

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 11-074

WHEREAS, Multiple modifications to the Transportation Code, Division II are required to properly assess and enforce certain policies approved by the SFMTA Board of Directors as described below; and,

WHEREAS, The SFMTA Board of Directors discussed modifications to the existing Residential Parking Permit regulations to clarify the conditions under which childcare workers could obtain a permit; and,

WHEREAS, The SFMTA also identified the need to add administrative and misdemeanor penalties for submitting false, misleading or fraudulent information on Residential Parking Permit applications; and,

WHEREAS, Authorizing the imposition of such Residential Parking Permit application penalties requires modifications to Division I of the Transportation Code, which is under the purview of the San Francisco Board of Supervisors; and,

WHEREAS, Existing disabled parking fines can only be applied to violations made by vehicles that are parked in or near blue zone parking spaces; and,

WHEREAS, Pursuant to Section 10 of the SFMTA Rules of Order and Charter Section 16.112, a duly noticed public hearing concerning the proposed disabled parking fine increases was conducted on June 7, 2011; and,

WHEREAS, The Department of City Planning has determined that the proposed disabled parking fine increases, as itemized in the attached Exhibit 2, 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; and

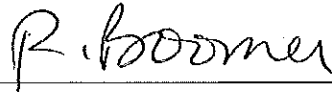
WHEREAS, Said CEQA determination is on file with the Secretary to the SFMTA and is incorporated herein by this reference; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors approves amending San Francisco Transportation Code, Division II, by amending Sections 303 and 905 to establish disabled parking fines, clarify the procedures for designating Residential Permit Parking areas, correct code references, and establish a petition procedure for

the issuance of additional Residential Parking Permits for Childcare Providers, and be it further

RESOLVED, That the SFMTA Board of Directors recommends that the San Francisco Board of Supervisors approve an amendment to Division I of the Transportation Code to authorize administrative and misdemeanor penalties for submitting false, misleading or fraudulent information on a Residential Parking Permit application.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of JUN 07 2011.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

[Transportation Code – Disabled Parking Penalties; Childcare Provider Permits]

Resolution amending San Francisco Transportation Code, Division II, by amending Sections 303 and 905 to establish disabled parking fines, clarify the procedures for designating Residential Permit Parking areas, correct code references, and establish a petition procedure for the issuance of additional Residential Parking Permits for Childcare Providers.

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. Articles 300 and 900 of Division II of the Transportation Code is hereby amended by amending Sections 303 and 905, 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.

CODE	DESCRIPTION	FINE
<u>VC4461C</u>	<u>Displaying Placard Not Issued to Person</u>	<u>\$935.00*</u>
VC4462B	Improper Registered Plates	\$114.00
<u>VC4463C</u>	<u>Fraudulent Display of Placard</u>	<u>\$935.00*</u>
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
VC22500G	Excavation	\$50.00
VC22500H	Double Parking	\$80.00
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
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.

SEC. 905. - RESIDENTIAL PARKING PERMIT.

(a) General Permit Requirements.

(1) The Director of Transportation shall issue a Residential Parking Permit for use by a specified vehicle upon receipt of a written application from a qualifying property resident. No more than one Parking permit shall be issued to each vehicle for which application is made.

(2) The Parking privileges of a Residential Parking Permit do not extend to any trailer, trailer coach, utility trailer, or any other type of vehicle as defined in the California Vehicle Code, whether separate from or attached to a motor vehicle displaying a Residential Parking Permit.

(3) A Residential Parking Permit does not guarantee or reserve to the Permittee an on-street parking space within a Residential Parking Permit Area.

(4) A Residential Parking Permit may be issued to residents of a Residential Parking Permit Area for motor vehicles registered out-of-state, provided that the applicant documents the resident's active military duty status.

(5) Each Residential Parking Permit shall be valid until the date indicated on the permit.

(6) Each Residential Parking Permit shall visibly indicate the particular Residential Parking Permit Area and the license number of the vehicle for which it was issued.

(b) Permit Privileges. Any vehicle that displays a valid Residential Parking Permit shall be permitted to Park in the Residential Parking Permit Area for which the permit has been issued notwithstanding posted time restrictions, but is not exempt from Parking restrictions established pursuant to any authority other than this Section 905.

