

Date of Hearing: April 27, 2015

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 1287 (Chiu) – As Amended April 22, 2015

SUBJECT: Vehicles: parking violations: cameras

SUMMARY: Deletes the sunset on the City and County of San Francisco's authority to do automated enforcement of parking violations in transit-only traffic lanes and expands the authority to allow automated enforcement of other violations. Specifically, **this bill:**

- 1) Deletes the January 1, 2016, sunset date on San Francisco's authority to enforce parking violations in transit-only traffic lanes with cameras attached to the front of transit vehicles.
- 2) Expands the city's authority to use forward-facing cameras on transit vehicles to record all parking violations, violations related to driving in a transit-only lane and crossing a double-yellow line to enter or exit a transit-only lane, and violations related to blocking or obstructing an intersection or a railroad or rail transit crossing.
- 3) Subjects recorded violations related to driving in a transit-only lane and crossing a double-yellow line to enter or exit a transit-only lane, and violations related to blocking or obstructing an intersection or a railroad or rail transit crossing, to a civil penalty of no more than \$100.
- 4) Authorizes an individual identified by the registered owner as the driver of the vehicle at the time of the alleged violation to review the recorded evidence of the alleged violation.
- 5) Requires the Department of Motor Vehicles (DMV) to refuse to renew the registration of a vehicle if the registered owner or lessee has received a notice of delinquent violation and the owner has not paid the violation penalty and any late payment fees.

EXISTING LAW:

- 1) Authorizes the City and County of San Francisco to install automated cameras on city-owned public transit vehicles for the purpose of recording parking violations occurring in transit-only traffic lanes.
- 2) Prohibits the city from issuing citations for violations captured outside the posted hours of operation for a transit-only traffic lane.
- 3) Requires the cameras to be angled and focused so as to capture images of parking violations and not unnecessarily identifying images of other drivers, vehicles, and pedestrians.
- 4) Requires the cameras to record the date and time of the violation at the same time as the images are captured.
- 5) Requires an employee of the city who is qualified to issue parking citations to review recorded images for the purpose of determining whether a parking violation occurred in a transit-only traffic lane.

- 6) Subjects parking violations in transit-only traffic lanes observed in the recordings to a civil penalty.
- 7) Requires the city to allow the registered owner of the vehicle to review the video image evidence of the alleged violation during normal business hours at no cost.
- 8) Requires the city to destroy video image evidence after six months from the date the information was first obtained or 60 days after final disposition of the citation, whichever date is later.
- 9) Requires the city to destroy video images that do not contain evidence of a parking violation occurring in a transit-only traffic lane within 15 days after the information was first obtained.
- 10) Makes the video images confidential and specifies that public agencies can use or allow access to them only for the purposes described above.
- 11) Defines "transit-only traffic lane" as any designated transit-only lane on which use is restricted to mass transit vehicles or other designated vehicles, including taxis and vanpools, during posted times.
- 12) Requires the city to provide the Legislature an evaluation of the automated enforcement program's effectiveness and impact on privacy no later than March 1, 2015.
- 13) Sunsets the authority to do automated enforcement of parking violations in transit-only lanes on January 1, 2016.
- 14) Specifies that obstructing an intersection (often called "blocking the box") or a railroad or rail transit crossing is not a violation of the law relating to the safe operation of vehicles and is the following:
 - a) A stopping violation when a notice to appear has been issued by a peace officer.
 - b) A parking violation when a notice of violation is issued by a person, other than a peace officer, who is authorized to enforce parking statutes and regulations.

FISCAL EFFECT: Unknown

COMMENTS: San Francisco considers its 26-mile network of transit-only lanes essential to the timeliness of the city's public transportation system, which is operated by the San Francisco Municipal Transportation Agency (SFMTA). Illegal parking and driving in these lanes can significantly impact the ability of Muni to meet its on-time performance goals. The city also has established a goal of eliminating all traffic-related fatalities by 2024 and is planning an ambitious expansion of transit service over the next decade.

AB 101 (Ma) Chapter 377, Statutes of 2007, authorized SFMTA to initiate a pilot program to equip transit vehicles with forward-facing parking control devices to record images of vehicles parked in transit-only lanes and issue parking citations based on that video evidence. The program was designed to improve the safety, reliability, and performance of SFMTA transit vehicles using San Francisco's transit-only lanes. AB 101 required SFMTA to evaluate the pilot program and submit a report to the Legislature by March 1, 2011, which it did. AB 101 also included a sunset date of January 1, 2012.

Based on the results of the initial pilot and the subsequent report to the Legislature, AB 1041 (Ma), Chapter 325, Statutes of 2011, extended the sunset on the program through January 1, 2016, and required SFMTA to submit another report to the Legislature by March 1, 2015, on the effectiveness of the program and its impacts on privacy. SFMTA submitted the report as required, which indicated that the program has had success, particularly in terms of reducing the number of repeat violators.

AB 1287 eliminates the sunset on Muni's Transit-Only Lane Enforcement (TOLE) program and expands the program to allow for automated enforcement of all parking violations, not just those occurring in transit-only lanes. AB 1287 would additionally allow cameras on Muni vehicles to be used to enforce violations related to driving in a transit-only lane or crossing a double-yellow line to enter or exit a transit-only lane and "blocking the box" violations.

According to the author, the intent of AB 1287 is to "permanently establish and enhance the existing San Francisco-only pilot program to improve transit service, safety, and reliability. The TOLE program initially began with cameras on 30 buses; it has been expanded over the last six years with TOLE-compatible video cameras installed on all Muni buses (over 800 vehicles)." The author further states that AB 1287 will allow an effective program to continue and also "enable strategic evolution of the program using proven technology."

Opponents of AB 1287 do not object to the removal of the sunset and the expansion of the program to address parking violations outside of transit only lanes. What they do object to is expanding the program to allow for automated enforcement of offenses that would normally be cited criminally as moving violations. Under the TOLE program, these offenses would be cited as parking violations. It is important to note that the law already allows for "block the box" violations to be cited as parking violations. San Francisco has already made "block the box" enforcement a priority for its parking enforcement officers because these violations can create particularly hazardous conditions for pedestrians and the city is aggressively working to reduce pedestrian injuries and fatalities.

Arguments in support: Writing in support, SFMTA, the sponsor of AB 1287, argues: "The TOLE program is a key component of two comprehensive initiatives in San Francisco to make transit more reliable and our streets safer for all users - Muni Forward and Vision Zero. Under Muni Forward, the SFMTA plans to expand transit service by 10 percent over the next 2 years and implement an additional 22 miles of transit-only lanes within the next 10 years. Under Vision Zero, adopted as citywide policy in 2014, San Francisco has a goal of eliminating all traffic-related fatalities by 2024, committing to build better and safer streets, educate the public on traffic safety, enforce traffic laws, and adopt policy changes that save lives. The TOLE program is an important safety and enforcement tool for both of these initiatives."

Arguments in opposition: Writing in opposition, the Automobile Club of Southern California and AAA of Northern California, Nevada and Utah argue: "Under AB 1287, the violation for 'blocking the box' would no longer be an infraction (crime), but rather a civil violation subject to a civil penalty. This is an important distinction since crimes must be proved beyond a reasonable doubt. The burden under this newly established administrative hearing will be preponderance of the evidence, a significantly lower standard. In addition, enforcement by camera/video may not capture the full nature of the circumstances surrounding the alleged violation. We can envision circumstances where a live officer would forego enforcement of this section even though a driver technically violated the section because a vehicle on the other side of the intersection stopped

unexpectedly, perhaps to back into a parking space or because a person opened their door to enter/exit their vehicle. A camera may not capture this on tape, whereas a live officer would be able to visualize the entire scene when making their decision whether to cite the driver or not."

Proposed amendments: The committee may wish to consider asking the author to accept the following amendments. The first two amendments are consistent with requirements that were imposed upon the initial TOLE pilot program to ensure public notice. The third amendment will provide information on whether or not automated enforcement of "block the box" violations is helping with the city's goal of enhancing pedestrian safety.

- 1) Require SFMTA to make a public announcement about the changes to the program and the new offenses that will be cited via automated enforcement at least 30 days prior to starting to issue citations for those offenses.
- 2) Require SFMTA to issue only warning notices for 30 days for violations that have not previously been cited under the TOLE program,
- 3) Require SFMTA to report to the Legislature on or before January 1, 2019, on the effectiveness of automated enforcement of "block the box" violations in reducing pedestrian injuries and fatalities.

Prior legislation: AB 101 (Ma) Chapter 377, Statutes of 2007, authorized SFMTA to initiate a pilot program to equip transit vehicles with forward-facing parking control devices to record images of vehicles parked in transit-only lanes and issue parking citations based on that video evidence.

AB 1041 (Ma), Chapter 325, Statutes of 2011, extended the sunset on the program through January 1, 2016, and required SFMTA to submit another report to the Legislature by March 1, 2015, on the effectiveness of the program and its impacts on privacy.

REGISTERED SUPPORT / OPPOSITION:

Support

San Francisco Municipal Transportation Agency (sponsor)
California Public Parking Association
San Francisco County Transportation Commission
Walk San Francisco

Opposition

AAA Northern California, Nevada & Utah
Automobile Club of Southern California
National Motorists Association
Safer Streets L.A.

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