

THIS PRINT COVERS CALENDAR ITEM NO. : 10.7

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Finance and Information Technology

BRIEF DESCRIPTION:

Amend Transportation Code, Division II, by amending Section 302, to establish an off-street parking meter time limit penalty and to establish a transit violation penalty for fare evasion or fraudulent use of a Clipper card. Recommend to the Board of Supervisors an amendment to the Transportation Code, Division I, Article 7 to add section 7.2.104 to regulate the use of Clipper cards on transit vehicles or in Proof of Payment zones and a series of amendments to San Francisco Police Code Sections 939 through 939.7 to transfer authority to issue or regulate vehicle press cards from the San Francisco Police Department to the San Francisco Municipal Transportation Agency (SFMTA).

SUMMARY:

- Transportation Code, Division II, Section 302 will be amended to establish an off-street parking meter time limit penalty and a Clipper card fare evasion or fraudulent use penalty. The parking meter time limit penalty is required to implement the two hour time limit at broken meters approved by the SFMTA Board and the Board of Supervisors.
- The SFMTA Board will recommend approval by the Board of Supervisors of an amendment to Transportation Code, Division I, by adding Section 7.2.104 to regulate the use of Clipper cards on Transit Vehicles or in Proof of Payment zones.
- The SFMTA Board will recommend approval by the Board of Supervisors a series of amendments to the Police Code to transfer the authority to issue or regulate vehicle press cards to the SFMTA. This action will allow the SFMTA to better manage parking as the sole issuer of parking permits as authorized by Proposition A.

ENCLOSURES:

1. SFMTAB Resolution
2. Transportation Code Division I & II modifications
3. Police Code modifications

APPROVALS:

DATE

DIRECTOR OF DIVISION

PREPARING ITEM _____

FINANCE _____

EXECUTIVE DIRECTOR/CEO _____

SECRETARY _____

ADOPTED RESOLUTION

BE RETURNED TO Lauren Mattern

ASSIGNED SFMTAB CALENDAR DATE: _____

PAGE 2.

PURPOSE

This item will allow the San Francisco Municipal Transportation Agency (SFMTA) to implement the two hour time limit at broken and inoperable meters, allow for better tracking of fare and transit violations specific to the Clipper card program, and initiate the process for the SFMTA to become the agency responsible for issuing press vehicle cards in order to improve parking management in San Francisco as authorized by Proposition A.

GOAL

Amending the Transportation Code as stated above will further the following goals of the Strategic Plan in the following areas:

- **Goal #1: Customer Focus:** To provide safe, accessible, clean, environmentally sustainable service and encourage the use of auto-alternative modes through the Transit First Policy.
 - Objective 1.1: Improve safety and security across all modes of transportation
 - Objective 1.5: Increase percentage of trips using more sustainable modes (such as transit, walking, bicycling, rideshare).
- **Goal #2: System Performance:** To get customers where they want to go, when they want to be there.
 - Objective 2.5: Manage parking supply to align with SFMTA and community goals.
- **Goal #4: Financial Capacity:** To ensure financial stability and effective resource utilization.
 - Objective 4.2: Ensure efficient and effective use of resources.

DESCRIPTION

Broken Meter Time Limit at Off-Street Parking Meters

Current law and City policy permit patrons to park at inoperable or broken on-street and off-street parking meters for the maximum amount of time allowed for parking at that meter. Approvals given by the SFMTA Board of Directors in February 2011 and the Board of Supervisors in July 2011 have established a two hour time limit at broken meters. This change is expected to reduce the incentive to vandalize meters and simplify enforcement of broken meter time limits, particularly as the SF*park* program experiments with relaxing meter time limits around the City. A two-hour maximum at all meters where parking is permitted in excess of two hours is a simple and uniform message that can be enforced and communicated clearly to customers on a decal on all meters.

Following recommendation from the SFMTA Policy and Governance Committee and the SFMTA Board, on July 20, 2011 the Board of Supervisors approved changes to the San Francisco Transportation Code, Division I, by amending Section 7.2.30 to establish a two hour maximum time limit for parking at inoperable or broken parking meters for on-street parking and added Section 7.2.65 to establish a two hour maximum time limit for parking at inoperable or broken parking meters for off-street parking. In order to finish implementation of this new time limit, the SFMTA Board now must amend the penalty schedule in Transportation Code, Division II, Section

PAGE 3.

302 to establish a \$55 fine for overtime parking at off-street parking meters. A fine already exists for overtime parking at on-street parking meters.

Following approval of this amendment, staff will create an implementation and outreach plan to begin enforcing a two hour limit at broken meters later this year. Outreach and communication to customers will be a crucial component of implementation.

Clipper Card Violation

Currently there is only one Transportation Code section for all transit fare evasion that SFMTA Transit Fare Inspectors and the San Francisco Police Department use to cite for fare nonpayment on the Muni system. The recent roll out of the Clipper card program has changed how transit fare enforcement is conducted. Transit Fare Inspectors carry handheld devices to electronically check Clipper cards to determine if customers have paid. The technology behind the Clipper card makes payment more convenient but also can lend itself to new types of fare evasion. In order to track and prevent Clipper card fraud and best direct fare inspection resources, the SFMTA would benefit by tracking Clipper card fare evasion violations separately. Creating a separate Transportation Code section for Clipper card violations will allow the SFMTA to monitor citation volume and locations separately, allowing for more sophisticated analysis of transit violation trends. The fine amount for Clipper card fare evasion violations will be set at the same amount as other fare evasion violations - \$100.

Press Pass Issuance

Over the last year, the SFMTA has become the sole issuer of parking permits for on-street parking as authorized by Proposition A. In the past, City departments produced their own parking permits allowing employees to park at meters and not pay. Since there were no checks on quantity issued and the types of permits produced, SFMTA Enforcement had no way to identify illegitimate permits. Enforcement was forced to honor dozens of types of permits, many of which could have been easily reproduced or used for personal use rather than only for official City use. Recognizing that the SFMTA is the appropriate agency to control on-street parking permits, now all City department parking permits are consolidated under the SFMTA. SFMTA Enforcement now only recognize one type of official City parking permit for on-street parking. Departments pay for the permit and clearer restrictions limit abuse of these permits.

One of the only remaining types of parking permits not issued by the SFMTA is the vehicle press card for journalists. Currently the SFPD estimates they issue 500 of these permits per year, at a cost of \$50 per year. The permit allows the holder to park at a meter without paying for the duration of a news event, even if it exceeds the time limit for the meter. It works at green, white, and yellow zones, and in Residential Parking Permit areas. Exemptions do not apply within a half mile of holder's residence or place of employment, although that is, in practice, difficult to verify and enforce.

In order to best streamline and enforce on-street parking permits in the City, the SFMTA proposes to become the issuing agency for vehicle press cards as authorized by Proposition A. Decentralized

PAGE 4.

parking permit issuance makes it difficult for the Agency to improve parking management in the City and is not consistent with the City's Charter. As the agency that enforces parking regulations, it is helpful if the SFMTA is also the issuer of on-street parking permits. Under this proposal, the Police Department would continue to issue individual press passes for the purpose of permitting these individuals to be admitted within police lines, and the SFMTA would coordinate with the Police Department to streamline issuance of a vehicle press card for these individuals. Before implementation of this transition, the SFMTA Board will receive information on any changes to this program, including cost and regulations of use.

ALTERNATIVES CONSIDERED

For the broken meter time limit amendment, the SFMTA Board and Policy and Governance Committee previously considered two alternatives: a one hour limit and no parking at broken meters. Those options had the benefit of potentially further reducing the incentive to vandalize a parking meter in order to gain free parking, but a two hour limit was deemed an appropriate compromise between Agency operational needs and maximizing public use of open parking spaces.

For the Clipper card violation legislation, the alternative is to continue to have only one Transportation Code section for fare evasion which fare inspectors enter for all types of fare evasion. Adding a separate violation code for fare evasion using a Clipper card will allow the Agency to use citation data to track and address this unique kind of fare evasion and better direct enforcement resources.

For the vehicle press card amendment, the alternative is that the Police Department continues to issue vehicle press passes but the press vehicles will be subject to enforcement by the SFMTA as recognized by the Proposition A mandate. The SFMTA assuming responsibility for issuing this permit will allow for further consolidation of management of parking permits in the City as authorized by Proposition A. Over the last year, the SFMTA has consolidated other parking permits to eliminate misuse, streamline enforcement, and better manage parking. This amendment would be in line with that policy direction.

FUNDING IMPACT

These actions are expected to be revenue and cost neutral.