(c) Number of Permits. No more than four Residential Parking Permits shall be issued to a single address. Residents may file a request for waiver of this limitation with the SFMTA to obtain additional permits. Factors to be considered by the Director of Transportation when determining whether or not to grant a permit include, but are not limited to, the availability of on-street Parking in the requestor's residential area and demonstrated need. The Director of Transportation shall maintain public records for all waivers granted, including all documentation provided in support of approval.

(d) Application Requirements.

(1) Each application for a permit or renewal of a permit shall contain information sufficient to:

- (A) Identify the applicant;
- (B) Identify the residence or real property address within a Residential Parking Permit Area;
- (C) Establish that the applicant owns the property (has at least a one-quarter interest in the property) or leases the property (pays rent or other remuneration for use of the real property as the applicant's residence or place of business); and

(D) Identify the license number and provide proof of current California registration of the motor vehicle for which for which the permit would be issued.

(2) Residential Parking Permits may be issued for motor vehicles only upon application of the following Persons:

(A) A legal resident of the Residential Parking Permit Area who has a motor vehicle that is both registered in his or her name, and registered at his or her address within that Residential Parking Permit Area, or a legal resident of the Residential Parking Permit Area who has a motor vehicle for his or her exclusive use and under his or her control where said motor vehicle is registered or leased to his or her employer or a vanpool agency and he or she presents a valid employee identification card or other proof of employment that is acceptable to the SFMTA.

(B) A legal resident of a Residential Parking Permit Area who has become a resident within the past 30 days, or who has recently acquired a new vehicle.

(C) A Person who owns commercial property and actively engages in business activity within a Residential Parking Permit area. However, a permit shall only be issued if the applicant presents a valid business tax registration certificate required by Article 12 of the San Francisco Business and Tax Regulations Code. No more than one permit may be issued for each business establishment for a motor vehicle registered to or under the control of such a Person. The authority to qualify for a Residential Parking Permit pursuant to this subsection is transferable to a bona fide employee of the business. A business may purchase up to three additional permits for delivery vehicles provided that the vehicles are registered to the business' address and display commercial plates.

(D) A legal resident of a Residential Parking Permit Area for use by a bona fide visitor. Such a visitor permit shall have all the rights and privileges of a regular permit.

(E) A full-time student who is a legal resident of the Residential Parking Permit Area who presents a valid current full-time class schedule issued by an Educational Institution located within the City.

(e) Procedure for Designating Residential Parking Permit Areas.

(1) Upon receipt of a petition on a form prescribed by the SFMTA by residents of at least 250 ~~dwelling~~residential units in the residential area proposed for designation or residents living in 50 percent of the ~~living~~residential units in the area proposed for designation, the City Traffic Engineer shall direct surveys or studies as necessary to determine whether a residential area is suitable as a Residential Parking Permit Area.

(2) The City Traffic Engineer shall make recommendations to the SFMTA Board of Directors regarding the proposed designation of new Residential Parking Permit Areas. Such recommendation shall include the proposed time restriction for Parking and the proposed days and times of enforcement. Before making any such recommendation to the SFMTA Board, the City Traffic Engineer shall ensure that the proposed area meets the following minimum qualifications for a Residential Parking Permit Area:

(A) A Residential Parking Permit Area must contain a minimum of one mile of street frontage.

(B) Objective criteria must establish that the proposed Residential Parking Permit Area is affected for extended periods by the Parking of motor vehicles

that are not registered to an address within the proposed Residential Parking Permit Area.

(3) Nothing in this Section is intended to limit the SFMTA's ability to ~~designate~~ recommend a Residential Parking Permit Area on its own initiative for public hearing and approval by the SFMTA Board of Directors.

(f) Criteria for Designating Residential Parking Permit Area. In determining whether to recommend that a residential area be designated as a Residential Parking Permit Area, the City Traffic Engineer shall take into account factors which include but are not limited to the following:

(1) The extent of the desire and need of the residents for Residential Parking Permits and their willingness to bear the resulting administrative costs even if the SFMTA does so on its own initiative.

(2) The extent to which legal on-street Parking Spaces are occupied during the period proposed for Parking restrictions;

(3) The extent to which vehicles Parking in the area during the times of the proposed Parking restrictions are not registered to residents of proposed Residential Parking Permit Area; and

(4) The extent to which Motor Vehicles registered to Persons residing in the residential area cannot be accommodated by the number of available off-street Parking Spaces.

(g) Additional Residential Parking Permits.

(1) Health Care Worker Permits. The Director of Transportation is authorized to issue additional Parking Permits to residents of a Residential Parking Permit Area for use of Persons who, on a regular basis, provide health care or other related services

essential to the well-being of the resident applicant, upon the certification by a licensed physician that such services are required. The Parking Permit issued to a resident for use by such Persons shall count towards the four Residential Parking Permits that may be issued to a single address pursuant to subsection (c).

(2) Fire Station Permits. Upon the request of the Fire Chief, the Director of Transportation shall issue to the officer in charge of a fire station within a residential Parking area that quarters more than one unit not more than 10 transferable Parking Permits and to the officer in charge of a fire station within a residential Parking area that quarters one unit, not more than five transferable Parking Permits for the exclusive use of uniformed members assigned to the station on a temporary basis because of staffing shortages. The Fire Chief shall adopt rules and regulations for the distribution of permits, consistent with this Code.

(3) Educational Institution Permits.

(A) Upon written request, the Director of Transportation shall issue transferable Parking permits to the Transportation Broker of an Educational Institution with at least 15 certificated employees or Persons regularly employed as classroom teachers and located within a Residential Parking Permit Area valid between the hours of 8:00 a.m. to 6:00 p.m. on school days for the use of persons employed as teachers at such Institution who reside outside of the Residential Parking Permit Area.

(B) The Director of Transportation is authorized to issue a maximum of 15 annual permits per Educational Institution. The total number of permits issued to an Educational Institution under this Section 905 does not exceed the number of unrestricted on-street Parking available between an extension of each property line of

said Institution to the middle of the Street upon which the Institution directly abuts, as determined by survey of the City Traffic Engineer.

(C) Upon written request from the Educational Institution documenting the need for more than 15 permits, the Director of Transportation may issue up to an additional five permits if the total number may not exceed the limitation in subsection 905(hg)(3)(B) above, and if Parking occupancy in the Residential Parking Permit Area surrounding the Educational Institution is low enough to accommodate the additional permits. Regardless of parking availability on surrounding Streets, a qualifying Educational Institution shall be entitled to at least five permits.

(D) Each Parking permit issued pursuant to this Section 905(hg)(3) shall be valid for one year and may be renewed annually. In distributing permits for a particular Educational Institution, the Transportation Broker shall give consideration to those teachers who are regularly carpooling to work.

(E) In addition to permits issued under subsection 905(hg)(3)(A), the Director of Transportation may issue City-wide permits for teachers and school administrators employed by the San Francisco Unified School District (SFUSD) whose duties require them to travel to more than one school site and who have been approved by the Superintendent of the SFUSD, or his or her designee. For purposes of this Section, "school administrators" shall be defined as those administrators who provide on-site, direct support to schools that have been identified as low-performing by SFUSD, the State of California, or the federal government. The permit shall exempt the holder from Residential Parking Permit Area regulations on weekdays between the hours of 8 a.m. and 6 p.m. when performing official functions for the SFUSD, and shall be valid for one year.


(4) Foreign Consulate Permits. One Residential Parking Permit may be issued upon application to foreign consulates located within a Residential Parking Permit Area, and up to a maximum of two additional Parking permits per consulate for the exclusive use of vehicles registered to the Consulate with the Department of Motor Vehicles.

(5) Childcare Permits. The Director of Transportation is authorized to issue a transferable Parking Permit to residents of a Residential Parking Permit Area for use of Persons who, on a regular basis, provide childcare services essential to the well-being of a child 12 years old or under who resides with the resident. Before a Parking Permit can be issued for a specific block, a resident(s) will be required to submit a petition on a form prescribed by the SFMTA from either ten residential units or fifty percent of the residential units on the block, whichever represents the smaller number of residential units, supporting the issuance of a Childcare Parking Permit. No single resident address shall be authorized permitted to be issued or possess more than one Parking Permit for use by such Persons at any one time. The Parking Permit issued to a resident for use by such Persons shall count towards the four Residential Parking Permits that may be issued to a single address pursuant to subsection (c).

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 June 7, 2011.


Secretary to the Board of Directors
San Francisco Municipal Transportation Agency