

File No. 130672

Committee Item No. 1

Board Item No. 13

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date September 9, 2013

Board of Supervisors Meeting Date September 17, 2013

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Municipal Transportation Agency Letter, dtd 6/24/13</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Mayor's Office on Disability Response, dtd 7/3/13</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Completed by: Alisa Miller Date September 5, 2013
Completed by: Alisa Miller Date September 11, 2013

1 [Transportation Code - Disabled Parking Placard or License Plate Restrictions]

2
3 Ordinance amending the Transportation Code, Division I, to prohibit, on any street,
4 alley, or portion of a street or alley, or in any municipal or private parking facility, the
5 parking of a vehicle displaying a disabled parking placard or special license plate, in
6 order to obtain special parking privileges, that has been reported as lost, stolen,
7 surrendered, canceled, revoked, expired, or issued to a person who has been reported
8 as deceased for a period exceeding sixty days; is not being used to transport, and is
9 not in the reasonable proximity of, the person to whom the license plate or placard was
10 issued or a person who is authorized to be transported in the vehicle displaying that
11 placard or license plate; or is counterfeit, forged, altered, or mutilated.

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

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

16 Section 1. Article 7 of the San Francisco Transportation Code is hereby amended by
17 adding Section 7.2.44, to read as follows:

18 **SEC. 7.2. INFRACTIONS.**

19 In addition to public offenses created by the Vehicle Code, the actions listed in this
20 Section 7.2 are prohibited, and each and every violation of a prohibition listed below shall be
21 an infraction, except as otherwise provided in: (a) this Code; or (b) the Vehicle Code; or (c) as
22 necessary to comply with the direction of a Police Officer or Parking Control Officer; or (d) with
23 respect to a Municipal Parking Facility, upon the direction of an authorized parking attendant;
24 or (e) with respect to any other Public Property, except with the permission of, and subject to
25

1 such conditions and regulations as are imposed by the agency that owns the property that are
2 available for public inspection at the agency's offices.

3 **SEC. 7.2.44 DISABLED PARKING PLACARD AND SPECIAL LICENSE PLATE**

4 **RESTRICTIONS.**

5 To Park on any street, alley or portion of a street or alley a vehicle that displays a disabled
6 parking placard or special license plate, in order to obtain special parking privileges, that:

7 (a) Has been reported as lost, stolen, surrendered, canceled, revoked, or expired, or issued
8 to a person who has been reported as deceased for a period exceeding sixty (60) days;

9 (b) Is not being used to transport, and is not in the reasonable proximity of, the person to
10 whom the license plate or placard was issued or a person who is authorized to be transported in the
11 vehicle displaying that placard or license plate;

12 (c) Is counterfeit, forged, altered, or mutilated.

13 Section 2. Article 7 of the San Francisco Transportation Code is hereby amended by
14 adding Section 7.2.66, to read as follows:

15 **SEC. 7.2. INFRACTIONS.**

16 In addition to public offenses created by the Vehicle Code, the actions listed in this
17 Section 7.2 are prohibited, and each and every violation of a prohibition listed below shall be
18 an infraction, except as otherwise provided in: (a) this Code; or (b) the Vehicle Code; or (c) as
19 necessary to comply with the direction of a Police Officer or Parking Control Officer; or (d) with
20 respect to a Municipal Parking Facility, upon the direction of an authorized parking attendant;
21 or (e) with respect to any other Public Property, except with the permission of, and subject to
22 such conditions and regulations as are imposed by the agency that owns the property that are
23 available for public inspection at the agency's offices.

24 **SEC. 7.2.66 DISABLED PARKING PLACARD AND SPECIAL LICENSE PLATE**

25 **RESTRICTIONS.**

1 To Park in any Municipal Parking Facility, or privately owned parking facility, a vehicle that
2 displays a disabled parking placard or special license plate, in order to obtain special parking
3 privileges, that:

4 (a) Has been reported as lost, stolen, surrendered, canceled, revoked, or expired, or issued
5 to a person who has been reported as deceased for a period exceeding sixty (60) days:

6 (b) Is not being used to transport, and is not in the reasonable proximity of, the person to
7 whom the license plate or placard was issued or a person who is authorized to be transported in the
8 vehicle displaying that placard or license plate:

9 (c) Is counterfeit, forged, altered, or mutilated.

