

RESOLUTION NO.

[Transportation Code – Division II Fees and Penalties]

Resolution amending the Transportation Code Division II to increase the annual indexing of late payment and special collection fees for civil violations for two years; pause the indexing of fines for violations of the Transportation Code and California Vehicle Code for two years; authorize a one-time waiver of all parking citations for individuals experiencing homelessness or participating in the Large Vehicle Buy Back program; increase the Special Event Parking Meter rates to a minimum of \$1 and a maximum of \$21 an hour; combine construction and non-construction related temporary parking use permits into one permit and set a daily fee of \$21 for Fiscal Year 2026-2027 and \$23 for Fiscal Year 2027-2028, and authorize staff to adjust the fee thereafter based on the actual average city wide daily meter rate; and make clarifying changes including deleting sections that are not required to be codified.

NOTE: **Additions** are in *single-underline italics Times New Roman font*.
Deletions are in *strike-through italics Times New Roman font*.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strike-through Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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 revising Sections 301, 302, 303, and 305, deleting existing Section 312 and adding new Section 312, and deleting Section 323, to read as follows:

SEC. 301. FINES AND FEES, AUTOMATIC INDEXING, LATE PAYMENT; SPECIAL COLLECTIONS.

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(b) **Base Fees and Fines, Automatic Index.**

(1) **Base Fee or Fine.** The base fee or fine to be charged and collected by the SFMTA shall be the fees and fines in effect as of March 19, 2024, effective for Fiscal Year 2023-2024, as provided in SFMTA Board Resolution 240319-028 Section 3 and as updated by subsequent SFMTA Board Resolutions and published as described in subsection (b)(3).

(2) **Annual Adjustment of Base Fees.** Beginning with fiscal year 2024-2025, effective July 1 2024, the Base Fees shall be adjusted each year on July 1 using the Automatic Index in this subsection (b)(2) by the Director of Transportation or the Director's designee, in consultation with the SFMTA Chief Financial Officer and without further action by the SFMTA Board, unless otherwise specified in Article 300 or [Article 900](#). The Director of Transportation or the Director's designee, in consultation with the SFMTA Chief Financial Officer, shall also be authorized to add to any fee or fine any additional penalty assessments or charges mandated by the State of California.

(A) The Automatic Index shall be calculated as follows: $\text{Automatic Index} = [\text{Bay Area Consumer Price Index for all Urban Consumers (CPI-U)} \div 2] + [2\text{-year Operating Budget Labor Cost Change} \div 2]$. The Bay Area CPI-U forecast used will be from the United States Department of Labor Bureau of Labor Statistics and Research and the Operating Budget Labor Cost Change shall be the San Francisco Controller's projections as of April 1 of each year; and once calculated, the Automatic Index shall be rounded up to the nearest \$1.00. Fees for subsequent years will be based on the original calculated rate prior to rounding.

(B) As part of the Two-year SFMTA Budget process, the Director of Transportation or Director's designee, in consultation with the SFMTA Chief Financial Officer, shall:

(i) For certain fees subject to cost recovery, consider whether the current fees have produced or are projected to produce revenues sufficient to support the costs of providing the services for which the fees are assessed and that the fees will not produce revenue which is significantly more than the costs of providing the services for which the fees are assessed. If the Director of Transportation or the Director's designee, in consultation with the SFMTA Chief Financial Officer, determines that application of the Automatic Index is not warranted for either of these reasons, the Director shall recommend a modification to the SFMTA Board as part of the Two-year SFMTA Budget; and

(ii) Re-evaluate during each Two-year SFMTA Budget process the adequacy of the Automatic Index in subsection (b)(2)(A) and propose any changes to the SFMTA Board.

(3) **Publication.** The SFMTA shall publish the base fees and fines, additional penalty assessments mandated by the State of California, and annual adjustments made using the Automatic Index in subsection (b)(2)(A) on its website as the "SFMTA Fee and Fine Schedule" and shall update it annually by June 1, with any changes effective July 1. The SFMTA shall indicate which fees and fines are not subject to the Automatic Index. The SFMTA shall also make the SFMTA Fee and Fine Schedule available upon request at the main office of the SFMTA. If the SFMTA Board adopts by resolution a new base fee or fine, or modifies or deletes an existing base fee or fine, the new or modified fee or fine shall be included on the SFMTA Fee and Fine Schedule together with the applicable resolution number.

(c) **Late Payment and Special Collection Penalties and Fees.** Except as otherwise specified in this Code, the SFMTA may charge penalties and fees to persons to whom civil citations have been issued or to owners of cited vehicles for failure to either pay the citations or to contest the underlying citations by the due date affixed to the notice of violation. ~~These fees include a DMV registration hold fee.~~ The penalties and fees shall be published on the SFMTA Fee and Fine Schedule and adjusted by an Automatic Index under the provisions in subsection (b)(2), except that for Fiscal Years 2026-2027 and 2027-2028, late payment penalties and fees will increase by 10% each July 1.