PUBLISHED NOTICE AND PUBLIC HEARING

Pursuant to Charter Section 16.112 and the Rules of Order of the Board of Directors, published notice was placed in the City's official newspaper to provide notice that the Board of Directors will hold a public hearing on August 2, 2011 to consider the above modifications. In compliance with these requirements, the advertisement ran in the San Francisco Examiner for a five-day period beginning on July 11, 2011.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

Some of the proposed modifications to the Transportation Code are subject to environmental

PAGE 5.

review under the California Environmental Quality Act (CEQA). The Department of City Planning determined that the fine amounts for violation of overtime parking at off-street parking meters and fare evasion using a Clipper card are statutorily exemption under California Public Resources Code section 21080(b)(8) and CEQA implementing guidelines, Title 14 of the California Code of Regulations section 15273 because the increases will be used to meet operating expenses including employee wage rates and fringe benefits, or to purchase or lease supplies, equipment, or materials. A copy of the Department of City Planning's environmental review determination is on file in the office of the Board Secretary.

Because the vehicle press card change requires modification of the Police Code and establishing a Clipper card violation requires modification to Division I of the Transportation Code, both of which are under the jurisdiction of the Board of Supervisors, their approval is required. It is SFMTA's policy that any items being presented to the Board of Supervisors first be reviewed by the SFMTA Board.

The City Attorney has reviewed the calendar item and the Transportation Code and Police Code modifications. Any other required approvals and/or public notice will be administrated by the Board of Supervisors, since they are governing body required to approve this modification.

RECOMMENDATION

Staff recommends that the SFMTA Board of Directors approve amendments to Transportation Code, Division II, Section 302 to establish an off-street parking meter time limit penalty and a Clipper card fare evasion or fraudulent use penalty, and request that the Board of Supervisors amend Transportation Code, Division I, Article 7 by adding Section 7.2.104 to regulate the use of Clipper cars on Transit Vehicles or in Proof of Payment zones, and amend the Police Code, Sections 939 through 939.7 to transfer authority to issue or regulate vehicle press cards from the San Francisco Police Department to the San Francisco Municipal Transportation Agency (SFMTA).

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, On July 20, 2011, the Board of Supervisors approved an amendment to the Transportation Code, Division I, to establish a two hour maximum time limit for parking at broken or inoperable meters for on-street and off-street parking; and,

WHEREAS, A penalty for violation of the two hour time limit at on-street meters already exists; and,

WHEREAS, The SFMTA Board of Directors is now being requested to set the penalty amount for violation of the two hour time limit at off-street parking meters in Transportation Code, Division II; and,

WHEREAS, Currently there is only one Transportation Code, Division I section for all transit fare evasion violations; and,

WHEREAS, Differentiating fare evasion or fraudulent use of a Clipper card from other fare evasion violations will allow the SFMTA to track, monitor, and target Clipper card violations; and,

WHEREAS, The Board of Supervisors has authority to establish a violation for Clipper card fare evasion or fraudulent use in Transportation Code, Division I; and,

WHEREAS, The SFMTA Board of Directors has authority to set the penalty amount for Clipper card fare evasion or fraudulent use violations in Transportation Code, Division II; and,

WHEREAS, The SFMTA has been working to consolidate Citywide management of parking permits under the SFMTA in order to reduce misuse, streamline issuance, and improve enforcement of on-street parking permits as authorized by Proposition A; and,

WHEREAS, The Police Code currently designates the Police Department as the issuing agency for vehicle press cards; and,

WHEREAS, The Board of Supervisors has the authority to amend the Police Code; and,

WHEREAS, Pursuant to Charter section 16.112 and the Rules of Order of the Board of Directors, published notice was placed in the City's official newspaper to provide notice that the Board of Directors will hold a public hearing on August 2, 2011 to consider the above modifications; and,

WHEREAS, Some of the proposed modifications to the Transportation Code are subject to environmental review under the California Environmental Quality Act (CEQA); and,

WHEREAS, The Department of City Planning has determined that the fine amounts for violation of overtime parking at off-street parking meters and fare evasion using a Clipper card are statutorily exemption from environmental review under California Public Resources Code section 21080(b)(8) and CEQA implementing guidelines, Title 14 of the California Code of Regulations section 15273 because the increases will be used to meet operating expenses including employee wage rates and fringe benefits, or to purchase or lease supplies, equipment, or materials; and,

