File No. 111239

Committee Item No. 1
Board Item No. 22

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Public Safety **Date:** September 20, 2012

Board of Supervisors Meeting **Date:** October 2, 2012

Cmte	Board	
☐	☐	Motion
☐	☐	Resolution
☒	☒	Ordinance
☒	☒	Legislative Digest
☐	☐	Budget and Legislative Analyst Report
☐	☐	Legislative Analyst Report
☐	☐	Youth Commission Report
☐	☐	Introduction Form
☒	☒	Department/Agency Cover Letter and/or Report
☐	☐	MOU
☐	☐	Grant Information Form
☐	☐	Grant Budget
☐	☐	Subcontract Budget
☐	☐	Contract/Agreement
☐	☐	Form 126 – Ethics Commission
☐	☐	Award Letter
☐	☐	Application
☐	☐	Public Correspondence
☒	☒	Department Referral Memo

OTHER: (Use back side if additional space is needed)

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☐	☐	
☐	☐	

Completed by: Dena Braley **Date:** September 14, 2012
Completed by: Dena Braley **Date:** September 24, 2012

[Police Code - Vehicle Press Cards]

Ordinance amending San Francisco Police Code Sections 939, 939.1, 939.3, 939.5, and 939.7, and repealing San Francisco Police Code Sections 939.2, 939.4, and 939.6 to remove the Chief of Police's authority to issue or regulate Vehicle Press Cards.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article 13 of the San Francisco Police Code is hereby amended by amending Sections 939, 939.1, 939.3, 939.5, and 939.7, to read as follows:

SEC. 939. ISSUANCE OF PRESS CARDS.

The Chief of Police is hereby authorized to issue press cards ~~*and Vehicle Press Cards*~~ to newsgatherers, reporters and photographers in the actual and bona fide employment of a newspaper or periodical, for the purpose of securing their admittance within all police lines in th~~*is*~~*se* City and County *of San Francisco*.

The Chief of Police shall establish procedures for *the* application~~*s*~~*, issuance, expiration, reissuance, and revocation of* ~~*for*~~ press cards ~~*and Vehicle Press Cards, as well as for their issuance, expiration, re-issuance and revocation*~~. Such procedures shall include, at a minimum, the requirement that applications be in writing, that press cards must include a clear photo of the person to whom it is issued, and that press cards be carried ~~*on the*~~*by the* person ~~*and Vehicle Press Cards be displayed on the vehicle in the control of or operated by an employee of the newspaper, radio or television station to which it was issued*~~*to whom it is issued* in order to exercise the newsgathering privileges described in Sections 939-939.5.

All press cards ~~*and Vehicle Press Cards*~~ issued under this Section shall have a term of one year. Expiration and re-issuance of press cards ~~*and Vehicle Press Cards*~~ shall be governed by procedures to be established by the Chief of Police.

A record of the issuance of such press cards shall be kept in the office of the Chief of Police, with the date of issuance, the photograph, name and contact information of the person to whom issued, and the unique number of the card. The Chief of Police may at any time revoke the privilege attached to any or all such cards. Unless revoked, the privilege attached to such cards shall automatically terminate on the date of expiration, such expiration date to be determined as hereinabove indicated.

Such cards shall not be transferable and it shall be unlawful for any person to use or have in his or her possession any such card unless the same was issued to that person by the Chief of Police; or to use any such card after the privilege attached thereto has terminated or been revoked. It shall likewise be unlawful for any person to use any such card while such person is not in the actual and bona fide employment of a newspaper or periodical as a newsgatherer, reporter, or photographer while gathering information or images for use in the news.

SEC. 939.1. DEFINITIONS.

~~*For the purposes of Sections 939-939.5*~~*As used in this Article*, the following definitions shall apply:

(a) News-Gathering Vehicle. A News-Gathering Vehicle is a motor vehicle for which a Vehicle Press ~~*Card*~~*Permit* has been issued by the ~~*Chief of Police*~~*Municipal Transportation Agency* while the vehicle is in the control of a newspaper, radio or television station, or is being operated by an employee of a newspaper, radio or television station whose primary duty is to gather or photograph news events while gathering information or images for use in the news.

(b) Vehicle Press ~~Card~~*Permit*. A Vehicle Press ~~Card~~*Permit* is a~~n~~ ~~*identification card*~~*parking permit issued* ~~*on a form approved and signed*~~ by the ~~*Chief of Police*~~*Municipal Transportation Agency* for the use of an authorized News-Gathering Vehicle.

SEC. 939.~~3~~2. DISPLAY OF PRESS CARD.

A person who displays a valid press card issued by the Chief of Police to that person pursuant to the provisions of Section 939 of this Article shall be entitled to pass behind police lines in a vehicle that does not have a Vehicle Press ~~Card~~*Permit*; provided, however, that such access may be denied at the discretion of the Chief of Police to protect the public health, safety or welfare.

SEC. 939.~~5~~3. FEE FOR ~~*VEHICLE*~~ PRESS CARD.

The Chief of Police may collect *a* permit fee~~s~~ for *issuing* press cards ~~*and Vehicle Press Cards*~~ in order to recover costs of administering the program.

SEC. 939.~~7~~4. PENALTY.

Any person violating any provision~~s~~ of Sections 939 through 939.~~6~~3 of this Article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed $25 or by imprisonment in the County Jail not exceeding 10 days, or by both such fine and imprisonment.

Section 2. Article 13 of the San Francisco Police Code is hereby amended by repealing Sections 939.2, 939.4, and 939.6, to read as follows:

~~***SEC. 939.2. ISSUANCE OF VEHICLE PRESS CARD.***~~

~~*The Chief of Police shall issue one or more Vehicle Press Cards to a newspaper, radio or television station upon receipt of an application signed by the managing editor, station manager, or person of equivalent managerial responsibility, of the newspaper, radio or television station. The application shall be on a form approved by the Chief of Police. The application shall require the*~~

~~applicant to verify in writing that each requested Vehicle Press Card is for either (a) an identified vehicle owned and operated by the newspaper, radio or television station and used primarily for the gathering of news, or (b) a person holding a full-time position with that organization whose duties primarily involve the actual gathering of news outside of the organization's main office. Each such organization with 12 or more full-time employees may also apply for one temporary Vehicle Press Cards, and each such organization with 25 or more full-time employees may also apply for two temporary Vehicle Press Cards, which Vehicle Press Cards shall be of a distinguishing color and which may be assigned by the newspaper, radio or television station on an as-needed basis to temporary or free-lance reporters or photographers while they are engaged in news gathering for that newspaper, radio or television station, subject to the other restrictions on use set forth in this Article. In the event the temporary Vehicle Press Cards are being used by a newspaper, radio or television station in a manner inconsistent with the provisions of this Article, the Chief of Police shall have the discretion, after a hearing to consider evidence of such misuse and testimony from the newspaper, radio or television station and other interested persons, to revoke any or all Vehicle Press Cards then issued to such organization. All Vehicle Press Cards shall expire at the end of each calendar year, and a new application must be submitted for reissuance of the card for the following calendar year. The Chief of Police may request supporting documentation or evidence to verify any information supplied on an application for a Vehicle Press Card, including verification of an employee's newsgathering duties. Print media outlets whose publications are not published more frequently than once per month shall not be eligible to receive Vehicle Press Cards.~~

~~***SEC. 939.4. GENERAL PROVISIONS.***~~

~~*Nothing in this Article shall relieve the operator and/or owner of a News Gathering Vehicle or the newspaper, radio or television station that holds a Vehicle Press Pass for such a vehicle from the duty to operate and Park the vehicle with due regard for access of Fire Department vehicles to any property, and to the safety of all persons and vehicles, nor shall these provisions protect the owner of*~~

~~*the newspaper, radio or television station from the consequences of reckless disregard for the safety of others.*~~

~~***SEC. 939.6. LOCATIONS FOR NEWS-GATHERING VEHICLES.***~~

~~*Provided that the News-Gathering Vehicle complies with all other applicable requirements, a News-Gathering Vehicle may park where authorized by the Transportation Code, Division II, Section 106 (Exemptions).*~~

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
JOHN I. KENNEDY
Deputy City Attorney

FILE NO. 111239

LEGISLATIVE DIGEST

[Police Code – Vehicle Press Cards]

Ordinance amending San Francisco Police Code Sections 939, 939.1, 939.3, 939.5, and 939.7, and repealing Sections 939.2, 939.4, and 939.6 to remove the Chief of Police's authority to issue or regulate Vehicle Press Cards.

Existing Law

Under existing law, the Chief of Police is authorized to establish procedures for the application, issuance, reissuance, and revocation of Vehicle Press Cards to News-Gathering Vehicles. Display of a Vehicle Press Card exempts a parked vehicle from residential parking time restrictions, payment at parking meters, yellow and white curb zone restrictions, and overtime parking restrictions if the employee is on duty and the vehicle is parked the required distance from the employee's place of employment or residence. The Chief of Police collects all permit fees associated with administering the program.

Amendments to Current Law

This legislation would remove the Chief of Police's authority to issue or regulate Vehicle Press Cards.

Background Information

The Charter grants the SFMTA exclusive authority to adopt regulations to limit parking and establish parking privileges and locations subject to such privileges. If these Police Code provisions are amended, the SFMTA intends to adopt legislation to establish procedures for the application, issuance, reissuance, and revocation of Vehicle Press Permits to News-Gathering Vehicles and regulate the use of such permits. The SFMTA would set the permit fee and collect all revenues associated with administering the program.

Edwin M. Lee | Mayor

Tom Nolan | Chairman
Cheryl Brinkman | Vice-Chairman
Leona Bridges | Director
Malcolm Heinicke | Director
Jerry Lee | Director
Joël Ramos | Director
Cristina Rubke | Director

Edward D. Reiskin | Director of Transportation

August 6, 2012

The Honorable Members of the Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton Goodlett Place
San Francisco, CA 94102

Subject: Amending San Francisco Police Code Sections 939, 939.1, 939.3, 939.5 and repealing Sections 939.2, 939.4 and 939.6 to remove the Chief of Police's authority to issue or regulate vehicle press permits

Honorable Members of the Board of Supervisors:

The purpose of this briefing is to provide information to support the San Francisco Municipal Transportation Agency's request that the Board of Supervisors amend San Francisco Police Code Sections 939, 939.1, 939.3, 939.5 and repeal Sections 939.2, 939.4 and 939.6 to remove the Chief of Police's authority to issue or regulate vehicle press permits.

Background:
Under existing law, the Chief of Police is authorized to establish procedures for the application, issuance, reissuance, and revocation of press permits for news-gathering vehicles ("Vehicle Press Cards"). Display of a Vehicle Press Card exempts a parked vehicle from residential parking time restrictions, payment at parking meters, yellow and white curb zone restrictions, and overtime parking restrictions if the employee is actively gathering news and the vehicle is parked the required distance from the employee's place of employment or residence. The Chief of Police collects all permit fees associated with administering the program. The Police Department estimates approximately 500 permits are issued per year at $50 each.

The Charter grants the SFMTA exclusive authority to adopt regulations to limit parking and establish parking privileges and locations subject to such privileges. This provision went into effect on January 1, 2008. If these Police Code provisions are amended, the SFMTA intends to adopt legislation to establish procedures for the application, issuance, reissuance, and revocation of vehicle press permits and regulate the use of such permits. The SFMTA would set the permit fee and collect all revenues associated with administering the program.

In order to best streamline and enforce on-street parking permits in the City, the SFMTA proposes to become the issuing agency for vehicle press cards as authorized by the City's Charter. Decentralized parking permit issuance makes it difficult for the Agency to improve parking management in the City and is not

San Francisco Municipal Transportation Agency
One South Van Ness Avenue, Seventh Fl. San Francisco, CA 94103
Tel: 415.701.4500 | Fax: 415.701.4430 | www.sfmta.com

consistent with the City's Charter. As the agency that enforces parking regulations, it is helpful if the SFMTA also issues and regulates on-street parking permits. Under this proposal, the Police Department would continue to issue individual press passes for the purpose of permitting these individuals to be admitted within police lines, and the SFMTA would coordinate with the Police Department to streamline issuance of a Vehicle Press Card for these individuals.

Notification:
The SFMTA has received concurrence from the San Francisco Police Department regarding this change. In addition, all permit holders have been notified of this proposed change.

Legislation Required:
Division I – Board of Supervisors
Repeals the San Francisco Police Code Sections regulating the issuance of Vehicle Press Cards.

Division II – SFMTA Board of Directors
Amendment to Division II of the San Francisco Transportation Code establishing regulations for the issuance of Vehicle Press Card parking permits by the SFMTA and establishing an administrative permit fee. A copy of the proposed Division II ordinance is attached for your reference.

Funding Impact:

The SFMTA will adopt a cost recovery fee for the administration of this permit program. The fee will be $52 for Fiscal Year 2013, $54 for Fiscal Year 2014 and subject to the SFMTA approved cost increase indexing plan going forward.

Recommendation:

The San Francisco Municipal Transportation Agency (SFMTA) recommends the Board of Supervisors amend San Francisco Police Code Sections 939, 939.1, 939.3, 939.5 and repealing Sections 939.2, 939.4 and 939.6 to remove the Chief of Police's authority to issue or regulate Vehicle Press Card parking permits.

Sincerely,

Edward D. Reiskin
Director of Transportation

attachment

FILE NO. RESOLUTION NO.

[Transportation Code – Vehicle Press Permits]

Resolution amending San Francisco Transportation Code, Division II, by adding Section 911 to authorize the SFMTA to issue and regulate Vehicle Press Permits, and amending Section 902 to set the Vehicle Press Permit fee.

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 900 of Division II of the Transportation Code is hereby amended by amending Sections 902, to read as follows:

SEC. 902. - GENERAL PERMIT CONDITIONS.

The following general provisions apply to all permits issued under this Article.

(a) Application and Renewal. Permit applications must be submitted on a form supplied by the SFMTA. All required application and any other fees must be paid and all permit requirements satisfied before a permit may be issued. The SFMTA may require any information of the applicant which it deems necessary to carry out the purposes of this Article. Permits may be renewed annually in compliance with any renewal procedures established by the SFMTA.

(b) Display of Permit. Permittees must maintain the permit at the site of the permitted activity and available for inspection in accordance with any requirements for permit display as may be established by the SFMTA, and shall make all permits available for inspection upon request by an employee of the Police Department or SFMTA.

(c) Prior Payments Required. No permit shall be issued or renewed until the applicant has paid all permit fees that are due to the SFMTA. No permit shall be issued to any applicant who is responsible for payment of one or more delinquent citations for violation of any provision of this Code or the Vehicle Code until all fines and fees associated with the citation are paid in full.

(d) Permit Fees. Fees for permits issued pursuant to this Code are as follows:

Table 902(d)
Permit Fee Schedule

	Effective July 1, 2012	Effective July 1, 2013
Special Traffic Permit (§ 903)		
Base Permit Fee:	$176.25	$179.75
Daily Fee:	$36.25	$37.00
Late Fee:	$201.25	$201.25
Removal/Relocation Fee		
Removal or relocation of each sign:	$50.00	$50.00
Removal or relocation of each pole:	$75.00	$75.00
Parking Space for the temporary relocation of colored curbs zones:	$200.00	$200.00
Parking Space for permanent relocation of colored curb zones, including painting:	$350.00	$350.00
Temporary Exclusive Use of Parking Meters (§ 904)		
Base Permit Fee: per 25 linear feet of construction frontage per day, including weekends and holidays:	$6.00	$7.00
Residential Area Parking Permit (§ 905)		

Residence and Commercial Property Owners/ Leassees		
(one year):	$104.00	$109.00
(6 months):	$52.00	$54.00
Permit Transfer Program:	$16.00	$16.00
Temporary/Visitor Permit		
Daily:	$15.00	$16.00
2 weeks:	$35.00	$37.00
4 weeks:	$52.00	$54.00
6 weeks:	$69.00	$72.00
8 weeks:	$88.00	$93.00
Health Care Worker/Foreign Consulate/Childcare Provider Permits		
First six months of permit year:	$104.00	$109.00
Last six months of permit year:	$52.00	$54.00
Yearly Educational Institution Permits:	$104.00	$109.00
Permit Transfer Fee:	$15.00	$16.00
Contractor Permit (§ 906)		
Base Permit Fee		
Annual/Renewal:	$876.00	$920.00
6 Months:	$438.00	$460.00
Permit Transfer Fee:	$36.00	$37.00
Vanpool Permit (§ 907)		
Base Permit Fee		
(per year):	$104.00	$109.00
(6 months):	$52.00	$54.00

Carpool Permit (§ 908)		
Base Permit Fee		
(per year):	$104.00	$109.00
(6 months):	$52.00	$54.00
SFMTA Permit (§ 910)		
Annualized Parking Meter Use Fee calculation as set forth in Section 910		
Vehicle Press Permit (§911) Base Permit Fee: $51.00/year. The permit fee shall only be increased pursuant to the Automatic Indexing Implementation Plan approved by the SFMTA Board of Directors.		
Farmer's Market Parking Permit (§ 801(c)(17))		
Base Permit Fee (quarterly):	$162.00	$170.00
Temporary Street Closures Permits (Division I, Article 9)		
Neighborhood Block Party		
More than 60 days in advance:	$154.00	$158.00
Fewer than 60 days in advance:	$205.00	$210.00
Fewer than 30 days in advance:	$410.00	$420.00
Fewer than 7 days in advance:	$461.00	$473.00
All Other Events		
More than 60 days in advance:	$509.00	$522.00
Fewer than 60 days in advance:	$617.00	$632.00
Fewer than 30 days in advance:	$724.00	$741.00
Fewer than 7 days in advance:	$831.00	$852.00

(e) Indemnification. The permit application for Special Traffic Permits issued pursuant to Section 903, and permits for the Temporary and Exclusive Use of Parking Meters issued pursuant to Section 904, shall require the applicant to acknowledge that the Permittee, by acceptance of the permit, agrees to indemnify and hold the City and County of San Francisco, its departments, commissions, boards, officers, employees and agents ("Indemnitees") harmless from and against any and all claims, demands, actions or causes of action which may be made against the Indemnitees for the recovery of damages for the injury to or death of any person or persons or for the damage to any property resulting directly or indirectly from the activity authorized by the permit regardless of the negligence of the Indemnitees.

(f) Rules and Regulations. Compliance with all applicable rules and regulations and with all permit conditions shall be a material condition for the issuance or renewal of a permit.

(g) Permit Revocation. The Director of Transportation is authorized to revoke the permit of any Permittee found to be in violation of this Article and, upon written notice of revocation, the Permittee shall surrender such permit in accordance with the instructions in the notice of revocation

Section 2. Article 900 of Division II of the Transportation Code is hereby amended by adding Section 911, to read as follows:

SEC. 911. - VEHICLE PRESS PERMITS.