SEC. 302. TRANSPORTATION CODE PENALTY SCHEDULE.

Violation of Article 7 of Division I of the Transportation Code shall be punishable by the fines set forth in the SFMTA Fee and Fine Schedule and ~~shall be, instead of being~~ adjusted by an Automatic Index under the provisions in Section 301(b), except that there shall be no adjustment for Fiscal Years 2026-2027 or 2027-2028, shall be adjusted by 8% per year in Fiscal Years 2024-2025 and 2025-2026 and shall include any additional penalty assessment mandated by the State of California, except that in no event shall (a) any fine for an infraction subject to California Vehicle Code Section 42001, as amended from time to time, exceed the maximum amount for a first-time violation plus any additional penalty assessment mandated by the State of California; and (b) a civil penalty for on-street parking not otherwise authorized for an enhanced fine under State law exceed the maximum amount for a first-time violation of an infraction subject to California Vehicle Code Section 42001, as amended from time to time, plus any additional penalty assessment mandated by the State of California.

Notwithstanding the foregoing paragraph, the transit violations established by Transportation Code, Division 1, Sections 7.2.101 through 7.2.104 shall be adjusted by an

Automatic Index under the provisions in Section 301(b) but are otherwise subject to this Section 302.

SEC. 303. CALIFORNIA VEHICLE CODE PENALTY SCHEDULE.

Violation of the California Vehicle Code shall be punishable by the fines set forth in the SFMTA Fee and Fine Schedule and shall be, instead of being adjusted by an Automatic Index under the provisions in Section 301(b), shall be adjusted by 8% per year in Fiscal Years 2024-2025 and 2025-2026 except that there shall be no adjustment for Fiscal Years 2026-2027 or 2027-2028, and shall include any additional penalty assessment mandated by the State of California, except that in no event shall: (a) any fine for an infraction subject to California Vehicle Code Section 42001, as amended from time to time, exceed the maximum amount for a first-time violation plus any additional penalty assessment mandated by the State of California; and (b) a civil penalty for on-street parking not otherwise authorized for an enhanced fine under State law exceed the maximum amount for a first-time violation of an infraction subject to California Vehicle Code Section 42001, as amended from time to time, plus any additional penalty assessment mandated by the State of California. 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.

SEC. 305. TOWING AND STORAGE FEES.

(a) Fees.

(1) The SFMTA shall charge the registered owner of a towed vehicle, or the registered owner's agent claiming a towed vehicle, or the renter of a towed vehicle, to reimburse the City for its costs related to the removal, storage, sale, or release of vehicles towed from the public right-of-way, public property, or private property a fee as authorized

under California Vehicle Code Section 22850.5, as may be amended from time to time, and as set forth in the SFMTA Fee and Fine Schedule and adjusted by an Automatic Index under the provisions in Section 301(b), except that lien fees shall be as set forth in the California Vehicle Code Section 22851.12, as may be amended from time to time, and shall not be subject to the Automatic Index under Section 301(b).

(A) The SFMTA shall charge the registered owner or the registered owner’s agent claiming the towed vehicle ~~a reduced~~the First Tow reduced administrative fee ~~that shall reduce the administrative fee by \$50~~ only if the vehicle has not previously been towed by the SFPD or SFMTA while registered to its current owner. The SFMTA shall charge the renter of the towed vehicle the First Tow reduced administrative fee only if the SFPD or SFMTA has not previously towed any vehicle registered to or rented by the renter of the towed vehicle.

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SEC. 312. ~~PARKING METER USE FEE.~~ ONE TIME CITATION WAIVER.

~~(a) A fee charged for rendering Parking meters inaccessible to parking due to activities that are non-construction related and do not require either a Temporary Exclusive Use Parking Meter Permit issued pursuant to Section 904 of this Code, or a Temporary Use or Occupancy of Public Streets permit issued pursuant to Article 6 of this Code.~~

~~(b) The Parking Meter Use Fee shall be as set forth in the SFMTA Fee and Fine Schedule and shall not be subject to Automatic Indexing under Section 301(b); but the daily fee shall be increased by \$1 each year, effective July 1, 2024 and each July 1 thereafter.~~

The SFMTA may issue a one-time waiver of all parking citations for an individual in each of the following circumstances:

(a) Applicant is deemed to be experiencing homelessness by the City and County of San Francisco's Department of Homelessness and Supportive Housing.

(b) Completion of the City and County of San Francisco's Large Vehicle Buy Back program including verification that the applicant has moved into housing as part of that program.

~~SEC. 323. ELECTRIC VEHICLE CHARGING STATION USER FEE.~~

~~(a) There shall be a fee to reimburse the SFMTA for costs to the SFMTA associated with the management, operation, and maintenance of electric vehicle charging stations in parking facilities owned by or under the jurisdiction of the SFMTA; the cost to the SFMTA of electricity dispensed by electric vehicle charging stations in parking facilities under SFMTA jurisdiction; and the vendor fee charged to the SFMTA for processing credit and debit card payments at electric vehicle parking stations.~~

~~(b) The Director of Transportation, or his or her designee, shall determine the amount of the electric vehicle charging station user fee for each parking facility, which fee shall not exceed \$10.00 per charging session. The total fee for each charging session at each parking facility shall be determined by calculating the sum of:~~

~~— (1) the costs of electricity used for a charging session, which costs may vary for each parking facility;~~

~~— (2) the SFMTA's costs to manage, operate, and maintain the electric vehicle charging stations and manage the charging station program; and~~

~~— (3) the fee charged by a vendor for processing credit and/or debit card user payments.~~

~~(c) The actual amount of the fee for a charging session shall be posted at each parking facility at the vehicle charging station.~~

Section 2. Article 400 of Division II of the Transportation Code is hereby amended by revising Section 405, to read as follows:

SEC. 405. SPECIAL EVENT PARKING METER RATES.

(a) Notwithstanding Section 402, the Director of Transportation is authorized to set a Special Event parking meter rate between ~~\$0.50~~ an hour and ~~\$1.82~~ an hour at parking meters within the Civic Center, Fillmore, and South Embarcadero areas described below. The rates may be set during, and/or up to four hours prior to, Special Events as designated by the Director of Transportation ~~in order~~ to manage excessive parking demand, congestion, and traffic circling near those Special Events. For purposes of this Section 405, a “Special Event” shall include athletic events, concerts, conventions, parades, street festivals, entertainment or cultural exhibitions or shows, or any other similar event that is expected to generate a significant, short-term demand for on-street parking. The rates may be adjusted periodically based on vehicle occupancy on any block or set of blocks according to the following criteria: (a) if occupancy is 90% percent or above, rates will be increased by \$0.50 per hour; (b) if occupancy is 65% or above but below 90%, rates will not be changed; or, (c) if occupancy is below 65%, rates will be lowered by \$0.50 per hour. Rates shall be adjusted not more than every 28 days.

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Section 3. Article 900 of Division II of the Transportation Code is hereby amended by revising Sections 904 and 910 to read as follows:

SEC. 904. TEMPORARY EXCLUSIVE USE OF PARKING METERS.

(a) **General Permit Requirements.** The Director of Transportation may issue nontransferable permits for the exclusive temporary use of one or more Parking Spaces with Parking Meters for purposes such as building or roadway construction activities, residential or commercial moves, special events, filming activities~~use of debris boxes, storage of materials or equipment related to building or roadway construction activities~~, and related purposes as the Director of Transportation may in ~~his or her~~ the Director's sole discretion deem appropriate. If an applicant is applying for a permit under this Section 904 to conduct building or roadway construction activities, they must be in possession of and provide evidence of valid and current Street Use permits issued by Public Works when applying for this permit. ~~P~~ermits may not be granted under this Section 904 for the purpose of Parking vehicles.

(b) **Permit Privileges.** Display of a Temporary Exclusive Use Parking Meter Permit shall entitle the holder to take the Parking Meters within the permitted area out of service for the duration of the permit ~~in order to allow the Permittee to conduct construction activities~~. The permitted area shall be exempt from restrictions related to street cleaning, provided that the Permittee maintains the permitted area in a clean condition as determined by the City Traffic Engineer.

(c) **Permit Fee.** The daily permit fee shall be set forth in the SFMTA Fee and Fine Schedule and shall be \$21 effective July 1, 2026, and \$23 effective July 1, 2027. Thereafter, staff is authorized to adjust the daily rate on July 1 of each year based on the actual average citywide daily meter rate. The average citywide daily meter rate is calculated as a weighted average of weekday and weekend rates, reflecting variations in meter rates throughout the day.

SEC. 910. SFMTA PARKING PERMIT.

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(d) Permit Fee. The SFMTA Parking Permit fee shall be based on the daily Temporary Exclusive Use of Parking Meter Fee set forth in Section ~~904312~~. The permit fee shall be calculated based on 75% of a five-day per week period for ~~52~~fifty-two weeks per year.

Section 4. Scope of Resolution. In enacting this resolution, 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 resolution as additions or deletions in accordance with the "Note" that appears under the official title of the resolution.

Section 5. Effective Date. This resolution shall become effective on the 31st day after enactment. Enactment occurs when the San Francisco Municipal Transportation Agency Board of Directors approves this resolution.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: _____
SUSAN CLEVELAND-KNOWLES
Deputy City Attorney

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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