WHEREAS, A copy of the Department of City Planning's determination is on file in the Secretary's office for the SFMTA Board of Directors; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors approves an amendment to Transportation Code, Division II, Section 302 to establish an off-street parking meter time limit penalty; and, be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors approves an amendment to Transportation Code, Division II, Section 302 to establish a separate transit violation for fare evasion or fraudulent use of a Clipper card; and, be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors recommends approval by the Board of Supervisors of an amendment to the San Francisco Transportation Code, Division I, to add Section 7.2.104 to regulate the use of Clipper cards on Transit Vehicles or in Proof of Payment zones; and, be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors recommends approval by the Board of Supervisors a series of amendments to San Francisco Police Code Sections 939 through 939.7 to repeal the Chief of Police's authority to issue or regulate vehicle press cards.

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

_____.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

[Transportation Code - Penalties for Off-Street Parking Meter Time Limit and Clipper Card Fare Evasion or Fraudulent Use Violations.]

Resolution amending San Francisco Transportation Code, Division II, by amending Section 302 to establish: 1) an off-street parking meter time limit penalty; and 2) a Clipper Card fare evasion or fraudulent use penalty.

NOTE: Additions are single-underline Times New Roman; deletions are ~~strike-through Times New Roman~~.

The Municipal Transportation Agency Board of Directors of the City and County of San Francisco enacts the following regulations:

Section 1. Article 300 of Division II of the Transportation Code is hereby amended by amending Section 302, to read as follows:

Sec. 302. - TRANSPORTATION CODE PENALTY SCHEDULE.

Violation of any of the following subsections of the San Francisco Transportation Code shall be punishable by the fines set forth below.

FORMER CODE SECTION	TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT
PEDESTRIANS AND SIDEWALKS			
Traffic Code Sections 77, 78	Div I 7.2.10	Pedestrian Crossings	\$50.00
Traffic Code Section 104	Div I 7.2.11	Electric Assistive Personal Mobility Devices	\$50.00
Traffic Code Section 96	Div I 7.2.12	Bicycle Riding Restricted	\$50.00
Traffic Code Section 100	Div I 7.2.13	NUV Violation	\$50.00
ON-STREET PARKING			
Traffic Code Section 315(a)	Div I 7.2.20	Residential Parking	\$65.00
Traffic Code Section 37(c)	Div I 7.2.22	Street Cleaning	\$55.00

FORMER CODE SECTION	TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT
Traffic Code Section 202.1	Div I 7.2.23(a)	Parking Meter-Downtown Core	\$65.00
Traffic Code Section 202	Div I 7.2.23(b)	Parking Meter-Outside Downtown Core	\$55.00
Traffic Code Section 38A	Div I 7.2.25	Red Zone	\$90.00
Traffic Code Sections 38B, 38B.1	Div I 7.2.26	Yellow Zone	\$75.00
Traffic Code Section 38C	Div I 7.2.27	White Zone	\$90.00
Traffic Code Section 38D	Div I 7.2.28	Green Zone	\$65.00
Traffic Code Section 37(a)	Div I 7.2.29	Parking for Three Days	\$90.00
Traffic Code Section 32(c)(1)	Div I 7.2.30(a)	Overtime Parking Core	\$65.00
Traffic Code Section 32(c)(2)	Div I 7.2.30(b)	Overtime Parking Outside Downtown Core	\$55.00
Traffic Code Sections 32.13, 55	Div I 7.2.32	Angled Parking	\$50.00
Traffic Code Section 32.21	Div I 7.2.33	Blocking Residential Door	\$38.00
Traffic Code Section 56	Div I 7.2.34	Median Dividers and Islands	\$65.00
Traffic Code Section 58(a)	Div I 7.2.35	Parking on Grades	\$50.00
Traffic Code Section 61	Div I 7.2.36	100 Feet Oversize	\$65.00
Traffic Code Sections 27, 219	Div I 7.2.37	Motorcycle Parking	\$90.00
Traffic Code Sections 33.5, 39(b), 66	Div I 7.2.38	Parking in Stand	\$90.00
Traffic Code Section 53(a)	Div I 7.2.39	Parking Transit-Only	\$105.00
Traffic Code Section 32(a)(1)	Div I 7.2.40	Tow-Away Zone-Downtown Core	\$85.00
Traffic Code Section 32(a)(2)	Div I 7.2.41	Tow-Away Zone-Outside Downtown Core	\$75.00
Traffic Code Section 32(b)	Div I 7.2.42	Parking Restrictions	\$75.00