10 Section 3. Effective Date. This ordinance shall become effective 30 days from the
11 date of passage.

12 Section 4. This section is uncodified. In enacting this Ordinance, the Board intends to
13 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
14 punctuation, charts, diagrams, or any other constituent part of the Transportation Code that
15 are explicitly shown in this legislation as additions, deletions, Board amendment additions,
16 and Board amendment deletions in accordance with the "Note" that appears under the official
17 title of the legislation.

18
19 APPROVED AS TO FORM:
20 DENNIS J. HERRERA, City Attorney

21 By:


22 JOHN I. KENNEDY
23 Deputy City Attorney

24 n:\ptclas2013\1000445\00856048.doc
25

LEGISLATIVE DIGEST

[Transportation Code - Disabled Parking Placard or License Plate Restrictions]

Ordinance amending the Transportation Code, Division I, to prohibit, on any street, alley, or portion of a street or alley, or in any municipal or private parking facility, the parking of a vehicle displaying a disabled parking placard or special license plate, in order to obtain special parking privileges, that has been reported as lost, stolen, surrendered, canceled, revoked, or expired, or issued to a person who has been reported as deceased for a period exceeding sixty days; is not being used to transport, and is not in the reasonable proximity of, the person to whom the license plate or placard was issued or a person who is authorized to be transported in the vehicle displaying that placard or license plate; or is counterfeit, forged, altered, or mutilated.

Existing Law

California Vehicle Code section 22511.57 authorizes the City and County of San Francisco to prohibit or restrict the parking or standing of a vehicle on any street or highway, or in a parking stall or space in a publicly or privately owned or operated off-street parking facility within its jurisdiction by ordinance or resolution. In 1996, the San Francisco Board of Supervisors approved Resolution 195-96 to implement Vehicle Code section 22511.57 to establish a violation for misuse of a disabled placard when the placard has been reported lost, stolen or issued to a deceased person.

Amendments to Current Law

This ordinance prohibits the display of disabled parking placards or license plates under certain circumstances as authorized by Vehicle Code section 22511.57.

Background Information

In order to provide members of the public adequate notice of the prohibited conduct, the San Francisco Municipal Transportation Agency ("SFMTA") would like to codify these disabled parking placard and license plate restrictions as an ordinance instead of as a resolution.



June 24, 2013

**Honorable Members of the Board of Supervisors
City and County of San Francisco
1 Carlton P. Goodlett Place, Room 244
San Francisco, California 94102**

RE: Codifying existing disabled parking restrictions in the City's Transportation Code

Dear Members of the Board of Supervisors:

Background

Currently, California Vehicle Code Section 22511.57 permits a local authority to "prohibit or restrict the parking or standing of a vehicle on streets or highways or in a parking stall or space in a privately or publicly owned or operated off-street parking facility" if "the vehicle displays, in order to obtain special parking privileges, a distinguishing placard or special license plate" that:

- "has been reported as lost, stolen, surrendered, canceled, revoked, or expired, or was issued to a person who has been reported as deceased for a period exceeding 60 days;" or
- "is displayed on a vehicle that is not being used to transport, and is not in the reasonable proximity of, the person to whom the license plate or placard was issued or a person who is authorized to be transported in the vehicle displaying that placard or license plate;" or
- "is counterfeit, forged, altered, or mutilated."

In 1996, the Board of Supervisors approved Resolution 195-96 to implement a previous version of Vehicle Code section 22511.57 in San Francisco to establish a violation for misuse of a disabled placard when the placard has been reported lost, stolen or issued to a deceased person.

Proposal

Attached for your consideration is an Ordinance amending the San Francisco Transportation Code, Division I by adding Section 7.2.44 and 7.2.66. The proposed amendment to the Transportation Code would codify the disabled parking restrictions currently contained in the Vehicle Code into the City's Transportation Code, and do so as an ordinance, rather than a resolution.

Budget Impact

This action is expected to have no impact on revenue.

