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AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Brooke A. Levin
Director Public Works

SUBJECT: Supplemental Report on Illegal
Dumping

DATE: January 2, 2017

City Administrator Approval

Date:

1/12/17

RECOMMENDATION

Staff Recommends That The Public Works Committee Accept An Informational Report Providing Update On Current Status Of Illegal Dumping And General Waste In Streets, On Sidewalks And In Vacant Lots In The City Of Oakland, Including Implementation Of Cameras In Illegal Dumping Hot Spots; Data On Number And Locations Of Illegal Dumping Pick Ups By Waste Management And City Of Oakland; Additional Proposed Strategies, Programs And Funding Needed To Dramatically Improve The Cleanliness Of The Streets And Public Spaces In East And West Oakland, Including Existing And Proposed Public Communications Campaigns And Proposal For Program And Funding Consideration In The Fiscal Year (FY) 2017-19 Budget.

REASON FOR SUPPLEMENTAL

At the December 6, 2016 Public Works Committee (PWC), a motion was made to move the Informational Report on Illegal Dumping scheduled for that date to January 24, 2017. The motion also included several additional requests for information. This supplemental report provides an update on the six items requested.

ANALYSIS AND POLICY ALTERNATIVES

The PWC requested updates on the following items:

1. Update on Cameras
2. Description of how we deal with illegal dumping hot spots
3. Connection between increase of dumped materials and rise in homeless population,
4. Break out enforcement section of the report by year and confirm with City Attorney if possible to publish names of offenders.
5. Reach out to Union Pacific Railroad regarding status of compliance and can the City clean and bill.
6. Holding businesses accountable for illegal dumping associated with their business.

Item: _____
Public Works Committee
January 24, 2017

1. Update on Cameras

As part of a comprehensive solution to reduce illegal dumping in the City Of Oakland, City Council in 2016 allocated \$100,000 in funding for implementation and use of cameras for illegal dumping enforcement. These funds have allowed the City to purchase four sets of video cameras and license plate readers as well as a server at City Hall that receives the data from each camera site. The cameras are installed at undisclosed strategic locations.

Camera systems are promising tools for gathering evidence and holding illegal dumpers accountable. Experience has shown that citizen's reports of illegal dumping frequently are limited to incidents citizens happen to observe and critical information is missing to hold the illegal dumpers accountable. With the use of cameras staff can proactively document illegal dumpers in areas where illegal dumping occurs most frequently, gathering the needed information to take action.

While camera systems are promising, a number of technical details need to be addressed in order for cameras to successfully capture illegal dumping. Staff is adjusting to the camera system and learning how to most appropriately use them to achieve the City's goals. For example, adjusting the cameras for the precise camera angles to catch both illegal dumping activity and license plates of vehicles involved in illegal dumping.

Staff has made progress and is continuing to make adjustments as information is gathered in order to achieve full effectiveness. Staff expects to improve the effective use of the cameras over the coming months as more lessons are learned.

2. Description Of How We Deal With Illegal Dumping Hot Spots

The terminology of a "hotspot" was used by staff prior to the implementation of City Works, a work management system, to direct crews to areas to do their work. Typically these hotspots were locations that were visited by crews at least twice a month or on average 24 times a year. Today, with over 30,000 service requests received annually, a better way to describe a hotspot is to use the heat maps generated through City Works to look at the areas with the highest intensity of service requests and work orders. These areas are the City's "hotspots". In 2016, for example, one street in West Oakland was serviced over 365 times – this area is indicated in the "burn area" on the heat map provided in the Council Report dated December 6, 2016.

No area below Highway 13 is free from illegal dumping and many areas are constantly plagued by illegal dumping. Keep Oakland Clean & Beautiful (KOCB) resources are directed at the areas that are shown as "hot" from the heat maps.

3. Connection Between Increase Of Dumped Materials And Rise In Homeless Population

The City does not have data to prove or disprove a correlation or causality between the increase in illegal dumping and the rise in homeless population. What we do know is that the homeless encampments need sanitation services just like housed residents. The City has been providing this type of service at 35th and Magnolia as a pilot program. Providing the service is intensive, both in the on-going communication with the unhoused residents, needed service levels, and

patrolling the area surrounding the pilot location to keep the neighborhood free from illegal dumping.

Anecdotal observations are:

- The City now has larger camps – therefore the appearance in the public’s eye of more dumping
- Homeless are not the illegal dumpers, however, they use items they find on the streets for their encampments
- Illegal dumpers use homeless camps as a cover for their illegal activity
- Good Samaritans leave items they believe the homeless can use, which end up as garbage for the City to clean up

4. Break Out Enforcement By Year / Publish Names Of Offenders

Please see Table 1 outlining illegal dumping administrative enforcement statistics by year for the past four years - 2013-2016.

Table 1: Illegal Dumping Administrative Enforcement by Year

	2013	2014	2015	2016
# of Citations	43	64	81	51
# of Warning Letters	13	131	231	128
Amt. of \$ Cited	99,005.33	184,749.50	286,921.28	158,224.95
Amt. Collected	0	30,336	25,346.41	14,110.32
Hours of Community Service	0	38 hrs	101.80 hrs	74.70 hrs
Amt. to be Collected	0		4,690.55	3,879.75
# of Cases Rescinded/Dropped	14	17	15	4
Amt. of Fines Rescinded/Dropped	46,193.31	39,386.50	58,638	7,495.05
Amt. of Fines Referred to Collections	61,637.83	44,374	61,326.01	29,492.57
Amt of Fines Resc/Dropped or Reduced at Hearing	7,925	5,347	10,410.50	0.00
Amt. of Fines Waived via Settlement	22,998.25	75,517	71,784.81	43,730.02
Amt. of Cases with Pending Actions	0.00	3,036	84,189.08	71,472.51

Regarding the publishing of the names of illegal dumping offenders, staff is working with the City Attorney’s Office on developing a publishing strategy.

5. Union Pacific Railroad Right-of-Way Maintenance Issues

Council President Reid noted several areas where illegal dumping occurs on Railroad Property in East Oakland. Currently the Oakland Public Works (OPW) Call Center sends illegal dumping service requests on railroad property directly to Union Pacific Rail Road (UPRR) as they receive them. The City meets with UPRR representatives on a semi-annual basis. However, UPRR

relies on contractors to perform debris removal on a regional level and the rate of removal in Oakland is delayed, allowing dumped material to remain for several weeks.

The City is formally asking UPRR to consider a pilot program whereby the City takes responsibility for clearing illegal dumping on railroad property at identified hot spots and billing Union Pacific Railroad for this service. The cost would be at an amount that would cover City staff and needed equipment to handle the work. This will allow for a faster response which should act as a deterrent to additional dumping and potentially lower the overall cost of maintenance of railroad property in Oakland. UPRR has indicated this approach has been piloted in two other communities with mixed results and is still considering whether they wish to entertain a pilot in Oakland.

In an effort to prevent access to the right-of-way, Union Pacific installed fencing at several key locations in East Oakland several years ago. This fencing has been an effective deterrent and the City is encouraging UPRR to consider dramatically expanding the number of areas where fencing is installed as the long term savings in avoiding ongoing clean-ups could be quite significant. The downside to increased fencing is the dumping moves into the City Right-of-way, not reducing the problem only shifting locations. During a recent site visit, UPRR team members indicated support for installing additional fencing but raised concerns about the need to maintain the fencing once it is installed. City staff has concerns about taking on fence maintenance; this can be ongoing and would need to be funded by UPRR.

6. Holding Businesses Accountable For Illegal Dumping Associated With Their Business

The City's public nuisance ordinances authorize the assessment of fines against those responsible for the creation, existence, commission and/or maintenance of a violation of the Oakland Municipal Code. Accordingly, the City can hold a business accountable for illegal dumping and blight generated by others by establishing that the business is responsible for the existence of this illegal dumping and blight. In this instance staff may use abandoned auto and public works service requests statistics in the vicinity of the business, as compared to other areas, to demonstrate such a nexus.

COORDINATION

The Office of the City Attorney, Finance Department, and the City Administrator's Office were consulted for the preparation of this report.

SUSTAINABLE OPPORTUNITIES

Economic: The continued efforts of staff to remove illegal dumping and graffiti will assist in improving the physical appearance of the City of Oakland, which translates directly into attracting and retaining business and promoting civic pride.

Environmental: A decrease in the amount of dumped materials and litter will lessen the amount of debris that enters the storm-drain systems, polluting our creeks and waterways.

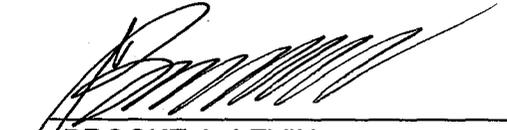
Social Equity: The enhanced efforts of collaboration and partnering between the Public Works Department, our residents and business community will improve the quality of life and public safety.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Accept an Informational Report Providing Update on Current Status of Illegal Dumping and General Waste in Streets, on Sidewalks and in Vacant Lots in the City of Oakland, Including Implementation of Cameras in Illegal Dumping Hot Spots; Data on Number and Locations of Illegal Dumping Pick Ups by Waste Management and City of Oakland; Additional Proposed Strategies, Programs and Funding Needed to Dramatically Improve the Cleanliness of the Streets and Public Spaces in East and West Oakland, Including Existing and Proposed Public communications Campaigns and Proposal for Program and Funding Consideration in the FY 2017-19 Budget.

For questions regarding this report, please contact Susan Kattchee, Assistant Director, Public Works at 510-238-6382.

Respectfully submitted,



BROOKE A. LEVIN
Director, Oakland Public Works

Prepared by:
Susan Kattchee, Assistant Director
Oakland Public Works

Item: _____
Public Works Committee
January 24, 2017