SFMTA BOARD OF DIRECTORS

8/1/2011

FORMER CODE SECTION	TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT
Traffic Code Section 32, 32.1, 32.1.1, 32.1.2, 32.1.3, 32.1.11, 32.1.4, 32.1.7, 32.1.9, 32.1.10, 32.2, 32.2.1, 32.2.2, 32.2.3, 32.3, 32.3.1, 32.4.2(b), 32.5, 32.6, 32.6.2, 32.6.3, 32.6.5, 32.6.6, 32.6.7, 32.6.8, 32.6.11, 32.6.13, 32.6.16, 32.6.18, 32.6.19, 32.6.20, 32.6.21, 32.6.22, 32.6.23, 32.6.24, 32.6.25, 32.6.26, 32.6.27, 32.6.28, 32.6.29, 32.6.30, 32.6.31, 32.6.32, 32.6.34, 32.6.35	Div I 7.2.43	Parking-Public Property	\$55.00
Traffic Code Sections 32.4, 32.4.1	Div I 7.2.44	Parking-Candlestick Park	\$55.00
Traffic Code Section 33(c)	Div I 7.2.45	Temporary Parking Restriction	\$55.00
Traffic Code Section 33.1	Div I 7.2.46	Temporary Construction Zone	\$55.00
Traffic Code Section 21	Div I 7.2.47	Remove Chalk	\$105.00
Traffic Code Section 65	Div I 7.2.48	Repairing Vehicle	\$70.00
Traffic Code Sections 315(c), 412(c), 712(c)	Div I 7.2.49	Permit on Wrong Car	\$105.00
Traffic Code Sections 315(d), 412(d), 712(d)	Div I 7.2.50	Invalid Permit	\$105.00
Traffic Code Sections 32.4.2(b), 32.14, 58(c)	Div I 7.2.51	Parking Marked Space	\$50.00
OFF-STREET PARKING			
Traffic Code Sections 32.10, 32.11	Div I 7.2.60	Parking Facility Charges	\$50.00
Traffic Code Section 32.15	Div I 7.2.61	Entrance/Exit Parking Facility	\$100.00
Traffic Code Section 32.14	Div I 7.2.62	Blocking Space Parking Facility	\$50.00
Traffic Code Section 32.16	Div I 7.2.63	Speeding within Parking Facility	\$100.00

SFMTA BOARD OF DIRECTORS

8/1/2011

h:\Oundercon\110801 mta item 10.7 update\20110802 e version calendar item- broken meter clipper press vehicle card (2).doc

FORMER CODE SECTION	TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT
Traffic Code Section 32.21A	Div I 7.2.64	Block Charging Bay	\$105.00
<u>Not Applicable (1 of 2)</u>	<u>Div I 7.2.65</u>	<u>Overtime Parking - Off-Street Parking Meter</u>	<u>\$55.00</u>
<u>Not Applicable (2 of 2)</u>	Div II 1009	SFMTA Property	\$55.00
TRAFFIC REGULATIONS			
Traffic Code Section 70	Div I 7.2.70	Obstruction of Traffic-Vehicle	\$50.00
Traffic Code Section 194.3	Div I 7.2.71	Obstruction of Traffic Without Permit	\$500.00
Traffic Code Section 194.3	Div I 7.3.3	Obstruction of Traffic Without Permit	\$1,000, or 6 months in jail, or both (4th or more offenses within one year)
Traffic Code Sections 31, 31.2	Div I 7.2.72	Driving in Transit-Only Area	\$60.00
Traffic Code Section 103	Div I 7.2.73	Driving Through Parades	\$100.00
Traffic Code Section 121	Div I 7.2.74	Streetcar Right-of-Way	\$100.00
Traffic Code Section 122	Div I 7.2.75	Passing Safety Zones	\$100.00
Traffic Code Section 25	Div I 7.2.76	Removal of Vehicles-Collision	\$100.00
Traffic Code Sections 28.1	Div I 7.2.77	Weight Restricted Streets	\$100.00
COMMERCIAL VEHICLES			
Traffic Code Section 63.2	Div I 7.2.80	Vehicles for Hire Parking	\$105.00
Traffic Code Section 63.3	Div I 7.2.81	Advertising Sign	\$105.00
Traffic Code Section 68	Div I 7.2.82	Selling from Vehicle	\$100.00 (1st offense) \$200.00 (2nd offense w/in 1 year) \$500.00 (3rd offense w/in 1 year)
Traffic Code Sections 33.3, 33.3.2	Div I 7.2.83	Truck Loading Zone	\$75.00
Traffic Code Sections 63, 63(A), 63.1	Div I 7.2.84	Commercial Vehicle Parking Restrictions	\$105.00

SFMTA BOARD OF DIRECTORS

8/1/2011

h:\Oundercon\110801 mta item 10.7 update\20110802 e version calendar item- broken meter clipper press vehicle card (2).doc

FORMER CODE SECTION	TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT
Traffic Code Section 60.5	Div I 7.2.86	Idling Engine While Parked	\$100.00
Police Code Sections 1183-1183.40	Div I 7.2.87	Commercial Passenger Vehicle Street Restrictions	\$100.00 (1st offense); \$200.00 (2nd offense w/in 1 year); \$500.00 (3rd offense w/in 1 year)
Police Code Section 710.2	Div. I 7.2.88	For Sale Sign	\$50.00
TRANSIT VIOLATIONS			
Traffic Code Section 127	Div I 7.2.101	Fare Evasion	\$100.00 (1st offense) \$250.00 (2nd offense w/in 1 year) \$500.00 (3rd offense w/in 1 year)
Traffic Code Section 128	Div I 7.2.102	Passenger Misconduct	\$100.00 (1st offense) \$250.00 (2nd offense w/in 1 year) \$500.00 (3rd offense w/in 1 year)
Traffic Code Section 128.5	Div I 7.2.103	Conversing with Operator	\$50.00
<u>Not Applicable</u>	<u>Div I 7.2.104</u>	<u>Fare Evasion - Clipper Card</u>	<u>\$100.00</u>

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
JOHN I. KENNEDY
Deputy City Attorney

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of August 2, 2011.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

SFMTA BOARD OF DIRECTORS

8/1/2011

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

[Transportation Code – Clipper Card Regulations]

Ordinance amending Article 7 of the San Francisco Transportation Code, Division I, by adding Section 7.2.104 to regulate the use of Clipper cards on Transit Vehicles or in Proof of Payment Zones.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article 7 of the San Francisco Transportation Code is hereby amended by adding Section 7.2.104, to read as follows:

SEC. 7.2. - INFRACTIONS.

In addition to public offenses created by the Vehicle Code, the actions listed in this Section 7.2 are prohibited, and each and every violation of a prohibition listed below shall be an infraction, except as otherwise provided in: (a) this Code; or (b) the Vehicle Code; or (c) as necessary to comply with the direction of a Police Officer or Parking Control Officer; or (d) with respect to a Municipal Parking Facility, upon the direction of an authorized parking attendant; or (e) with respect to any other Public Property, except with the permission of, and subject to such conditions and regulations as are imposed by the agency that owns the property that are available for public inspection at the agency's offices.

SEC. 7.2.104. CLIPPER CARD REGULATIONS.

FILE NO.

ORDINANCE NO.

1 (a) To fail to display a valid Clipper card at the request of any authorized
2 representative of the transit system or duly authorized peace officer while on a transit
3 vehicle or in a Proof of Payment Zone.

4 (b) To misuse any Clipper card with the intent to evade the payment of any fare.

5
6 (c) To knowingly use or attempt to use any illegally printed, duplicated, or
7 otherwise reproduced Clipper card for entry onto any transit vehicle or into any transit
8 station with the intent of evading payment of a fare.

9
10
11 (d) For any unauthorized person to use a discount Clipper card or fail to present,
12 upon request from a system fare inspector, acceptable proof of eligibility to use a
13 discount Clipper card.

14
15
16 APPROVED AS TO FORM:
17 DENNIS J. HERRERA, City Attorney

18
19
20 By: _____
21 JOHN I. KENNEDY
22 Deputy City Attorney

1
2
3
4
5
6
7
8
9
10

LEGISLATIVE DIGEST

[Police Code – Vehicle Press Cards]

Ordinance amending San Francisco Police Code Sections 939, 939.1, 939.3, 939.5, and 939.7, and repealing Sections 939.2, 939.4, and 939.6 to remove the Chief of Police's authority to issue or regulate Vehicle Press Cards.