Edwin M. Lee
Mayor

Tom Nolan
Chairman

Cheryl Brinkman
Vice-Chairman

Leona Bridges
Director

Malcolm Heinicke
Director

Jerry Lee
Director

Joél Ramos
Director

Cristina Rubke
Director

Edward D. Reiskin
Director of
Transportation

One South Van Ness Ave.
Seventh Floor
San Francisco, CA 94103

Tele: 415.701.4500

www.sfmta.com



Alternatives Considered

The alternative to this action would be to maintain the references to disabled parking placard and license plate restrictions in the Vehicle Code. The alternative is unsatisfactory because Division I, once amended, will contain the relevant restrictions, and the reference to the Vehicle Code will no longer be necessary.

SFMTA Board of Directors' Approval

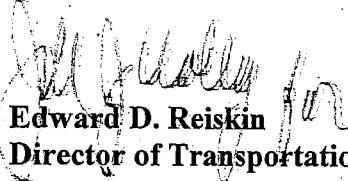
The proposed ordinance is a codification in the City's Transportation Code of existing State law, and will give the public adequate notice of disabled parking restrictions. The SFMTA Board will be considering a resolution at its July 16, 2013 meeting that recommends approval of this Ordinance, and makes corresponding amendments to Division II of the Transportation Code. Before the SFMTA Board can impose parking fines for violations, the BOS must approve the parking restrictions proposed for Division I of the Transportation Code.

Recommendations

To provide for consistency between the California Vehicle Code and the SF Transportation Code, the SFMTA requests that the Board of Supervisors amend the San Francisco Transportation Code, Division I by adding Section 7.2.44 and 7.2.66 to prohibit, on any street, alley, or portion of a street or alley, or in any municipal or private parking facility, the parking of a vehicle displaying a disabled parking placard or special license plate, in order to obtain special parking privileges, that has been reported as lost, stolen, surrendered, canceled, revoked, or expired, or issued to a person who has been reported as deceased for a period exceeding 60 days; is not being used to transport, and is not in the reasonable proximity of, the person to whom the license plate or placard was issued or a person who is authorized to be transported in the vehicle displaying that placard or license plate; or is counterfeit, forged, altered, or mutilated.

If you have any questions regarding this matter, please feel free to contact me.

Sincerely,


Edward D. Reiskin
Director of Transportation

Miller, Alisa

From: Carla.Johnson@sfgov.org
Sent: Wednesday, July 03, 2013 12:15 PM
To: Miller, Alisa
Cc: Fountain, Christine; ed.reiskin@sfmta.com; Suhr, Greg; Martinsen, Janet; Breen, Kate
Subject: Re: Referral: BOS File No. 130672

Thank you Alisa.

I support the change.

Much appreciated.

Carla

The Mayor's Office on Disability has moved. Our new address is 1155 Market Street on the First Floor.

Check out our Preparedness Resources on the MOD web page at the link below.

[Disaster Preparedness for PWD](#)

<http://www.sfgov2.org/index.aspx?page=2629>

Carla Johnson, CBO, CASp
Interim Director
Mayor's Office on Disability
1155 Market Street, First Floor
San Francisco, CA 94103
Phone 415 554-6785
TTY 415 554-6799
Fax 415 554-6159

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: Ed Reiskin, Director, Municipal Transportation Agency
Chief Greg Suhr, Police Department
Carla Johnson, Director, Mayor's Office on Disability

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee
Board of Supervisors

DATE: July 3, 2013

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Chiu on June 25, 2013:

File No. 130672

Ordinance amending the Transportation Code, Division I, to prohibit, on any street, alley, or portion of a street or alley, or in any municipal or private parking facility, the parking of a vehicle displaying a disabled parking placard or special license plate, in order to obtain special parking privileges, that has been reported as lost, stolen, surrendered, canceled, revoked, or expired, or issued to a person who has been reported as deceased for a period exceeding sixty days; is not being used to transport, and is not in the reasonable proximity of, the person to whom the license plate or placard was issued or a person who is authorized to be transported in the vehicle displaying that placard or license plate; or is counterfeit, forged, altered, or mutilated.

This matter is being forwarded to your department for informational purposes. If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Kate Breen, Municipal Transportation Agency
Janet Martinsen, Municipal Transportation Agency
Christine Fountain, Police Department

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):


Supervisor David Chiu

Subject:

Transportation Code - Disabled Parking Placard or License Plate Restrictions

The text is listed below or attached:

See attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: