

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Finance and Information Technology

BRIEF DESCRIPTION:

Recommending that the San Francisco Board of Supervisors approve an ordinance creating offenses for violations of Transportation Code, Division I, Sections 7.2.44 and 7.2.66 to codify disabled parking placard and special license plate violations that are currently contained in the California Vehicle Code, and approving an amendment to Transportation Code, Division II, Sections 302 and 303 to remove the existing penalty for disabled parking placard and special license plate violations from Section 303 and add the penalty to Section 302.

SUMMARY:

- California Vehicle Code Section 22511.57 authorizes the City and County of San Francisco, by ordinance or resolution, to prohibit or restrict the parking or standing of a vehicle on any street or highway, or in a parking stall or space in a publicly or privately owned or operated off-street parking facility within its jurisdiction when the driver of the vehicle misuses, in order to obtain special parking privileges, a distinguishing placard or special license plate. In 1996, the San Francisco Board of Supervisors approved Resolution 195-96 to implement Vehicle Code section 22511.57 to establish a violation for misuse of a disabled placard when the placard has been reported lost, stolen or issued to a deceased person.
- In order to ensure that the City's Transportation Code matches the state Vehicle Code with respect to disabled parking restrictions, the San Francisco Municipal Transportation Agency ("SFMTA") would like to codify these disabled parking placard and license plate restrictions into an ordinance instead of as a resolution.
- In addition, this item amends Transportation Code, Division II, Sections 302 and 303 to remove the existing penalty for disabled parking placard and special license plate violations from Section 303 and add the penalty to Section 302. This proposed amendment becomes operative only upon the adoption of the Division I ordinance creating the offenses for violations of Transportation Code, Division I, Sections 7.2.44 and 7.2.66.

ENCLOSURES:

1. SFMTA Board Resolution
2. Transportation Code, Division I Ordinance
3. Transportation Code, Division II Resolution

APPROVALS:

DATE

DIRECTOR _____

July 8, 2013

SECRETARY _____

July 8, 2013

ASSIGNED SFMTAB CALENDAR DATE: July 16, 2013

PURPOSE

Recommending that the San Francisco Board of Supervisors approve an ordinance creating offenses for violations of Transportation Code, Division I, Sections 7.2.44 and 7.2.66 to codify disabled parking placard and special license plate violations that are currently contained in the California Vehicle Code, and approving an amendment to Transportation Code, Division II, Sections 302 and 303 to remove the existing penalty for disabled parking placard and special license plate violations from Section 303 and add the penalty to Section 302.

GOAL

Amending the Transportation Code will further the following goals of the Strategic Plan:

Goal 1 – Create a safer transportation experience for everyone

Goal 3 – Improve the environment and quality of life in San Francisco

DESCRIPTION

California Vehicle Code Section 22511.57 authorizes the City and County of San Francisco, by ordinance or resolution, to prohibit or restrict the parking or standing of a vehicle on any street or highway, or in a parking stall or space in a publicly or privately owned or operated off-street parking facility within its jurisdiction when the driver of the vehicle misuses, in order to obtain special parking privileges, a distinguishing placard or special license plate. In 1996, the San Francisco Board of Supervisors approved Resolution 195-96 to implement Vehicle Code Section 22511.57 to establish a violation for misuse of a disabled placard when the placard has been reported lost, stolen or issued to a deceased person.

In order to ensure that the City’s Transportation Code matches the State Vehicle Code with respect to disabled parking restrictions, the SFMTA would like to codify these disabled parking placard and license plate restrictions into an ordinance instead of a resolution. Staff requests that the Board of Directors recommend approval by the Board of Supervisors of the Division I ordinance creating offenses for violations of Transportation Code, Division I, Sections 7.2.44 and 7.2.66 to add these disabled parking placard and license plate restrictions.

In addition, staff recommends that the Board of Directors amend Transportation Code, Division II, Sections 302 and 303 to remove the existing penalty for disabled parking placard and special license plate violations from Section 303 and adding the penalty to Section 302. This proposed amendment would become operative only upon the adoption of the Division I ordinance creating the offenses for violations of Transportation Code, Division I, Sections 7.2.44 and 7.2.66.

ALTERNATIVES CONSIDERED

The alternative to this action would be to continue to cite disabled parking placard and license plate violations based on Vehicle Code section 22511.57.

FUNDING IMPACT

This action is expected to have no impact on revenue.

PUBLISHED NOTICE AND PUBLIC HEARING

Pursuant to Charter Section 16.112 and Section 10 of the SFMTA Board of Directors' Rules of Order, advertisements were placed in the City's official newspaper to provide notice that the Board of Directors will hold a public hearing on July 16, 2013, 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 June 24, 2013.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The Department of City Planning has reviewed the proposed modifications to the Transportation Code and has determined that the proposed penalty changes are exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations (CEQA Implementing Guidelines) Section 15060(c)(2). A copy of the determination is on file with the Secretary to the SFMTA Board of Directors.

The City Attorney's Office has reviewed this calendar item.

RECOMMENDATION

The SFMTA Board of Directors recommends that the San Francisco Board of Supervisors approve an ordinance creating offenses for violations of Transportation Code, Division I, Sections 7.2.44 and 7.2.66 to codify disabled parking placard and special license plate violations that are currently contained in the California Vehicle Code, and approves an amendment to Transportation Code, Division II, Sections 302 and 303 to remove the existing penalty for disabled parking placard and special license plate violations from Section 303 and add the penalty to Section 302.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, California Vehicle Code section 22511.57 authorizes the City and County of San Francisco to prohibit or restrict the parking or standing of a vehicle on any street or highway, or in a parking stall or space in a publicly or privately owned or operated off-street parking facility within its jurisdiction by ordinance or resolution; and,

WHEREAS, In 1996, the San Francisco Board of Supervisors approved Resolution 195-96 to implement Vehicle Code section 22511.57 to establish a violation for misuse of a disabled placard when the placard has been reported lost, stolen or issued to a deceased person; and,

WHEREAS, In order to provide members of the public adequate notice of the prohibited conduct, the San Francisco Municipal Transportation Agency ("SFMTA") needs to codify these disabled parking placard and license plate restrictions into an ordinance instead of as a resolution; and,

WHEREAS, Staff recommends that the SFMTA Board of Directors approve the language of the Division I ordinance creating offenses for violations of Transportation Code, Division I, Sections 7.2.44 and 7.2.66, and recommend that the Board of Supervisors amend Division I of the Transportation Code to add these disabled parking placard and license plate restrictions; and,

WHEREAS, Staff further recommends that the SFMTA Board of Directors approve an amendment to Transportation Code, Division II, Sections 302 and 303 to remove the existing penalty for disabled parking placard and special license plate violations from Section 303 and add the penalty to Section 302; and,

WHEREAS, This proposed amendment becomes operative only upon the adoption of the Division I ordinance creating the offenses for violations of Transportation Code, Division I, Sections 7.2.44 and 7.2.66; therefore, be it

RESOLVED, That the SFMTA Board of Directors recommends that the San Francisco Board of Supervisors approve an ordinance creating offenses for violations of Transportation Code, Division I, Sections 7.2.44 and 7.2.66 to codify disabled parking placard and special license plate violations that are currently contained in the California Vehicle Code; and, be it further

RESOLVED, That the SFMTA Board of Directors amends Transportation Code, Division II, Sections 302 and 303 to remove the existing penalty for disabled parking placard and special license plate violations from Section 303 and add the penalty to Section 302 which shall become operative only upon the adoption of the Division I ordinance creating the offenses for violations of Transportation Code, Division I, Sections 7.2.44 and 7.2.66.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of July 16, 2013.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

[Transportation Code - Disabled Parking Placard or License Plate Restrictions]

Ordinance amending Transportation Code, Division I, to prohibit, on any street, alley, or portion of a street or alley, or in any municipal or private parking facility, the parking of a vehicle displaying a disabled parking placard or special license plate, in order to obtain special parking privileges, that has been reported as lost, stolen, surrendered, canceled, revoked, or expired, or issued to a person who has been reported as deceased for a period exceeding sixty (60) days; is not being used to transport, and is not in the reasonable proximity of, the person to whom the license plate or placard was issued or a person who is authorized to be transported in the vehicle displaying that placard or license plate; or is counterfeit, forged, altered, or mutilated.

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

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 7.2.44, 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

1 subject to such conditions and regulations as are imposed by the agency that owns the property that are
2 available for public inspection at the agency's offices.

