

Date of Hearing: April 17, 2023

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 361 (Ward) – As Amended March 9, 2023

SUBJECT: Vehicles: video imaging of bicycle lane parking violations

SUMMARY: Authorizes a local agency to install an automated forward facing parking control device on city-owned or district-owned parking enforcement vehicles for the purpose of video imaging or parking violations occurring in bicycle lanes, until January 1, 2030. Specifically, **this bill:**

- 1) Defines “local agency” to include a public transit operator, a local city, county or city and county parking enforcement authority.
- 2) Requires the cameras to record the date and time of the violation at the same time as the video image is captured.
- 3) Requires local agencies to provide reduced or waive payments for parking penalties for indigent persons.
- 4) Requires warning notices to be issued for the first 60 days and requires a public announcement of the program with information about the enforcement program, existing parking regulations, and the payment options available for low-income persons at least 60 days prior to the commencement of issuing notices of parking violations.
- 5) Requires a designated employee of a city, county, city and county, or a contracted law enforcement agency for a special transit district who is qualified to issue parking citations to review video image recordings for the purpose of determining whether a parking violation occurred in a bicycle lane.
- 6) Requires the registered owner of the vehicle to be permitted to review the video image evidence of the alleged violation during normal business hours at no costs.
- 7) Authorizes the video image evidence to be retained for up to six months from the date the information was first obtained, or 60 days after final disposition of the citation, whichever date is later, after which time the information shall be destroyed.
- 8) Requires any video image evidence captured from the devices that do not contain evidence of a parking violation occurring in a bicycle lane to be destroyed within 15 days after the information was first obtained and prohibits an automated license plate recognition system from being used unless it complies with existing law.
- 9) Requires a local agency that implements this bill to provide to the Transportation, Privacy, and Judiciary committees of the Legislature an evaluation report of the enforcement system’s effectiveness, impact on privacy, impact on traffic outcomes, cost to implement, change in citations issued, and generation of revenue, no later than December 31, 2029.

- 10) Requires a designated employee of a local agency, including a contracted law enforcement agency, to issue a notice of parking violation to the registered owner of a vehicle within 15 calendar days of the date of violation.
- 11) Authorizes a local agency to decline to issue a ticket based on the evidence in the video illustrating hardship.
- 12) Requires the notice of parking violation to list the violation of a statute, regulation or ordinance governing vehicle parking, a statement indicating that payment is required within 21 calendar days from the date of citation issuance, and that procedure for the registered owner, lessee, or rentee to deposit the parking penalty or contest the citation pursuant to existing law governing parking tickets. The notice is required to set the date, time and location of the violation, the vehicle license number, registration expiration date, the color of the vehicle, and, if possible, the make of the vehicle. The notice of parking violation, or copy of the notice, shall be considered a record kept in the ordinary course of business of the local agency. The notice also is required to include information regarding the process for requesting review of the video image evidence along with the notice of parking violation.
- 13) Authorizes the notice of parking violation to be served by depositing the notice in the United States mail to the registered owner's last known address listed with the Department of Motor Vehicles (DMV). The proof of mailing demonstrating that the notice of parking violation was mailed to that address is required to be maintained by the local agency.
- 14) Requires a local agency to charge the penalty in the notice if the registered owner, by appearance or by mail, makes payment to the processing agency or contests the violation within either 21 calendar days from the date of mailing of the citation, or 14 calendar days after the mailing of the notice of delinquent parking violation.
- 15) Authorizes a local agency to cancel a parking violation within 21 day and requires the cancellation to be set forth in writing.
- 16) Authorizes a person, following an initial review by the local agency and an administrative hearing, to seek court review by filing an appeal.
- 17) Authorizes a local agency or a contracted law enforcement agency to contract with a private vendor for the processing of notices of parking violations and notices of delinquent violations, but requires the local agency to maintain overall control and supervision of the program.

EXISTING LAW:

- 1) Provides that a violation of any regulation governing the standing or parking of a vehicle under the Vehicle Code, federal statute or regulation, or local ordinance, is subject to a civil penalty. (Vehicle Code Section (VEH) 40200)
- 2) Requires a peace officer or person authorized to enforce parking laws and regulations to securely attach to the vehicle a notice of parking violation, unless the vehicle is driving away at the time of the violation, in which case the peace officer or employee may mail a violation. (VEH 40202)

- 3) Authorizes all public transit operators to install automated forward facing parking control devices on transit vehicles for the purposes of enforcing parking violations occurring in transit-only traffic lanes and at transit stops and stations. (VEH 40240)
- 4) Prohibits a person from stopping, standing, sitting or loitering on a class I bikeway. (VEH 21211)
- 5) Prohibits a person from parking a bicycle, vehicle, or any other object upon any bikeway or bicycle path or trail, which impedes or blocks the normal and reasonable movement of any bicyclist unless the placement or parking is necessary for safe operation. (VEH 21211)
- 6) Defines class 1 bikeway as a bike path which provides a completely separated right-of-way designated for the exclusive use of bicycles and pedestrians with crossflows by motorist minimized.
- 7) Provides several options to processing agencies collecting unpaid parking penalties for tickets, including filing an itemization of unpaid parking penalties and service fees with DMV for collection with the registration of a vehicle, so long as the processing agency:
 - a) Provides a payment plan option for indigent persons, as defined, that allows unpaid parking fines and fees to be paid off in monthly installments of no more than \$25 for total amounts due that are \$500 or less, in a period within 24 months. No prepayment penalty for paying off the balance prior to the payment period may be accessed.
 - b) Waives all late fees and penalty assessments, exclusive of any state surcharges, as defined, if an indigent person enrolls in the payment plan. Waived late fees and penalty assessments may be reinstated if the person falls out of compliance with the payment plan.
 - c) Limits the processing fee to participate in a payment plan to \$5 or less for indigent persons and \$25 or less for all other persons. The processing fee may be added to the payment plan amount at the discretion of the payee.
 - d) Allows the application for indigency determination for a period of 120 calendar days from the issuance of a notice of parking violation, or 10 days after the administrative hearing determination, whichever is later. (VEH 40220)
- 8) Requires a processing agency to allow a registered owner or lessee who falls out of compliance with a payment plan a one-time extension of 45 calendar days from the date the plan becomes delinquent to resume payments before the processing agency files an itemization of unpaid parking penalties and service fees with DMV. (VEH 40220)
- 9) Requires a processing agency to include information regarding its payment plan option above on its public website, and a web page link and telephone number to more information on the program. (VEH 40220)
- 10) Defines “indigent” for the purposes of this section to mean anyone who meets the income requirements for or is currently on several public assistance programs, including: Supplemental Security Income (SSI), Supplemental Nutrition Assistance Program (SNAP, or more commonly known as food stamps), Medi-Cal or IHSS. (VEH 40220)

FISCAL EFFECT: Unknown

COMMENTS: Bicyclist fatalities have increased in recent years. In 2020, 938 cyclists lost their lives in the United States, a 9.2% jump from the previous year and the highest level since 1987. Bicycle infrastructure, including bike lanes, separated bike lanes, and bike paths all play an important role in improving cyclist safety. In *Cycling for Sustainable Cities*, Professor Rune Elvik notes that studies on bicycle infrastructure have generally found that there is a 30-40% lower injury risk for cyclists on roadways with bicycle lanes, bicycle paths, or on traffic calmed streets with few cars and low speeds.

Bicycle infrastructure also increases the number of cyclists on the roads. From 2007 to 2014, Boston added 92 miles of bike lanes. The number of cyclists commuting to work doubled, while the probability of getting injured was reduced by 14%. New York City from 1996 to 2016 expanded conventional bike lanes from 250 lane miles to 1,100 lane miles. Cycling trips more than doubled to more than 134 million a year. During that same time the fatality rate dropped by 71% and the risk of serious injury dropped 73%.

When New York City added bike lanes and a road diet on Prospect Park West, neither vehicle throughput nor travel times changed, while safety significantly improved. The percentage of cars exceeding 40 mph fell from 47% to 2%, while illegal sidewalk riding by cyclists fell from 46% to 3%. Cycling volumes doubled, while the number of injuries were reduced by half.

According to the author, “Many bike lanes are on the far right side of the road near sidewalks and where cars park. Because many bike lanes do not have physical barriers blocking them from the road, it is not uncommon for cars to park in bike lanes or to park in a way that blocks them.

This common problem is a big issue for those who are bicycling in the bike lanes because it forces them to swerve into car traffic, creating a hazard for themselves and motorists. This creates a direct problem in the moment for bicyclists, but it also dissuades people who observe this issue from bicycling in some of the most optimal locations: city centers. AB 361 would create a pilot program in participating cities that would allow increased enforcement of bike lane parking violations.”

Parking violations today are civil violations and vary from city to city. In San Francisco, parking in a bicycle lane would result in a \$162 ticket. In Los Angeles, the ticket is \$93. In San Diego, the ticket is \$52.50. Payment plans and a waiver of late fees is required for low income individuals.

Committee Comments: Bicycle lanes provide life-saving protection for cyclist on public roads. Unfortunately a vehicle parking in a bicycle lane negates that benefit and increases risk for a cyclist who has to swerve into the traffic lane to avoid hitting the parked vehicle. This bill would ease a city’s ability to issue parking tickets to individuals parking in those lanes by authorizing the use of cameras to enforce parking violations on parking enforcement vehicles. Doing so may increase the speed in which a parking enforcement agent issues such tickets, as they would no longer be required to exit their vehicle and place a notice on every car parked in such a lane. Instead citations would be mailed directly to individuals.

Double referral: Should this bill pass this committee it will be referred to the Committee on Privacy and Consumer Protection.

Previous Legislation:

AB 917 (Bloom) Chapter 709, Statutes of 2021 authorized all public transit operators to install automated forward-facing parking control devices on transit vehicles for the purposes of enforcing parking violations occurring in transit-only traffic lanes and at transit stops until January 1, 2027.

SB 1051 (Hancock) Chapter 427, Statutes of 2016 authorized a pilot program for video enforcement of parking violations in transit-only traffic lanes for Alameda Contra Costa Transit Authority.

AB 1287 (Chiu) Chapter 485, Statutes of 2015 removed the sunset on the authority of San Francisco's pilot program for video enforcement of parking violations in transit-only traffic lanes.

AB 1041 (Ma) Chapter 325, Statutes of 2011 extended the sunset on the authority of San Francisco's pilot program for video enforcement of parking violations in transit-only traffic lanes to January 1, 2016.

AB 101 (Ma) Chapter 377, Statutes of 2007 authorized San Francisco to establish a pilot program for video enforcement of parking violations in transit-only traffic lanes which expired January 1, 2012.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: David Sforza / TRANS. / (916) 319-2093