(a) The following definitions shall apply:

(1) News-Gathering Vehicle. A News-Gathering Vehicle is a motor vehicle for which a Vehicle Press Permit has been issued by the Director of Transportation while the vehicle is in the control of a newspaper, radio or television station, or is being operated by an employee of a newspaper, radio or television station whose primary duty is to gather or photograph news events while gathering information or images for use in the news.

(2) Vehicle Press Permit. A Vehicle Press Permit is a permit issued by the SFMTA for the use of an authorized News-Gathering Vehicle.

(b) The SFMTA shall issue one or more Vehicle Press Permit(s) to a newspaper, radio or television station upon receipt of an application signed by the managing editor, station manager, or person of equivalent managerial responsibility, of the newspaper, radio or television station. The application shall be on a form approved by the Director of Transportation. The application shall require the applicant to verify in writing that each requested Vehicle Press Permit is for either (a) an identified vehicle owned and operated by the newspaper, radio or television station and used primarily for the gathering of news, or (b) a person holding a full-time position with that organization whose duties primarily involve the actual gathering of news outside of the organization's main office and who has been issued a Press Permit by the Chief of Police. Each such organization with 12 or more full-time employees may also apply for one temporary Vehicle Press Permit, and each such organization with 25 or more full-time employees may also apply for two temporary Vehicle Press Permits, which shall be of a distinguishing color and may be assigned by the newspaper, radio or television station on an as-needed basis to temporary or free-lance reporters or photographers while they are engaged in news gathering for that newspaper, radio or television station, subject to the other restrictions on use set forth in this Section. In the event the temporary Vehicle Press Permits are being used by a newspaper, radio or television station in a manner inconsistent with the provisions of this Section, the Director of Transportation shall have the discretion, after a hearing to consider evidence of such misuse and testimony from the newspaper, radio or television station and other interested persons, to revoke any or all Vehicle Press Permits issued to such organization. All Vehicle Press Permits shall be valid for a period of not more than one year, and a new application must be submitted for reissuance of each permit for the following year. The Director of Transportation may request supporting documentation or evidence to verify any information supplied on an application for a Vehicle Press Permit, including

verification of an employee's newsgathering duties. Print media outlets whose publications are not published more frequently than once per month shall not be eligible to receive Vehicle Press Permits.

(c) Nothing in this Article shall relieve the operator and/or owner of a News-Gathering Vehicle or the newspaper, radio or television station that holds a Vehicle Press Permit for such a vehicle from the duty to operate and Park the vehicle with due regard for access of Fire Department vehicles to any property, and to the safety of all persons and vehicles, nor shall these provisions protect the owner of the newspaper, radio or television station from the consequences of reckless disregard for the safety of others.

(d) The Director of Transportation may collect permit fees for Vehicle Press Permits in order to recover costs for administering the program. Any annual increase to the permit fee may not exceed an amount calculated by applying the Automatic Indexing Implementation Plan approved by the SFMTA Board of Directors in Resolution No. 09-065 to the permit fee.

(e) Provided that the News-Gathering Vehicle complies with all other applicable requirements, a News-Gathering Vehicle may Park where authorized by the Transportation Code, Division II, Section 106 (Exemptions).

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 XXXX XX, 2012.

_____
Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Chief Greg Suhr, Police Department

FROM: Dena Braley, Assistant Committee Clerk
Public Safety Committee

DATE: July 13, 2012

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety Committee has received the following proposed legislation from the Municipal Transportation Agency, which is being referred to your department for informational purposes.

File No. 111239

Ordinance amending San Francisco Police Code Sections 939, 939.1, 939.3, 939.5, and 939.7, and repealing San Francisco Police Code Sections 939.2, 939.4, and 939.6 to remove the Chief of Police's authority to issue or regulate Vehicle Press Cards.

Attached is a copy of the legislation and the legislative digest for your review.