3 *[begin addition]* **SEC. 7.2.44 DISABLED PARKING PLACARD AND SPECIAL LICENSE PLATE**

4 **RESTRICTIONS.**

5 *To Park on any street, alley or portion of a street or alley a vehicle that displays a disabled parking placard or*
6 *special license plate, in order to obtain special parking privileges, that:*

7 (a) *Has been reported as lost, stolen, surrendered, canceled, revoked, or expired, or issued to a person who*
8 *has been reported as deceased for a period exceeding sixty (60) days;*

9 (b) *Is not being used to transport, and is not in the reasonable proximity of, the person to whom the license*
10 *plate or placard was issued or a person who is authorized to be transported in the vehicle displaying that placard or license*
11 *plate;*

12 (c) *Is counterfeit, forged, altered, or mutilated.*

13 [end addition] Section 2. Article 7 of the San Francisco Transportation Code is hereby amended by
14 adding Section 7.2.66, to read as follows:

15 **SEC. 7.2. INFRACTIONS.**

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

23 *[begin addition]* **SEC. 7.2.66 DISABLED PARKING PLACARD AND SPECIAL LICENSE PLATE**

24 **RESTRICTIONS.**

25

1 To Park in any Municipal Parking Facility, or privately owned parking facility, a vehicle that displays a disabled
2 parking placard or special license plate, in order to obtain special parking privileges, that:

3 (a) Has been reported as lost, stolen, surrendered, canceled, revoked, or expired, or issued to a person who
4 has been reported as deceased for a period exceeding sixty (60) days;

5 (b) Is not being used to transport, and is not in the reasonable proximity of, the person to whom the license
6 plate or placard was issued or a person who is authorized to be transported in the vehicle displaying that placard or license
7 plate;

8 (c) Is counterfeit, forged, altered, or mutilated.

9 [end addition] Section 3. Effective Date. This ordinance shall become effective 30 days from the date
10 of passage.

11 Section 4. This section is uncodified. In enacting this Ordinance, the Board intends to amend only those
12 words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any
13 other constituent part of the Transportation Code that are explicitly shown in this legislation as additions,
14 deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that
15 appears under the official title of the legislation.

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

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

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[Transportation Code – Transportation Code and California Vehicle Code Penalty Schedule]

Resolution amending Transportation Code, Division II, Article 300 (Fines and Fees) Sections 302 and 303 to remove the existing penalty for disabled parking placard and special license plate violations from Section 303, and add a penalty for disabled parking placard and special license plate for on-street and off-street violations to Section 302.

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 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 Effective July 1, 2012	FINE AMOUNT Effective July 1, 2013 *
ON-STREET PARKING				
Traffic Code Sections 32.4, 32.4.1	Div I 7.2.44	<u>Misuse Disabled Parking Placard/License</u> Parking Candlestick Park		<u>\$877.00</u>
OFF-STREET PARKING				

FORMER CODE SECTION	TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT Effective July 1, 2012	FINE AMOUNT Effective July 1, 2013 *
Does not apply	[begin addition] Div I 7.2.66	[begin addition] Misuse Disabled Parking Placard/License Plate [end addition]		[begin addition] \$877.00 [end addition]

*** Editor's Note:**

The California State Legislature extended the \$3.00 Trial Court Trust Fund fee, pursuant to California Government Code Section 76000.3, effective January 1, 2013. An additional \$3.00 will be added to all parking citation penalties listed in this column to recover this State fee.

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 AMOUNT Effective July 1, 2012	FINE AMOUNT Effective July 1, 2013 **
[begin deletion] VC22511.57A [end deletion]	[begin deletion] Lost, Stolen or Expired Placard/Plate [end deletion]	[begin deletion] \$966.00* [end deletion]	[begin deletion] \$877.00* [end deletion]
[begin deletion] VC22511.57B [end deletion]	[begin deletion] Misuse of Placard/Plate [end deletion]	[begin deletion] \$966.00* [end deletion]	[begin deletion] \$877.00* [end deletion]
[begin deletion] VC22511.57C [end deletion]	[begin deletion] Counterfeit, Forged or Altered Placard/Plate [end deletion]	[begin deletion] \$966.00* [end deletion]	[begin deletion] \$877.00* [end deletion]

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

**** Editor's Note:**

The California State Legislature extended the \$3.00 Trial Court Trust Fund fee, pursuant to California Government Code Section 76000.3, effective January 1, 2013. An additional \$3.00 will be added to all parking citation penalties listed in this column to recover this State fee.

Section 2. Effective and Operative Dates. This resolution shall become effective 30 days after enactment. But this resolution shall become operative only upon the adoption of an ordinance by the City creating offenses for violations of Transportation Code, Division I, Sections 7.2.44 and 7.2.66, and the operative date of this resolution shall be the effective date of such ordinance.

Section 3. Scope of Ordinance. In enacting this ordinance, the San Francisco Municipal Transportation Agency Board of Directors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, letters, punctuation marks, charts, diagrams, or any other constituent parts of the Transportation Code that are explicitly shown in this ordinance as additions or deletions in accordance with the "Note" that appears under the official title of the ordinance.

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 July 16, 2013.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency