

MEMORANDUM

DATE: August 31, 2012

TO: Policy and Governance Committee
Jerry Lee, Chairman
Cheryl Brinkman, Director
Joél Ramos, Director

THROUGH: Edward D. Reiskin
Director of Transportation

FROM: Bond M. Yee
Director of Sustainable Streets

SUBJECT: Limousine Parking Regulations

This is a summary of existing regulations and policy options concerning the parking of limousines in residential areas. This item was requested for discussion by the SFMTA Board of Directors Policy and Governance Committee following a constituent complaint about a parking citation for parking a limousine in a residential area. The person has requested to the SFMTA and to the Board of Supervisors that residents who own and operate a limousine as a business should be able to park that vehicle close to home.

Present Regulations

It is currently prohibited for a vehicle registered as a limousine (also known as vehicles with livery plates) to park in residential areas. Transportation Code, Division I, Section 7.2.80 makes it an infraction:

For the operator of any vehicle for hire that is registered or required to be registered with the California Public Utilities Commission to leave any such vehicle unattended in any street in a RH-1(D), RH-1, RH-2, RH-3, RH-4, RM-1, RM-2, RM-3, RM-4 or P Use District, or for any Taxi to remain parked in such districts for a period in excess of four (4) hours.

The restriction on limousine parking was originally approved by the Board of Supervisors in 2001 as part of Ordinance 242-01. The 2001 ordinance added a new Section 63.2 to the then Traffic Code making it illegal to park a limousine (or vehicle for hire registered with the California Public Utilities Commission) in residentially-zoned districts. The 2001 ordinance was silent on the on-street parking of taxis, something that was already prohibited on residential areas through administrative regulations adopted by the Taxi Commission applicable to taxi permit holders.

In 2009 the Transportation Code was amended (Ordinance 231-09) to add language to 7.2.80 (formerly TC 63.2) to establish a four-hour time limit for taxis parking in residentially-zoned areas. It should be noted that the former Taxi Commission regulations became part of Division II, Article 1100 of the Transportation Code when the SFMTA took over the regulation of the taxi industry from the Taxi Commission in 2009. The four-hour parking prohibition as applied to taxis (but not limousines, which are not regulated under Article 1100), is also set forth in Section 1105:

SEC. 1105. GENERAL PERMIT CONDITIONS. (9) (13) Shift Change at Color Scheme Required for All Vehicles; Unattended Vehicles. All Permit Holders shall ensure that taxi vehicles that they operate begin and end all shifts at the Color Scheme's place of business, except with the prior written approval of the SFMTA. When a vehicle is not being operated for hire, the Permit Holder shall either leave the vehicle at the Color Scheme's place of business or make a written request for SFMTA approval of an alternative location that is off the public street and sidewalk. No Taxi vehicle may be left unattended on a public street for more than four hours.

The reason for repeating the Division I, Section 1105 administrative violation in Division I, Section 7.2.80 of the Transportation Code is so that parking violations by taxis (that is, parking in residential areas for more than four hours) may be enforced by SFMTA Parking Control Officers.

In the past fiscal year that just ended, an estimated 75 livery plate limousines were charged with a violation of this ordinance. The parking violation carries a fine of \$110. Limousines are not currently allowed to obtain Residential Parking Area permits.

Policy Options

Short of allowing limousines the same residential parking privileges as private vehicles (which SFMTA staff does not recommend), there are two policy options that the Policy and Governance Committee can consider.

Option A. Amend Transportation Code Section 7.2.80 to provide limousine vehicles a time limit to park in residential streets

This proposal would require the Board of Supervisors to amend Section 7.2.80 to establish a maximum time limit for limousines in residential areas (such as four hours), rather than the present no parking restriction. Residents who own such vehicles could do business or private errands from home without the concern of receiving tickets from merely being parked in a residential street. Non-residents would be able to leave limousines unattended in residential areas as well for the legislated period of time. Both residents and non-residents would have to abide by any posted Residential Permit Parking (RPP) Area restrictions, as we would not recommend issuing RPP permits to limousines.

Option B. Leave legislation unchanged

Under this option, the Transportation Code would remain unchanged. It would continue to be illegal to park and leave unattended a limousine in a residential area. The SFMTA Board of Directors Policy and Governance Committee would make a policy recommendation not to amend the Transportation Code, which would represent SFMTA's position on this matter.

In making a recommendation we believe Policy and Governance Committee members should consider the following issues when discussing this item at the September 14th meeting:

- Other commercial vehicles are restricted from parking in residential areas as well, but these restrictions apply to vehicles over 10,000 pounds gross vehicle weight rating (that is, vehicles larger than a typical four-door passenger vehicle).
- Current regulations prevent the use of a limousine by San Francisco residents who do not have off-street parking in their buildings from using their limousine for personal errands and commuting.
- The present regulation has been in place for more than ten years. In that time staff is aware of few complaints about its effect on limousine operations.
- Eliminating the present restriction on limousine parking would lead to additional limousines competing with residents for parking spaces citywide, which could result in constituent complaints about the Agency's change in regulations.
- Limousine operators should be encouraged to make arrangements for layover, parking, or rest areas that are not on residential streets. Relaxing existing regulations makes it more attractive to use residential streets for commercial purposes.
- The SFMTA does not have the same ability to regulate limousine operations the way it can through the rules and regulations for taxis established in Section 1100 of the Transportation Code. The SFMTA has no control over the number of limousines registered in the State or where they can operate.
- Currently if Parking Enforcement receives a limousine parking complaint or notices a violation, the ticket can be issued immediately. Under Option A, the Agency would have to chalk or monitor the vehicle and issue a citation after the time has expired. This regulation would be particularly difficult to enforce at night and during off-peak hours when resources are at their lowest.
- The time limit may decrease the deterrent effect of the law since a limousine parked on a residential street would no longer automatically be illegally parked. The difficulties in enforcing the time limit could result in additional violations of these parking regulations, increasing the likelihood of constituent complaints.

cc: SFMTA Board of Directors