11
12
13
14
15
16
17
18
19
20

Existing Law

Under existing law, the Chief of Police is authorized to establish procedures for the application, issuance, reissuance, and revocation of Vehicle Press Cards to News-Gathering Vehicles. Display of a Vehicle Press Card exempts a parked vehicle from residential parking time restrictions, payment at parking meters, yellow and white curb zone restrictions, and overtime parking restrictions if the employee is on duty and the vehicle is parked the required distance from the employee's place of employment or residence. The Chief of Police collects all permit fees associated with administering the program.

21
22
23
24
25

Amendments to Current Law

This legislation would remove the Chief of Police's authority to issue or regulate Vehicle Press Cards.

Background Information

The Charter grants the SFMTA exclusive authority to adopt regulations to limit parking and establish parking privileges and locations subject to such privileges. If these Police Code provisions are amended, the SFMTA intends to adopt legislation to establish procedures for the application, issuance, reissuance, and revocation of Vehicle Press Permits to News-Gathering Vehicles and regulate the use of such permits. The SFMTA would set the permit fee and collect all revenues associated with administering the program.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

[Police Code – Vehicle Press Cards]

Ordinance amending San Francisco Police Code Sections 939, 939.1, 939.3, 939.5, and 939.7, and repealing San Francisco Police Code Sections 939.2, 939.4, and 939.6 to remove the Chief of Police's authority to issue or regulate Vehicle Press Cards.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article 13 of the San Francisco Police Code is hereby amended by amending Sections 939, 939.1, 939.3, 939.5, and 939.7, to read as follows:

SEC. 939. ISSUANCE OF PRESS CARDS.

The Chief of Police is hereby authorized to issue press cards ~~and Vehicle Press Cards~~ to newsgatherers, reporters and photographers in the actual and bona fide employment of a newspaper or periodical, for the purpose of securing their admittance within all police lines in ~~this~~ City and County of San Francisco.

The Chief of Police shall establish procedures for ~~the~~ applications, issuance, expiration, reissuance, and revocation of ~~for~~ press cards ~~and Vehicle Press Cards, as well as for their issuance, expiration, re-issuance and revocation~~. Such procedures shall include, at a minimum, the requirement that applications be in writing, that press cards must include a clear photo of the person to whom it is issued, and that press cards be carried ~~on the~~ by the person ~~and Vehicle Press Cards be displayed on the vehicle in the control of or operated by an employee of the newspaper, radio or television station to which it was issued~~ to whom it is issued in order to exercise the newsgathering privileges described in Sections 939-939.5.

1 All press cards ~~and Vehicle Press Cards~~ issued under this Section shall have a term of
2 one year. Expiration and re-issuance of press cards ~~and Vehicle Press Cards~~ shall be governed
3 by procedures to be established by the Chief of Police.
4

5
6 A record of the issuance of such press cards shall be kept in the office of the Chief of
7 Police, with the date of issuance, the photograph, name and contact information of the person
8 to whom issued, and the unique number of the card. The Chief of Police may at any time
9 revoke the privilege attached to any or all such cards. Unless revoked, the privilege attached
10 to such cards shall automatically terminate on the date of expiration, such expiration date to
11 be determined as hereinabove indicated.
12

13
14 Such cards shall not be transferable and it shall be unlawful for any person to use or
15 have in his or her possession any such card unless the same was issued to that person by the
16 Chief of Police; or to use any such card after the privilege attached thereto has terminated or
17 been revoked. It shall likewise be unlawful for any person to use any such card while such
18 person is not in the actual and bona fide employment of a newspaper or periodical as a
19 newsgatherer, reporter, or photographer while gathering information or images for use in the
20 news.
21

22 **SEC. 939.1. DEFINITIONS.**

23 *For the purposes of Sections 939-939.5 As used in this Article, the following definitions shall*
24 apply:
25

(a) News-Gathering Vehicle. A News-Gathering Vehicle is a motor vehicle for which a
Vehicle Press ~~Card~~Permit has been issued by the ~~Chief of Police~~Municipal Transportation Agency
while the vehicle is in the control of a newspaper, radio or television station, or is being
operated by an employee of a newspaper, radio or television station whose primary duty is to
gather or photograph news events while gathering information or images for use in the news.

1 (b) Vehicle Press ~~Card~~Permit. A Vehicle Press ~~Card~~Permit is an *identification*
2
3 *card*parking permit issued on a form approved and signed by the Chief of PoliceMunicipal
4 Transportation Agency for the use of an authorized News-Gathering Vehicle.
5

6
7 **SEC. 939.32. DISPLAY OF PRESS CARD.**

8 A person who displays a valid press card issued by the Chief of Police to that person
9 pursuant to the provisions of Section 939 of this Article shall be entitled to pass behind police
10 lines in a vehicle that does not have a Vehicle Press ~~Card~~Permit; provided, however, that such
11 access may be denied at the discretion of the Chief of Police to protect the public health,
12 safety or welfare.
13

14
15
16
17 **SEC. 939.53. FEE FOR ~~VEHICLE~~ PRESS CARD.**

18 The Chief of Police may collect a permit fees for issuing press cards ~~and Vehicle Press~~
19 ~~Cards~~ in order to recover costs of administering the program.
20

21
22 **SEC. 939.74. PENALTY.**

23 Any person violating any provision~~s~~ of Sections 939 through 939.63 of this Article shall
24 be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine
25 not to exceed \$25 or by imprisonment in the County Jail not exceeding 10 days, or by both
such fine and imprisonment.

Section 2. Article 13 of the San Francisco Police Code is hereby amended by
repealing Sections 939.2, 939.4, and 939.6, to read as follows:

~~SEC. 939.2. ISSUANCE OF VEHICLE PRESS CARD.~~

~~The Chief of Police shall issue one or more Vehicle Press Cards to a newspaper, radio or
television station upon receipt of an application signed by the managing editor, station manager, or
person of equivalent managerial responsibility, of the newspaper, radio or television station. The
application shall be on a form approved by the Chief of Police. The application shall require the~~

1 applicant to verify in writing that each requested Vehicle Press Card is for either (a) an identified
2 vehicle owned and operated by the newspaper, radio or television station and used primarily for the
3 gathering of news, or (b) a person holding a full-time position with that organization whose duties
4 primarily involve the actual gathering of news outside of the organization's main office. Each such
5 organization with 12 or more full-time employees may also apply for one temporary Vehicle Press
6 Cards, and each such organization with 25 or more full-time employees may also apply for two
7 temporary Vehicle Press Cards, which Vehicle Press Cards shall be of a distinguishing color and
8 which may be assigned by the newspaper, radio or television station on an as-needed basis to
9 temporary or free-lance reporters or photographers while they are engaged in news gathering for that
10 newspaper, radio or television station, subject to the other restrictions on use set forth in this Article. In
11 the event the temporary Vehicle Press Cards are being used by a newspaper, radio or television station
12 in a manner inconsistent with the provisions of this Article, the Chief of Police shall have the
13 discretion, after a hearing to consider evidence of such misuse and testimony from the newspaper,
14 radio or television station and other interested persons, to revoke any or all Vehicle Press Cards then
15 issued to such organization. All Vehicle Press Cards shall expire at the end of each calendar year, and
16 a new application must be submitted for reissuance of the card for the following calendar year. The
17 Chief of Police may request supporting documentation or evidence to verify any information supplied
18 on an application for a Vehicle Press Card, including verification of an employee's newsgathering
19 duties. Print media outlets whose publications are not published more frequently than once per month
20 shall not be eligible to receive Vehicle Press Cards.
21
22
23
24
25

SEC. 939.4. GENERAL PROVISIONS.

Nothing in this Article shall relieve the operator and/or owner of a News-Gathering Vehicle or the newspaper, radio or television station that holds a Vehicle Press Pass for such a vehicle from the duty to operate and Park the vehicle with due regard for access of Fire Department vehicles to any property, and to the safety of all persons and vehicles, nor shall these provisions protect the owner of

1 ~~the newspaper, radio or television station from the consequences of reckless disregard for the safety of~~
2
3 ~~others.~~

4
5 **~~SEC. 939.6. LOCATIONS FOR NEWS-GATHERING VEHICLES.~~**

6 ~~Provided that the News-Gathering Vehicle complies with all other applicable requirements, a~~
7
8 ~~News-Gathering Vehicle may park where authorized by the Transportation Code, Division II, Section~~
9
10 ~~106 (Exemptions).~~

11
12 APPROVED AS TO FORM:
13 DENNIS J. HERRERA, City Attorney

14
15 By: _____
16 JOHN I. KENNEDY
17 Deputy City Attorney
18
19
20
21
22
23
24
25