

**SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY**

**DIVISION:** Finance & Information Technology

**BRIEF DESCRIPTION:** Adopt the proposed fines and penalties for various disabled parking violations and amend Transportation Code, Division II, Section 303 to reflect the revised fine and penalty amounts.

**SUMMARY:**

- Governor Schwarzenegger signed AB 144 into law which amends the California Vehicle Code to address the problem of disabled parking placard abuse. The effective date of the legislation is January 1, 2010.
- AB 144 authorizes the SFMTA to adopt increased fines and penalties for various disabled parking violations.
- Abusers of disabled placards cause hardship for disabled persons with valid placards by preventing them from finding accessible parking.
- AB 144 allows SFMTA parking enforcement officers to cite disabled parking violations through issuing a parking citation.
- AB 144 authorizes a civil penalty of not less than \$250 and not more than \$1,000 for parking in a blue zone without a valid license plate or placard, the misuse of a special license plate or placard, the use of a counterfeit, forged, altered or mutilated placard or special license plate, and the use of a valid license plate or placard when it is displayed on a vehicle that is not being used to transport, and is not in the reasonable proximity of, the person to whom the special license plate or placard was issued.
- Charter Section 16.112 requires published notice and a public hearing before the SFMTA may institute or change any fee, schedule of rates, charges or fares which affects the public. Section 10 of the SFMTA Board’s Rules of Order requires that the published notice run for at least five days and not less than fifteen days prior to the public hearing. In compliance with these requirements, an advertisement ran in the San Francisco Chronicle for a five-day period beginning on December 14, 2009.

**ENCLOSURES**

1. SFMTAB Resolution to Amend Fees
2. Amendments to the San Francisco Transportation Code
3. Attachment A – Legislative Fact Sheet

**APPROVALS:**

**DATE**

DEPUTY OF DIVISION

PREPARING ITEM \_\_\_\_\_

FINANCE \_\_\_\_\_

EXECUTIVE DIRECTOR/CEO \_\_\_\_\_

SECRETARY \_\_\_\_\_

ADOPTED RESOLUTION BE RETURNED TO Sonali Bose

ASSIGNED SFMTAB CALENDAR DATE: \_\_\_\_\_

**Purpose**

Requesting that the San Francisco Municipal Transportation Agency (SFMTA) Board of Directors approve the proposed fines and penalties for various disabled parking violations and amend Transportation Code, Division II, Section 303.

**Goal**

Approval of the proposed resolution will support: Strategic Plan Goals

- Goal 3: External Affairs/Community Relations-to improve the customer experience, community value and enhance the image of the SFMTA and
- Goal 4: Financial Capacity-to ensure financial stability and effective resource allocation.

**Description**

The SFMTA Board of Directors included increases to various fees, fares, charges, rates and fines in the adoption of the two-year budget for fiscal years 2008-2009 and 2009-2010 .

On April 30, 2009, the SFMTA Board of Directors approved the fiscal year 2009-2010 Amended Operating budget that included additional increases or adjustments to various fees, fares, charges, rates and fines; however, there were no adjustments to the fines and penalties for disabled parking violations. Since that approval, state law has been changed to permit increased fines and penalties for such violations.

On October 11, 2009, Governor Schwarzenegger signed into law AB 144. The overall goal of AB 144 is to improve access, mobility, and quality of life for drivers with disabilities by authorizing increased fines and penalties for disabled parking violations. AB 144 authorizes cities to determine whether disabled parking violations are subject to either a criminal or civil penalty or increases the possible fine amounts for such violations if subject to a civil penalty.

As a result, SFMTA staff is proposing that a civil penalty of \$750 be imposed for violations of California Vehicle Code sections 22511.57, and an additional assessment of 10% be imposed for violations of Sections 22507.8, 22511.57 and 22522 as mandated by California Vehicle Code 40203.6. (Please refer to chart below to see the new fee total including the 10% penalty when applicable.)

<b>CODE</b>	<b>DESCRIPTION</b>	<b>BASE FINE plus 10%</b>
VC22507.8A	Parking in blue zone without placard/plate	\$333.00
VC22507.8B	Blocking access to blue zone	\$333.00
VC22507.8C	Parking in the crosshatch area adjacent to a blue zone	\$333.00
VC22511.57A	Lost, stolen or expired placard/plate	\$825.00

CODE	DESCRIPTION	BASE FINE plus 10%
VC22511.57B	Misuse of placard/plate	\$825.00
VC22511.57C	Counterfeit, Forged or Altered placard/plate	\$825.00
VC22522	W/3 ft Wheelchair Ramp	\$278.00

**Alternatives Considered**

Alternatives were not considered since these fine and penalty increases are authorized by state law.

**Funding Impact**

We anticipate that the increased fines will result in a modest increase to the revenues in the 2009-2010 Amended Operating Budget.

**Published Notice and Public Hearing**

Charter Section 16.112 requires published notice and a public hearing before the SFMTA may institute or change any fee, schedule of rates, charge or fare which affects the public. Section 10 of the SFMTA Board’s Rules of Order requires that the published notice run for at least five days and not less than fifteen days prior to the public hearing. In compliance with this requirement, an advertisement ran in the San Francisco Chronicle for a five-day period beginning on December 14, 2009.