If you wish to submit any comments or reports, please forward those to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Edwin M. Lee | Mayor

Tom Nolan | Chairman
Jerry Lee | Vice-Chairman
Leona Bridges | Director
Cheryl Brinkman | Director
Malcolm Heinicke | Director
Bruce Oka | Director
Joél Ramos | Director

Edward D. Reiskin | Director of Transportation

September 6, 2011

File 111239

Angela Calvillo, Clerk of the Board
Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 NOV 14 AM 11:34

Subject: Vehicle Press Permits

Dear Ms. Calvillo:

Attached please find an original and four copies for proposed ordinance for Board of Supervisors consideration. The ordinance requests approval of amending the San Francisco Police Code Sections 939, 939.1, 939.3, 939.5 and repealing Sections 939.2, 939.4 and 939.6 to remove the Chief of Police's authority to issue or regulate vehicle press permits.

In addition to the resolution, please find enclosed the following attachments:

1. Briefing Memorandum
2. Legislative Digest
3. Proposed Ordinance
4. SFMTA Board of Directors Resolution approving the Agreement

Please contact Sonali Bose at 415.701.4617 if you have any questions regarding this matter.

Sincerely,

Edward D. Reiskin
Director of Transportation

cc: Board of Supervisors Budget Analyst

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 11-109

WHEREAS, On July 20, 2011, the Board of Supervisors approved an amendment to the Transportation Code, Division I, to establish a two hour maximum time limit for parking at broken or inoperable meters for on-street and off-street parking; and,

WHEREAS, A penalty for violation of the two hour time limit at on-street meters already exists; and,

WHEREAS, The SFMTA Board of Directors is now being requested to set the penalty amount for violation of the two hour time limit at off-street parking meters in Transportation Code, Division II; and,

WHEREAS, Currently there is only one Transportation Code, Division I section for all transit fare evasion violations; and,

WHEREAS, Differentiating fare evasion or fraudulent use of a Clipper card from other fare evasion violations will allow the SFMTA to track, monitor, and target Clipper card violations; and,

WHEREAS, The Board of Supervisors has authority to establish a violation for Clipper card fare evasion or fraudulent use in Transportation Code, Division I; and,

WHEREAS, The SFMTA Board of Directors has authority to set the penalty amount for Clipper card fare evasion or fraudulent use violations in Transportation Code, Division II; and,

WHEREAS, The SFMTA has been working to consolidate Citywide management of parking permits under the SFMTA in order to reduce misuse, streamline issuance, and improve enforcement of on-street parking permits as authorized by Proposition A; and,

WHEREAS, The Police Code currently designates the Police Department as the issuing agency for vehicle press cards; and,

WHEREAS, The Board of Supervisors has the authority to amend the Police Code; and,

WHEREAS, Pursuant to Charter section 16.112 and the Rules of Order of the Board of Directors, published notice was placed in the City's official newspaper to provide notice that the Board of Directors will hold a public hearing on August 2, 2011 to consider the above modifications; and,

WHEREAS, Some of the proposed modifications to the Transportation Code are subject to environmental review under the California Environmental Quality Act (CEQA); and,

WHEREAS, The Department of City Planning has determined that the fine amounts for violation of overtime parking at off-street parking meters and fare evasion using a Clipper card are statutorily exemption 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, A copy of the Department of City Planning's determination is on file in the Secretary's office for the SFMTA Board of Directors; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors approves an amendment to Transportation Code, Division II, Section 302 to establish an off-street parking meter time limit penalty; and, be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors approves an amendment to Transportation Code, Division II, Section 302 to establish a separate transit violation for fare evasion or fraudulent use of a Clipper card; and, be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors recommends approval by the Board of Supervisors of an amendment to the San Francisco Transportation Code, Division I, to add Section 7.2.104 to regulate the use of Clipper cards on Transit Vehicles or in Proof of Payment zones; and, be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors recommends approval by the Board of Supervisors a series of amendments to San Francisco Police Code Sections 939 through 939.7 to repeal the Chief of Police's authority to issue or regulate vehicle press cards.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of AUG 2 2011.

R. Boomer

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency