of the public

(b) Employees

(c) Transit operators

⁶¹⁷ Central Ohio Transit Authority (stating that it is a violation of the Authority's policy to tamper with or destroy its equipment, including CCTV equipment); Chatham Area Transit (stating that employees are not permitted to tamper with video equipment); Golden Gate Bridge Highway & Transportation District (stating that employees cannot access the video equipment); and Metro Transit (stating that drivers are prohibited from deactivating cameras, a matter covered in the union contract under discipline for willful damage to the employer's property).

(d) Facilities and/or equipment

The San Francisco Bay Area Rapid Transit District stated that California has a constitutional right to privacy but public areas are generally exempt.

The Hillsborough Transit Authority maintains that its surveillance videos are confidential and exempt from Florida’s Public Records Act pursuant to Fla. Stat. §§ 119.071(3)(a) and 281.301.

Intercity Transit advised that the use of video at the agency

creates a public record as defined by RCW 42.56. These records must be preserved pursuant to RCW 40.14.070. This applies to all sections of this question. Our system is configured so that DVRs hold approximately 200 hours of video, which equates to 10-14 days depending on how much the vehicles are in service. If video is not viewed/downloaded pursuant to an incident, investigation or public records request it is written over.

The Greater Hartford Transit District said that Connecticut “treats as a felony the act of recording another person without the person’s consent when the person is ‘not in plain view’ and in a place with a reasonable expectation of privacy.”

The Milwaukee County Transit System stated that Wisconsin is a one-party consent state where only one party has to be notified and consent to video or audio recording and that “MCTS is that consenting party.”

The footnote summarizes other agencies’ responses to question 23(a)-(d).⁶¹⁸

⁶¹⁸ Casco Bay Island Transit District (identifying 33 C.F.R. parts 104 and 105); Centre Area Transportation Authority (stating that wiretapping statutes at the state level require notification of the public); CT Transit (identifying Conn. Stat. § 53a-187); Miami Department of Transportation and Public Works (identifying Florida Statutes, Chapter 119 (Public Officers, Employees, and Records)); Greater Cleveland Regional Transit Authority (identifying ORC §§ 2933.51 and 2933.52); Metropolitan Tulsa Transit Authority (identifying Oklahoma Security of Communications Act, 13 OS § 176.1, *et seq.*); Pace (identifying 720 ILCS 5/14-1, *et seq.*); Rhode Island Transit Authority (identifying R.I. Gen. Law §§ 12-5.1-13 and 28-6.12-10); Sacramento Regional Transit District (identifying Cal. Gov’t Code 6250, *et seq.* and Cal. Pub. Utility Code 99164); Salem Area Mass Transit District (identifying Or. Rev. Stat. § 165.540); Santa Clara Valley Transportation Authority (identifying Cal. Penal Code § 630-638 and Cal. Gov’t Code §§ 53160 to 53162); Tri-Met (identifying ORS §§ 163.700 and 163.702); and VIA Metropolitan Transit (identifying Tex. Penal Code § 16.02 and 18 U.S.C. § 119).

23. Have there been any administrative or legal actions against your agency involving its use of video surveillance?

Nine transit agencies (12.50%) reported that their agency has been involved in an administrative proceeding or a legal action resulting from the agency's use of video surveillance. Sixty-two agencies (86.11%) stated that they had not. One agency (1.39%) did not respond to the question.

For those agencies having been involved in administrative or legal proceedings, Dallas Area Rapid Transit stated that usually the surveillance issue arises in pre-trial motions but that DART has prevailed in every instance to date.

The Greater Cleveland Regional Transit Authority has had four claims involving the spoliation of evidence because a video was not "pulled in time" or was otherwise unavailable.

The Salem Area Mass Transit District has had grievances made by the union concerning the agency's use of video surveillance.

Because of an administrative proceeding for an unfair labor practice for directing cameras at bus and rail operators, Tri-Met deactivated its cameras. However, Tri-Met reported that the agency intends to negotiate the use of cameras aimed at bus and rail operators.

24. (a) Has your agency used video surveillance in tort claims either by or against the agency?

Fifty-one transit agencies (70.83%) have used video surveillance in tort claims brought by or against the agency. Eighteen agencies (25%) stated that they had not. Three agencies (4.17%) did not respond to the question.

The Ann Arbor Transportation Authority has used video surveillance data in tort claims against the Authority.

The Centre Area Transportation Authority has provided video to its insurance pool regarding injury claims brought by the public and in claims for fraudulent compensation.

CT Transit stated it has used video surveillance "very often" in tort cases and that "video from every accident is retained and in many cases used to defend against claims that appear to exaggerate the cause or extent of injuries."

The Greater Peoria Mass Transit District often uses video records in the investigation and documentation of slips, trips, falls, defective equipment, human resources complaints, and other matters.

Intercity Transit also uses video surveillance data in defending tort claims. The agency provides a copy of the records to its insurance carrier, investigator, and/or attorney. Expert witnesses examine video surveillance data and testify for the agency in litigation. Members of the public request video surveillance data to support tort claims. Attorneys also make public records requests for video in connection with lawsuits against the agency.

The footnote summarizes other agencies' responses to question 24(a).⁶¹⁹

(b) Has your agency's video surveillance been used in accident or criminal investigations?

Sixty-six transit agencies (91.67%) have used video surveillance data in accident or criminal investigations. Four agencies (5.56%) stated that they had not. Two agencies (2.78%) did not respond to the question.

The Ann Arbor Transportation Authority has used its video surveillance data in accident and criminal investigations. The Authority has provided video surveillance data to the police of accidents in which the agency was not even involved but its video surveillance system captured the event.

⁶¹⁹ Central Ohio Transit Authority (used as evidence in tort litigation); City of Albany Transit System (stating that "video footage obtained on an incident or accident may be provided to an outside agency or agent or individual by way of a written open records request"); City of Eau Claire Transit (stating that videos have been provided to insurance adjustors for use in the litigation of claims); Department of Transportation and Public Works (identifying the use of video surveillance for risk management regarding personal injury/negligence cases); Dallas Area Rapid Transit (stating that video monitoring has been used to support DART in tort claims and to establish the liability of others); Duluth Transit Authority (stating that numerous tort claims against the Authority have been resolved or dismissed based on recorded video); Gold Coast Transit District (stating that numerous tort claims and small claims actions have been settled or dismissed because of video surveillance evidence); Greater Cleveland Regional Transit Authority (stating that the Authority's video system has been a "huge help in exonerating employees and the [Authority]"); Hillsborough Transit Authority (stating that bus surveillance videos are frequently used as exhibits in the defense of personal injury lawsuits); Knoxville Area Transit (stating that a video of an incident is used to determine liability); Milwaukee County Transit System (stating that the agency has used video to uphold or deny worker's compensation claims and in claims alleging wrongful acts by an employee); and San Francisco Bay Area Rapid Transit District (stating that virtually every claim involves a review of relevant video).

The City of Eau Claire Transit has used video to verify signal designation at approaches to intersections.

The Sacramento Regional Transit District routinely uses video surveillance to determine the cause of accidents and to investigate crimes and allegations of employee misconduct. Moreover, the District has been very successful in apprehending persons committing thefts on its system and averages a 40-60% arrest rate for thefts.

The footnote summarizes other agencies' responses to question 24(b).⁶²⁰

25. Please include any additional information that your agency wants to furnish on its use of video surveillance.

⁶²⁰ Capital Area Transportation Authority (stating that video has been used involving break-ins at the transit center and for trespassing claims); Casco Bay Island Transit District (stating that the agency has given recordings of various events to the police and insurance investigators); Cedar Rapids Transit (used as evidence in trials); Central Ohio Transit Authority (stating that the agency's video surveillance has been provided to the police when requested); Centre Area Transportation Authority (stating that the police in the area routinely request video surveillance data); Chatham Area Transit (reporting that the agency works with local law enforcement); City of Gardena Municipal Bus Lines (stating that the agency provided video surveillance records to law enforcement officials regarding a crime that occurred outside a bus); Dallas Area Rapid Transit (reporting that video is used to protect DART from liability as well as to establish liability); Duluth Transit Authority (stating that video is used in every internal accident investigation, by external agencies for major accidents, and that the police and others have requested video surveillance for their investigations); Escambia County Area Transit (stating that the agency has provided video surveillance records for accident and criminal investigations); Gold Coast Transit District (stating that the District makes video surveillance data available to law enforcement on any accident in which the agency is involved and that the agency also provides data on criminal investigations of which the agency is aware and/or when it receives requests regarding investigations of which the agency is unaware); Gold Coast Transit District (stating that the agency provides video data to local police agencies and to prosecutor's offices); Greater Cleveland Regional Transit Authority (stating that the Authority provides local police departments and prosecutors with video surveillance data for use in criminal investigations); Greater Peoria Mass Transit District (stating that several police agencies have used the District's video surveillance records when investigating criminal matters, including to confirm or disprove alibis, and in cases involving a missing person or a runaway); Hillsborough Transit Authority (stating that law enforcement agencies frequently request copies of relevant videos); Intercity Transit (stating that the agency routinely provides video to local law enforcement in the investigation of accidents and crimes); Jacksonville Transportation Authority (stating that the Authority's video surveillance is used in accident investigations and criminal investigations); Knoxville Area Transit (stating that video surveillance of an incident is used to determine liability); and Milwaukee County Transit System (stating that the agency provides numerous videos taken from its buildings and buses to law enforcement agencies).

Other than for requests by the police, the Centre Area Transportation Authority's insurance pool's legal department handles requests for video surveillance data.

The Dallas Area Rapid Transit refers to its video program as monitoring, not as surveillance.

The Duluth Transit Authority reported that its video surveillance system has been invaluable in reducing the number of claims and in resolving them regarding customer service, liability for injuries, and other claims. The Authority stated that its system "has paid for itself many times over."

The Greater Peoria Mass Transit District stated that a "video system provides an active physical layer of security that protects our customers, surrounding public, employees, equipment, and facilities."

Metro Transit in Wisconsin stated:

The key thing to make ... video more effective is to have systems at different agencies work together. For example, our building and facility cameras are on the same system as [the] city traffic cameras. In case of an emergency, the police and traffic engineering would be able to access cameras to our buildings from their location. We are able to access traffic cameras from our location. (Not so with bus video.)

The San Francisco Bay Area Rapid Transit District noted that its recorded video data are subject to the law on requests for public records.