**Environmental Clearance**

Increases to fares, fees, rates, fines, and charges are subject to environmental review under the California Environmental Quality Act (CEQA). City Planning has determined that the increases to the fines and penalties for disabled parking violations are statutorily exempt 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.

The City Attorney’s Office has reviewed the item.

**Recommendation**

Staff recommends that the SFMTA Board approve the proposed increase to fines and penalties for various disabled parking violations and amend Transportation Code, Division II, Section 303 to reflect the revised fine and penalty amounts.

**SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS  
RESOLUTION No. \_\_\_\_\_**

WHEREAS, On April 15, 2008, the SFMTA Board of Directors approved a two year budget which included increases to various fees, fares, rates and charges; and,

WHEREAS, The SFMTA is proposing to increase fines and penalties for various disabled parking violations as permitted by the recently enacted AB 144; and,

WHEREAS, The SFMTA Board of Directors has authority to amend Division II of the Transportation Code, and,

WHEREAS, Amendment to Division II, Section 303 is necessary to update the applicable fines and penalties for various disabled parking violations, and,

WHEREAS, San Francisco City Charter Section 16.112 and Section 10 of the SFMTA Rules of Order require that published notice be given and a public hearing be held before any fine or penalty is instituted or changed; and,

WHEREAS, Pursuant to Charter Section 16.112 and Section 10 of the SFMTA Rules of Order, published notice was provided in advance and a public hearing was held on January 5, 2010; and,

WHEREAS, The Planning Department has determined that increases to fines and penalties for various disabled parking violations are statutorily exempt 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; and,

WHEREAS, Said CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by this reference; and,

RESOLVED, That the SFMTA Board of Directors approves the proposed increase to fines and penalties for various disabled parking violations and amends Transportation Code, Division II, Section 303 to reflect the increased fines and penalties which will take immediate effect.

I certify that the foregoing resolution was adopted by the Municipal Transportation Agency Board of Directors at their meeting of \_\_\_\_\_.

\_\_\_\_\_  
Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency

[Revisions to Division II of the San Francisco Transportation Code.]

**Resolution amending San Francisco Transportation Code, Division II, by amending Section 303 to update the penalty schedule to reflect penalty amounts for violations of the California Vehicle Code.**

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 303, to read as follows:

**SEC. 303. CALIFORNIA VEHICLE CODE PENALTY SCHEDULE.**

Violation of any of the following subsections of the Vehicle Code (VC) shall be punishable by the fines set forth below. The fine amounts listed in this Section 303 shall apply to any citation issued using a former Traffic Code section number that is listed next to the corresponding Vehicle Code section below.

TABLE INSET:

<b>CODE</b>	<b>DESCRIPTION</b>	<b>FINE</b>
VC4462B	Improper Registered Plates	\$53.00
VC4464	Altered Plates	\$53.00
VC5200	Display License Plates	\$103.00
VC5201	Plates/Mounting	\$63.00
VC5201F	Plate Cover	\$63.00
VC5202	No Plates	\$63.00

FILE NO.

RESOLUTION NO.

CODE	DESCRIPTION	FINE
VC5204A	Tabs	\$63.00
VC21113A	School/Pub Ground	\$58.00
VC21211 (38N)	Bicycle Path/Lanes	\$103.00
VC22500A	Parking in Intersection	\$88.00
VC22500B	Parking in Crosswalk	\$88.00
VC22500C	Safety Zone	\$88.00
VC22500D	15 ft Fire Station	\$88.00
VC22500E	Driveway	\$88.00
VC22500F	On Sidewalk	\$103.00
VC22500G	Excavation	\$48.00
VC22500H	Double Parking	\$78.00
VC22500I	Bus Zone	\$253.00
VC22500J	Tube or Tunnel	\$48.00
VC22500K	Bridge	\$48.00
VC22500L	Wheelchair Access	\$253.00
VC22500.1(32.4.A)	Parking in Fire Lane	\$63.00
VC22502A	Over 18 inches from Curb	\$48.00
VC22502B	Wrong Way Parking	\$48.00
VC22502E	One-Way Road/Parking	\$48.00
VC22505B	Signs	\$48.00
VC22507.8A	<del>Disabled Parking</del> Parking in blue zone without placard/plate	<del>\$303.00</del> \$333.00*

FILE NO.

RESOLUTION NO.

CODE	DESCRIPTION	FINE
VC22507.8B	<del>Disabled Parking</del> Blocking access to blue zone	<del>\$303.00</del> \$333.00*
VC22507.8C	<del>Disabled Parking</del> Parking in the crosshatch area adjacent to a blue zone	<del>\$303.00</del> \$333.00*
VC22511.57A	Lost, stolen or expired Placard/plate	<del>\$103.00</del> \$825.00*
VC22511.57B	Misuse of placard/plate	\$825.00*
VC22511.57C	Counterfeit, Forged or Altered placard/plate	\$825.00*
VC22514	Fire Hydrant	\$88.00
VC22515A	Unattended Motor Vehicle	\$73.00
VC22515B	Unsecured Motor Vehicle	\$73.00
VC22516	Locked Vehicle	\$58.00
VC22521	Railroad Tracks	\$78.00
VC22522	W/3 ft Wheelchair Ramp	<del>\$253.00</del> \$278.00*
VC22523A	Abandoned Vehicle/Highway	\$213.00
VC22523B	Abandoned Vehicle/Public or Private Prop	\$213.00
VC22526A	Blocking Intersection	\$88.00
VC22526B	Blocking Intersection While Turning	\$103.00
VC23333	Park/Vehicle Crossing	\$73.00

\* This fine included a 10% additional penalty assessment as mandated by California Vehicle Code 40203.6.

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

FILE NO.

RESOLUTION NO.

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 \_\_\_\_\_

\_\_\_\_\_  
Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency



Attachment A  
AB 144  
Legislative Fact Sheet

AB 144 (Ma) amends the California Vehicle Code in an effort to address the problem of disabled parking placard abuse.

There are 23 million registered drivers in the State of California and over 2.3 million of them have disabled placards. Between 1997 and 2007 there was a 131% increase in the number of disabled placards issued in California.<sup>1</sup>

Abusers of disabled placards cause hardship for disabled persons with valid placards by preventing them from finding accessible parking. Additionally, placard abusers prevent non-disabled patrons from parking at legally designated locations by using the placard to park for free with no time restrictions.

The overall goal of AB 144 (Ma) is to improve access, mobility, and quality of life for drivers with disabilities by implementing meaningful penalties as a means of providing disincentive for illegal use of accessible parking spaces.

Additionally, this bill would allow parking enforcement officers to enforce abuses of disabled parking privileges through the issuance of a parking citation or civil penalty to a vehicle. The adjudication of those civil penalties is governed by the same civil administrative procedures, or citation protest process, currently outlined in the California Vehicle Code. The proposed amendments will not take away any legislated authorization for the proper authorities to issue a misdemeanor violation.

Disabled Placard Issuance and Enforcement:

Under the California Vehicle Code, disabled parking placards are issued by the Department of Motor Vehicles (DMV) with no input or oversight at the local level. Compared to many states, California has very broad guidelines for medical practitioners who authorize the issuance of placards by the DMV. The DMV does not monitor trends in disabled placard issuance, nor does it regularly investigate medical practitioners who authorize an unusually high number of placards.

Accordingly, enforcement is the only effective mechanism currently available to many local jurisdictions in the effort to curtail abuse of disabled parking privileges. The City and County of San Francisco is one such jurisdiction that has struggled to keep up with enforcing the abuse. For more than a decade, the San Francisco Municipal Transportation Agency (SFMTA) has maintained a special parking enforcement unit to seek out and cite instances of abuse of disabled parking privileges. Members of the unit are specially trained in issues associated with disabled parking enforcement, such as understanding that holders of disabled parking privileges may have hidden disabilities.

Background placard and parking statistics for the City and County of San Francisco:

- **50,700<sup>2</sup>** - Disabled placards in San Francisco County as of August 2007.
- **121%<sup>3</sup>** - Increase in the number of disabled placards issued between 1997 and 2007.
- **17%<sup>4</sup>** - Increase in the number of cars registered between 1997 and 2007.
- **24,000** - Spaces with meters in 2007.
- **1,234** - Placards confiscated in the City and County of San Francisco between September of 2007 and September of 2008.

AB 144 (Ma) amendments:

- Proposed Vehicle Code amendment to authorize a penalty of up to \$1000 for parking in a blue zone without a valid license plate or placard or for the misuse of a special license plate or placard. This amendment would increase the maximum allowed fine for parking in a blue zone from \$500 to \$1000. It would increase the maximum allowed fine for using an invalid placard, or for misuse of a valid disabled parking license plate or placard from \$100 to \$1000.
- Proposed Vehicle Code amendment to allow the citation of a vehicle for the use of a counterfeit, forged, altered or mutilated placard or special license plate, and the use of a valid license plate or placard when it is displayed on a vehicle that is not being used to transport, and is not in the reasonable proximity of, the person to whom the special license plate or placard was issued. Under current law, such conduct is strictly a criminal misdemeanor offense, and parking control officers who issue such citations require special training and legislative authorization.

The proposed amendment would allow parking enforcement officers to enforce abuses of disabled parking privileges through the issuance of a non-criminal parking citation to a vehicle. The proposed amendments will not affect the ability of a police officer, or an authorized parking control officer to issue a misdemeanor Notice to Appear for violations of Vehicle Code § 4461.

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<sup>1</sup> California Department of Motor Vehicles, Forecasting Unit. "Disabled Person Placard Counts." (July 2007) 11.

<sup>2</sup> California Department of Motor Vehicles, Forecasting Unit. "Disabled Person Placard Counts." (July 2007) 7.

<sup>3</sup> California Department of Motor Vehicles, Forecasting Unit. "Disabled Person Placard Counts." (July 2007) 7.

<sup>4</sup> California Department of Motor Vehicles, Forecasting Unit. "Estimated Fee Paid Vehicle Registration By County." (March 2008).