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August 18, 2011

Hon. Katherine Feinstein  
Presiding Judge of the Superior Court  
Superior Court of California  
County of San Francisco - Grand Jury  
400 McAllister St., Room 008  
San Francisco, CA 94102

SUBJECT: Response to the July 14, 2011 Civil Grand Jury's "Continuity Reports Reviewing the State of Prior Recommendations" related to Disabled Parking Placard Abuse

Dear Judge Feinstein:

This letter is in response to the recommendations made by the Civil Grand Jury in the disabled parking placard abuse section of the July 14, 2011 "Continuity Reports Reviewing the State of Prior Recommendations" as outlined below.

**A. *Civil Grand Jury Recommendations 1:***

"The Board of Supervisors and Mayor should work to establish an independent review panel. If the Board of Supervisors does not act, the Mayor should request the San Francisco Municipal Transportation Agency (SFMTA) Board of Directors to authorize an independent review panel. The panel should include at least one qualified physician or medical authority as specified in CVC Section 255511.58. The panel should have adequate statistical and clerical staff. The panel should be empowered to hold open hearings and make its findings available to the general public."

***Civil Grand Jury Recommendations 2***

"The Mayor should urge the SFMTA board to initiate dialogue with other state counties in California to urge their State Legislative delegations to review current laws pertaining to disabled parking placards. The objective is to bring current regulations into line with those existing in other states, including the automatic exemption from posted time limits and paying parking meter fees."

***SFMTA Response to Recommendations 1 and 2:*** As described in the SFMTA's December 20, 2010 and February 11, 2011 responses, the SFMTA disagrees with recommendation #1, believing that the most effective strategy to address disabled placard abuse is to change state law to allow individual cities and counties to pursue local solutions to the problem. The City and County of San Francisco would then be

able to enact local legislation modeled on successful approaches adopted by other cities to address the issue of disabled placard abuse.

The SFMTA believes that establishing an independent review panel would be ineffective because it would not address the root of the problem – the tremendous financial incentive to misuse placards. For example, with a cost of \$3.50/hr for on-street parking in downtown San Francisco, if a person were to misuse a placard to occupy a scarce on-street parking space, s/he would receive \$7,000 of value at no cost, which is a very strong financial incentive. The best policy which conforms to best practices is to remove financial incentives so that disabled placard abuse will decline, thereby enhancing access and mobility for the person with disability. The implementation of this policy would make the suggested review panel, which would also create a costly and administrative process if implemented, superfluous.

The preferred approach is summarized in the enclosed draft document, and has been shaped by extensive research into best practices in several jurisdictions, outreach with disabled advocacy groups and stakeholders, as well as discussions with representatives from other major California cities and stakeholder entities such as the League of Cities and the Department of Motor Vehicles. Other cities have expressed strong interest in working with the SFMTA to address the ubiquitous problem of disabled placard abuse. This proposal will continue to be refined over the next year as outreach continues and throughout the state and local legislative approval processes.

In the near term, the SFMTA intends to conduct additional outreach and find a state legislative sponsor to carry the bill, in collaboration with other local jurisdictions, work through the committee hearing process in spring and summer of 2012 with the expectation that the legislature would act prior to the end of the legislative session, resulting in new law in January 2013.

***B. Civil Grand Jury Recommendation 3:***

“The Mayor should urge the SFMTA Board of Directors to instruct the DPT to modify enforcement protocol with respect to the misuse of disabled placards and initiate a more vigorous approach involving all PCOs as permitted under CVC Section 22511.56. Serious consideration should also be given to enlisting the SFPD in the effort to combat disabled parking abuse.”

***SFMTA Response:*** The SFMTA has vigorously enforced disabled placard abuse, increasing the number of Parking Control Officers in the Disabled Placard Detail from four in 2007 to eleven in 2011. The enforcement of disabled placards is specialized, labor intensive, time consuming, and costly, and enforcing disabled placards is one demand among many for SFMTA’s scarce financial and enforcement resources.



Moreover, given a realistic assessment of possible additional financial resources, the SFMTA does not believe that additional enforcement can significantly address or reduce disabled placard use; in other words, it would be cost-prohibitive to provide a credible threat of enforcement across the city to achieve the dramatic increase in compliance with the law that is necessary to eliminate or even significantly reduce disabled placard abuse. The SFMTA believes that removing the financial incentive to misuse placards as outlined in the enclosed proposal and as summarized above will better achieve this goal, and will eliminate the need for a higher level of enforcement.

**C. Civil Grand Jury Recommendation 4:**

"The Board of Supervisors should not pass new legislation that allows installing additional meters, extending operation hours or raising meter rates and parking fines until meaningful policies are implemented to eliminate the \$8 million hole in the City's parking revenue caused by continued disabled placard abuse."

**SFMTA Response:** The SFMTA disagrees with this recommendation. Attempting to limit the tools the SFMTA has available to manage parking could potentially jeopardize the SFMTA's ability to implement best parking policy practices limit sound parking management and possibly degrade Muni service delivery, which would impact all Muni customers, including those with disabilities. The SFMTA will continue to pursue best practices that will address the issue of disabled placard abuse most effectively.

If you have any questions or need further clarification, please feel free to contact Sonali Bose, the SFMTA's Chief Financial Officer, at [Sonali.Bose@sfmta.com](mailto:Sonali.Bose@sfmta.com) or 415.701.4617.

Sincerely,



Edward D. Reiskin  
Director of Transportation

Attachment: Draft Summary of SFMTA Proposal to Improve Accessible Parking

cc: Gary Giubbini, Civil Grand Jury

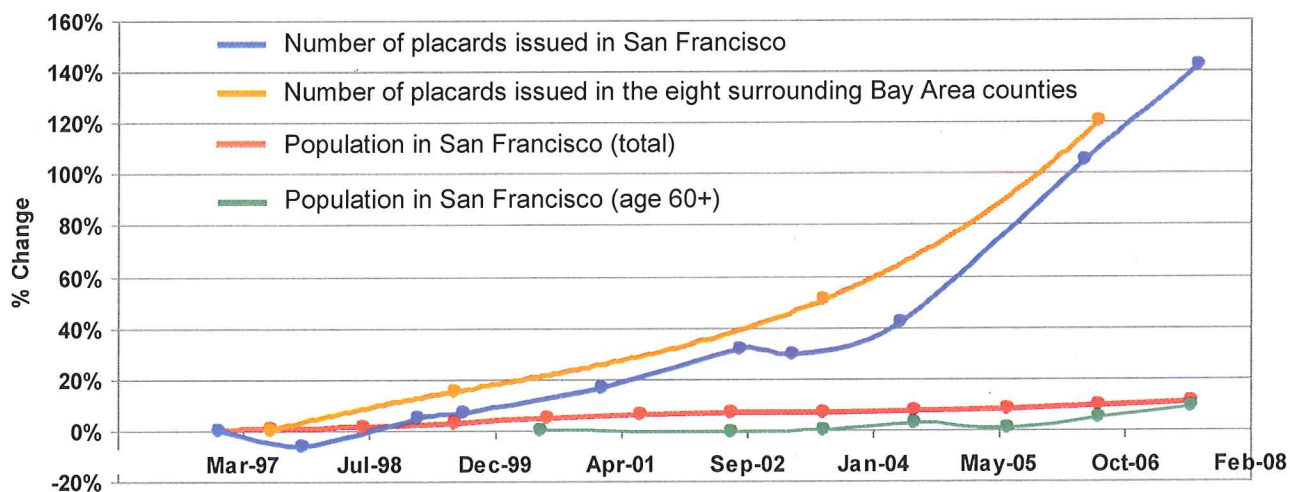
## Draft Summary of Proposal to Improve Accessible Parking

### Issue

The current approach to managing accessible on-street parking in California is not working. It does not successfully create access for the disabled and instead results in reduced overall parking availability causing various other transportation issues which affect everyone, including the disabled. The existing structure of this program which is legislated by the State but managed locally is disconnected.

In San Francisco:

- There are 28,500 metered on-street parking spaces.
- 56,000 placards were issued in 2007, while in the surrounding eight Bay Area counties, an additional 384,000 placards were issued (2006).
- Misuse of placards is part of the issue, but only part. Undoubtedly, many disabled parking placards are misused or fraudulently obtained. However, by themselves, the growing number of legitimate placards creates a parking management issue that must be addressed.
- As a result of the current approach to managing accessible parking:
  - Many drivers cannot find available parking spaces, so they often circle or double park, which degrades transit speed and reliability, causes unnecessary greenhouse gas emissions and vehicle miles travelled, and reduces safety.
  - Worse, disabled drivers who most need an accessible parking space often cannot find one close to their destination.



- The voters in support of the City's Transit First Policy have indicated through the ballot that parking related revenues should be used to support transit needs. Therefore any revenues lost due to the current state policy that disabled placards are not subject to paying at the meter or time limits are not available for transit.

## Goals to improve accessible parking

The SFMTA intends to dramatically improve how it manages accessible parking in San Francisco, and has the following goals for this proposal:

1. **Access:** Improve access and mobility for drivers with disabilities.
2. **Convenience:** Provide convenient parking options to people with disabilities who typically have fewer transportation options.
3. **Proximity:** Provide parking for drivers with disabilities to minimize both distances between a parking space and final destination and the need to return to a parked vehicle.
4. **Equality:** Provide the same rights and responsibilities for drivers with disabilities as all other drivers (while still ensuring convenience and proximity).
5. **Eliminate misuse:** Remove the existing financial incentive that leads some motorists to fraudulently acquire and use disabled placards, thereby increasing the number of accessible parking spaces for those who truly need them.
6. **Support City's Transit First Policy and voter mandate:** Direct revenues from removing the financial incentive

## Proposal to change state law

State law related to disabled placard is inflexible and provides little ability for municipalities to improve how they manage accessible parking, so big cities like San Francisco and Los Angeles have to manage accessible parking the same way as in Fresno and Redding. The SFMTA is working with other cities and organizations to change state law to give municipalities that designate at least four percent of their on-street metered spaces as blue zones (i.e., for the exclusive use of drivers with disabilities, mirroring the Federal ADA standard for parking garages) more flexibility to try new approaches to managing accessible parking, including:

- Introduce a time limit at regular metered on-street spaces of no less than four hours for disabled drivers.
- Enable cities to require that all drivers, with or without disabled placards, pay at metered parking spaces, which could include metered blue zones.

The rationale for these changes is to use the two primary tools of parking demand management – time limits and prices – to manage demand for a finite number of on-street metered spaces. To ensure that a new approach adopted by any municipality actually results in improved access for the disabled, it is proposed that municipalities that introduce time limits and/or require drivers with disabilities to pay at on-street parking meters must, at a minimum:

- Ensure that low income drivers with disabilities can receive at least a 50 percent discount for metered parking.



- Ensure all metered blue zones (which must total four percent of all metered on-street parking spaces) are within 100 ft of a curb ramp.
- Dedicate revenue from blue zone parking meters to paratransit operations.

With this change to state law, no city would be required to change how it manages accessible parking. This legislation would simply allow cities to adopt other approaches to improve access for drivers with disabilities.

In addition, to provide a strong deterrent for misusing placards, this proposal would also revoke the driver's license of any person caught misusing a disabled placard for six months in addition to the existing fine of up to \$1,000.

### Proposal to improve the management accessible parking

With more flexibility from state law, the SFMTA is proposing a new approach to managing accessible parking in the City of San Francisco. Key elements of the proposal include:

- Require all drivers, including those with disabled parking placards, to pay parking meters.
- Double the number of on-street "blue curb" spaces to meet the proposed four percent standard.
- Meter all parking spaces in commercial areas, including on-street blue zones.
- Time limits for drivers with disabilities in general use metered spaces would be at least four hours, with no time limit at metered blue zones, and double the posted time limit at unmetered spaces.
- Low-income drivers with disabilities would qualify to purchase (using the same criteria as the Muni Lifeline Pass) a discount on SFMTA pre-paid parking cards.
- All meters will have the ability to pay with coin, parking card, and credit card for convenient payment.
- Dedicate revenue from blue zone parking meters and disabled placard-related parking tickets to paratransit operations or other mobility improvements for those with disabilities.

This approach will effectively eliminate the financial incentive to abuse disabled placards, improve access for the disabled by improving overall parking availability so that it is easier to find a parking space close to a destination, be easy to implement and enforce, and requiring no new technology or additional medical reviews to obtain placards. This proposal is based on extensive outreach and research into best practices in other cities, such as Philadelphia, PA; Arlington, VA; St. Louis, MO; Raleigh, NC; Vancouver, BC, that have successfully adopted similar approaches<sup>1</sup>.

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<sup>1</sup> Best Practices summarized in a document available at the SFMTA