

THIS PRINT COVERS CALENDAR ITEM NO. : 10.5

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Finance and Information Technology

BRIEF DESCRIPTION:

Amending San Francisco Transportation Code, Division II, by amending Sections 302 and 303 to increase the penalty amount for obstructing traffic, double parking, and riding bicycles on sidewalks.

SUMMARY:

- The fines for riding bicycles on sidewalks, vehicles obstructing traffic and double parking were inadvertently not raised in 2010 along with other similar Transportation Code fines.
- Both double parking and obstruction of traffic create potentially unsafe conditions for driving and often result in traffic slowdowns for public transit throughout the city.
- Bicycles on the sidewalk cause similar safety hazards, as well as obstructions to pedestrian traffic, especially for citizens using mobility assistance equipment and children in strollers.
- In order to bring these fines in line with other fines, a modification to the Transportation Code is necessary.

ENCLOSURES:

1. SFMTAB Resolution
2. Legislation

APPROVALS:

DATE

DIRECTOR _____ 11/28/11

SECRETARY _____ 11/28/11

ADOPTED RESOLUTION

BE RETURNED TO: Sonali Bose

ASSIGNED SFMTAB CALENDAR DATE: December 6, 2011

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PURPOSE

The legislation, if approved, will amend San Francisco Transportation Code, Division II, by amending Sections 302 and 303 to increase the penalty for obstructing traffic, double parking, and riding bicycles on sidewalks.

GOAL

This action will support the SFMTA Strategic Plan in the following area:

Goal 2: To get customers where they want to go, when they want to get there.

DESCRIPTION

The Transportation Code prohibits riding bicycles on sidewalks, vehicles obstructing traffic and double parking, which are all subject to a citation and fine amount set by the SFMTA. These fines, however, at \$50, \$50 and \$80 respectively, are substantially lower than the penalties for similar violations included in the Transportation Code that were modified in 2010. The proposed modifications will raise these three fine amounts to \$100 each to correct that oversight.

Both double parking and obstruction of traffic create potentially unsafe conditions for driving and often result in traffic slowdowns for public transit throughout the city. Bicycles on the sidewalk cause similar safety hazards, as well as obstructions to pedestrian traffic, especially for citizens using mobility assistance equipment and children in strollers.

ALTERNATIVES CONSIDERED

Since the purpose of these modifications is to deter the public from obstructing street and pedestrian traffic and the current fines are not enough of a deterrent, no alternative to this action was considered.

FUNDING IMPACT

There will be an increase to revenues, however, the amount is unknown and will be minimal.

PUBLISHED NOTICE AND PUBLIC HEARING

Pursuant to Charter Section 16.112 and the Rules of Order of the Board of Directors, advertisements were placed in the City's official newspaper to provide notice that the Board of Directors will hold a public hearing on December 6, 2011 to consider the above modifications. In compliance with these requirements, the advertisement ran in the San Francisco Chronicle for a five-day period beginning on November 8, 2011.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

Increases to fees, rates, fines and charges are subject to environmental review under the California Environmental Quality Act (CEQA). The Department of City Planning has determined that changes in various fines, fees, rates and charges, including increases to the fines for double parking, obstruction of traffic and riding bicycles on sidewalks 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, 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.

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RECOMMENDATION

The recommendation is to amend San Francisco Transportation Code, Division II, by amending Sections 302 and 303 to increase the penalty for obstructing traffic, double parking, and riding bicycles on sidewalks, in order to deter violations.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, The Transportation Code prohibits riding bicycles on sidewalks, vehicles obstructing traffic and double parking, which are all subject to a citation and fine amount set by the SFMTA; and,

WHEREAS, These fines, however, at \$50, \$50 and \$80 respectively, are substantially lower than the penalties for similar violations included in the Transportation Code that were modified in 2010; and,

WHEREAS, Both double parking and obstruction of traffic create potentially unsafe conditions for driving and often result in traffic slowdowns for public transit throughout the City; and,

WHEREAS, Bicycles on the sidewalk cause similar safety hazards, as well as obstructions to pedestrian traffic, especially for citizens using mobility assistance equipment and children in strollers; and,

WHEREAS, The proposed modifications will raise these three fine amounts to \$100 each to correct that oversight; and,

WHEREAS, The Department of City Planning has determined that changes in various fines, fees, rates and charges, as itemized in the attachment to this Resolution, including increases to the fines for double parking, obstruction of traffic and riding bicycles on sidewalks 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, The Department of City Planning's determination is on file with the Secretary of the Board of Directors; and,

WHEREAS, Pursuant to Charter Section 16.112 and the Rules of Order of the Board of Directors, advertisements were placed in the City's official newspaper for a five-day period beginning on November 8, 2011 to provide notice that the Board of Directors will hold a public hearing on December 6, 2011 to consider the above modifications; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors approves amendments to the San Francisco Transportation Code, Division II, Sections 302 and 303 to increase the penalty amount for obstructing traffic, double parking, and riding bicycles on sidewalks.

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 – Increasing Penalties for Obstructing Traffic, Double Parking, and Riding Bicycles on Sidewalks]

Resolution amending San Francisco Transportation Code, Division II, by amending Sections 302 and 303 to increase the penalty for obstructing traffic, double parking, and riding bicycles on sidewalks.

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 Sections 302 and 303, 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 <u>100</u> .00

FORMER CODE SECTION	TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT
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
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

FORMER CODE SECTION	TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT
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

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

FORMER CODE SECTION	TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT
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
Traffic Code Section 32.21A	Div I 7.2.64	Block Charging Bay	\$105.00
	Div II 1009	SFMTA Property	\$55.00
TRAFFIC REGULATIONS			
Traffic Code Section 70	Div I 7.2.70	Obstruction of Traffic-Vehicle	\$50 100.00
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)

FORMER CODE SECTION	TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT
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

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

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.

CODE	DESCRIPTION	FINE
VC4461C	Displaying Placard Not Issued to Person	\$935.00 *
VC4462B	Improper Registered Plates	\$114.00
VC4463C	Fraudulent Display of Placard	\$935.00 *
VC4464	Altered Plates	\$114.00
VC5200	Display Lic Plates	\$114.00
VC5201	Plates/Mounting	\$114.00
VC5201F	Plate Cover	\$114.00
VC5202	No Plates	\$114.00
VC5204A	Tabs	\$114.00
VC21113A	School/Pub Ground	\$60.00
VC21211 (38N)	Bicycle Path/Lanes	\$105.00
VC22500A	Parking in Intersection	\$90.00
VC22500B	Parking in Crosswalk	\$90.00
VC22500C	Safety Zone	\$90.00
VC22500D	15 ft. Fire Station	\$90.00
VC22500E	Driveway	\$90.00
VC22500F	On Sidewalk	\$105.00

CODE	DESCRIPTION	FINE
VC22500G	Excavation	\$50.00
VC22500H	Double Parking	\$80 100.00
VC22500I	Bus Zone	\$255.00
VC22500J	Tube or Tunnel	\$50.00
VC22500K	Bridge	\$50.00
VC22500L	Wheelchair Access	\$255.00
VC22500.1 (32.4.A)	Parking in Fire Lane	\$65.00
VC22502A	Over 18 inches From Curb	\$50.00
VC22502B	Wrong Way Parking	\$50.00
VC22502E	One-Way Road/Parking	\$50.00
VC22505B	Signs	\$50.00
VC22507.8A	Parking in Blue Zone Without Placard/Plate	\$935.00 * _
VC22507.8B	Blocking Access to Blue Zone	\$935.00 * _
VC22507.8C	Parking in the Crosshatch Area Adjacent to a Blue Zone	\$935.00 * _
VC22511.57A	Lost, Stolen or Expired Placard/Plate	\$935.00 * _
VC22511.57B	Misuse of Placard/Plate	\$935.00 * _
VC22511.57C	Counterfeit, Forged or Altered Placard/Plate	\$935.00 * _
VC22514	Fire Hydrant	\$90.00
VC22515A	Unattended Motor Vehicle	\$75.00
VC22515B	Unsecured Motor Vehicle	\$75.00
VC22516	Locked Vehicle	\$60.00

CODE	DESCRIPTION	FINE
VC22521	Railroad Tracks	\$80.00
VC22522	W/3 ft Wheelchair Ramp	\$280.00 *
VC22523A	Abandoned Vehicle/Highway	\$215.00
VC22523B	Abandoned Vehicle/Public or Private Prop	\$215.00
VC22526A	Blocking Intersection	\$90.00
VC22526B	Blocking Intersection While Turning	\$105.00
VC23333	Park/Veh Crossing	\$75.00

* 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

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 _____.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency