

Date of Hearing: April 4, 2016

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 2586 (Gatto) – As Introduced February 19, 2016

SUBJECT: Parking

SUMMARY: Makes changes to a variety of parking provisions. Specifically, **this bill:**

- 1) Declares the intent of the Legislature that if a local authority prohibits or restricts parking or standing of vehicles for the purposes of street sweeping, the local authority shall ensure that parking is made available as soon as the street sweeping is completed.
- 2) Deletes the sunset on provisions authorizing parking, up to the posted time limit, at inoperable parking meters or in operable parking payment centers (with kiosks), thereby extending these provisions indefinitely.
- 3) Prohibits valet parking services in business districts from restricting motorists' ability to park in available metered parking spaces and from prohibiting motorists from using designated passenger loading areas.
- 4) Prohibits a local authority, when using contracted private parking enforcement services, from promoting incentives (monetary or otherwise) for issuing higher numbers of violations or increasing fines to cover the costs of the contracted enforcement services.
- 5) Requires local jurisdictions to consider the feasibility of using demand-based pricing technology and to identify appropriate locations where it can be utilized, when installing new parking technology within its jurisdiction.
- 6) Requires the local jurisdiction to include a written finding when considering the use of demand-based pricing technology for parking and to retain a copy of the finding and post it on their Internet Web site.
- 7) Exempts the owner of a vehicle from paying a parking fine or charges, including towing and impoundment fees, resulting from illegal parking of a vehicle if the illegal parking is the result of a third party criminal activity.
- 8) Makes related, clarifying amendments.

EXISTING LAW:

- 1) Defines parking as the standing of a vehicles, whether occupied or not, otherwise than temporarily for purpose of and while actually engaged in loading and unloading of merchandise or passengers.
- 2) Allows local authorities to establish certain parking requirements by ordinance.
- 3) Authorizes parking, for up to the posted time limit, in any parking space that is regulated by an inoperable parking meter or an inoperable parking payment center, as defined, until January 1, 2017.

- 4) Authorizes local jurisdictions to issue parking citations, which includes the use of automated enforcement, to allow for street sweeping.

FISCAL EFFECT: Unknown

COMMENTS: According to the author, every year cities issue thousands of parking tickets to motorists for every imaginable violation ranging from parking at inoperable meters, obstructing driveways, parking too close to fire hydrants and stop signs, and abandoning vehicles. He notes that, in part, these actions are driven by budget deficits that forced many local governments to run their parking enforcement programs as revenue-generation mechanisms rather than as a mechanism to enforce sensible parking restrictions. He points out that these excessive citations add up. In 2014 alone, the City of Los Angeles generated \$165 million in citations and, similarly, the City of San Francisco generated \$130 million. The author has introduced this bill, which he describes as a "Parking Bill of Rights," to address a variety of parking offenses that he believes are being excessively cited by local jurisdictions and are overly punitive.

Street Sweeping: Specifically, this bill declares the intent of the Legislature that parking should resume on a street as soon as street sweeping is performed in an effort to free up available parking spaces that would otherwise be unusable for "blocks of time" regardless of whether or not street sweeping activities have concluded. The author notes not allowing drivers to resume parking immediately after street sweeping is concluded, unnecessarily blocks access to parking but also causes motorists to drive around searching for parking spaces adding to congestion and air pollution problems.

The Legislature has declared the importance of street sweeping, particularly in more urbanized areas with higher levels of paving, as a way to capture pollutants before they become soluble and increase the need for costly stormwater treatment practices. Local jurisdictions use street sweeping equipment on a rotating basis on city streets and prohibit parking on certain blocks (typically in four hour increments) to allow street sweeping equipment unfettered access to curb areas where debris and pollutants tend to collect.

It is true that limiting parking access in large time blocks increases the demand for parking, it could be argued that these large blocks of time allow personnel the time they need to complete the work. Conversely, it could be argued that closing the street to parking to simply to provide workers with more "wiggle room" creates excessive parking difficulties for the general public. While it makes sense that the street should be available for parking after street sweeping is complete, it could be difficult for motorists to know exactly when street sweeping efforts are completed.

Broken Parking Meters: This bill removes the sunset on provisions set forth in AB 61 (Gatto), Chapter 71, Statutes of 2013, that prohibits local governments from ticketing cars parked at broken meters until 2017. The author notes that leaving the sunset in place will allow local jurisdictions to simply begin ticketing again after the sunset date.

In 2012, SB 1388 (DeSaulnier), Chapter 70, Statutes of 2012, established a general rule that a vehicle owner may park, up to the posted time limit, without penalty, in any parking space where the parking meter or parking payment center is inoperable. SB 1388 contained a provision that allowed local jurisdictions to adopt different rules, provided that adequate notice of the rule was

provided at the parking location. As a result, some local jurisdictions began banning parking at inoperable meters using posted signs to notify motorists, in compliance with SB 1388.

To address this loophole, Assemblymember Gatto introduced AB 61 to prohibit local jurisdictions from ticketing at inoperable meters. AB 61 included a sunset provision making it inoperable after January 1, 2017. The author contends that the intent of AB 61, to make as many parking spaces available to motorists as possible, has been achieved. He contends that AB 61 has also created an incentive for local jurisdictions to promptly repair or replace broken meters. Local jurisdictions, on the other hand, contend, that AB 61, while well intended, encouraged increased parking meter vandalism which, when successful, allows motorists to park for free. Writing in opposition to AB 2586, the League reports that initial surveys of its member cities indicates that there has been a significant increase in parking meter vandalism in the two years since AB 61 went into effect. They also note that broken parking meters represent only a fraction of available parking meters.

Valet Parking: The author has also included in the bill a prohibition regarding valet parking services on city streets. Specifically, AB 2586 would prohibit valet parking operators from blocking metered spaces and loading zones from public use. The author notes that while these valet operators provide a useful service to restaurants and other small businesses, he feels that, increasingly, valet operators keep lawful motorists from utilizing available metered spaces thereby limiting parking options for those that do not use valet services. The author notes that this provision addresses numerous complaints from motorists in the Los Angeles area that valet parking services are unfairly utilizing public parking stalls to benefit only a small handful of businesses and individuals.

Local rules governing valet parking operators in Los Angeles generally provide that valet parking operators must obtain operator permits that allow operation during approved hours and that public parking spaces may only be used with prior writing approval. This rule presumably allows local jurisdictions to regulate the number of metered spaces and loading zones that are used. The issue of valet services on city streets has become hotly contested in the Los Angeles area where some contend valet operators are "hijacking" public spaces and others feel that they provide a valuable service that attracts customers to business districts.

Private Parking Enforcement: The author points out that in the face of limited manpower, many local governments have turned to the privatization of parking enforcement operations. While the author does not take issue with this method of performing this much needed enforcement, he notes that some parking enforcement contracts contain provisions that incentivize enforcement contractors to issue citations. The author feels that these practices results in overly harsh or unfair enforcement. While it could be argued that these parties are simply enforcing existing law, as the author points out, creating financial incentives for these companies or other incentives, such as improved prospects for renewed contracts, can lead to overzealous enforcement resulting in costly fines to motorists for what can be perceived as relatively minor offenses.

Demand-Based Parking Systems: The author has included in this bill provisions that require local authorities to consider the feasibility of using demand-based pricing when they are considering installing new parking technology. The bill also requires local jurisdictions to prepare a written finding before installing demand-based pricing systems, to retain that finding, and post it on their Internet Web site.

The author notes that demand-based pricing, which allows prices to fluctuate based on demand, can serve as a mechanism to increase "turnover" of parking spaces, making more parking stalls available throughout the day. He notes that while some cities have successfully implemented this system, many cities fail to consider it. He feels that this bill would encourage local jurisdictions to look at and potentially implement these parking alternatives. He points to successful demand-based parking programs implemented by the San Francisco Metropolitan Transportation Authority (SFMTA) who recently upgraded all of San Francisco's 29,000 parking meters to "smart meters." These "smart meters" allow for demand-based price changes throughout the day. SFMTA contends that the "smart meters" improved parking availability without increasing double parking, congestion, or parking citations. Additionally, SFMTA noted that "cruising" for parking spaces decreased by 30% and meter-related parking tickets decreased 23% after the "smart meters" were installed.

Vehicle Theft and Towing: Lastly, the author has included a provision that would exempt vehicle owners, whose cars were stolen or otherwise affected by criminal activity that result in a parking citation or towing or impoundment, from being responsible for these charges. The intent of this provision is to protect victims of vehicle theft from the cost of citations, towing, and impoundment charges that are incurred through no fault of their own. While this provision would absolve the vehicle owner of these expenses, it instead requires others, namely towing companies who are summoned by local jurisdictions to remove vehicles, to absorb these costs.

The California Tow Truck Association and the United Coalition for Motor Club Safety, who both oppose this bill as a result of this provision, point out that vehicle owners are in the best position to readily protect themselves from the risks of incurring costs associated with vehicle theft by obtaining a suitable auto insurance policy. They go on to express that this provision sets an unfair precedent of requiring towing companies to provide free towing services to local jurisdictions.

Writing in support of this bill, the Howard Jarvis Taxpayers Association contends that AB 2586 contains a number of common-sense provisions that will ensure that taxpayers do not spend their hard-earned money dealing with either government incompetence or criminal activity far outside of their control.

Suggested amendments: The majority of the provisions included in this bill would encourage local governments to fully address parking issues in their jurisdictions. Of the provisions in this bill, the provision relating to stolen vehicles would place an unfair burden on tow operators who would be required to "absorb" these costs despite the fact that their services are requested by the local jurisdiction. The author has agreed to accept the Committees suggested amendment that this provision be removed.

Double referral: This bill will be referred to the Assembly Local Government Committee should it pass out of this committee.

Previous legislation: AB 61 (Gatto), Chapter 71, Statutes of 2013, prohibited, until January 1, 2017, a city or county from citing vehicles or parking at inoperable parking meter or parking payment center for up to the posted time limit.

SB 1388 (DeSaulnier), Chapter 70, Statutes of 2012, established a general rule that a vehicle owner may park without penalty in any parking space for up to the posted time limit if the parking meter or parking payment center is inoperable, but allows a city or county to adopt a different rule if it provides adequate notice of the rule at parking locations, parking meters, or parking payment centers.

REGISTERED SUPPORT/OPPOSITION:

Support

Howard Jarvis Taxpayers Association

Opposition

League of California Cities
California Tow Truck Association
United Coalition for Motor Club Safety

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