

AMENDED IN SENATE MAY 10, 2016

AMENDED IN SENATE APRIL 6, 2016

SENATE BILL

No. 1051

Introduced by Senator Hancock

February 16, 2016

An act to amend Sections 40240 and 40241 ~~of~~ *of, and to add Section 40240.5 to*, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1051, as amended, Hancock. Vehicles: parking enforcement: video image evidence.

Existing law authorizes the City and County of San Francisco (San Francisco) to enforce parking violations in specified transit-only traffic lanes through the use of video imaging, and authorizes San Francisco to install automated forward facing parking control devices on city-owned public transit vehicles for the purpose of video imaging parking violations occurring in transit-only traffic lanes. Existing law requires a designated employee, who is qualified by San Francisco, to review video image recordings for the purpose of determining whether a parking violation occurred in a transit-only traffic lane, and to issue a notice of parking violation to a registered owner of a vehicle within 15 calendar days of the date of the violation. Existing laws makes these video image records confidential, and provides that these records are available only to public agencies to enforce parking violations. Existing law establishes the Alameda-Contra Costa Transit District.

This bill would extend these provisions to violations occurring at bus stops, as specified. The bill additionally would extend the provisions to the Alameda-Contra Costa Transit District, thereby authorizing the district to enforce parking violations in specified transit-only traffic

lanes through the use of video imaging evidence and to install automated forward facing parking control devices on district-owned public transit vehicles. *The bill would repeal the authority for the Alameda-Contra Costa Transit District to implement an automated enforcement system to enforce violations occurring in transit-only traffic lanes and the authority for both the district and the City and County of San Francisco to implement an automated enforcement system to enforce parking violations occurring at bus stops on January 1, 2022.*

This bill would require, under designated circumstances, the district and the City and County of San Francisco to submit to the transportation and judiciary committees of the Legislature evaluations of the automated enforcement system's effectiveness, impact on privacy, cost to implement, and generation of revenue, no later than January 1, 2021.

This bill would make legislative findings and declarations as to the necessity of a special statute for the City and County of San Francisco and the Alameda-Contra Costa Transit District.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 40240 of the Vehicle Code is amended
2 to read:
3 40240. (a) ~~The~~ *Subject to subdivision (g), the City and County*
4 *of San Francisco and the Alameda-Contra Costa Transit District*
5 *may install automated forward facing parking control devices on*
6 *city-owned or district-owned public transit vehicles, as defined by*
7 *Section 99211 of the Public Utilities Code, for the purpose of video*
8 *imaging of parking violations occurring in transit-only traffic lanes*
9 *or at bus stops. Citations shall be issued only for violations captured*
10 *during the posted hours of operation for a transit-only traffic lane*
11 *or at a bus stop. The devices shall be angled and focused so as to*
12 *capture video images of parking violations and not unnecessarily*
13 *capture identifying images of other drivers, vehicles, and*

1 pedestrians. The devices shall record the date and time of the
2 violation at the same time as the video images are captured.

3 (b) Prior to issuing notices of parking violations pursuant to
4 subdivision (a) of Section 40241, the City and County of San
5 Francisco and the Alameda-Contra Costa Transit District shall
6 commence a program to issue only warning notices for 30 days.
7 The City and County of San Francisco and the Alameda-Contra
8 Costa Transit District shall also make a public announcement of
9 the program at least 30 days prior to commencement of issuing
10 notices of parking violations.

11 (c) A designated employee of the City and County of San
12 Francisco, or a contracted law enforcement agency for the
13 Alameda-Contra Costa Transit District, who is qualified by the
14 city and county or the district to issue parking citations, shall
15 review video image recordings for the purpose of determining
16 whether a parking violation occurred in a transit-only traffic lane
17 or at a bus stop. A violation of a statute, regulation, or ordinance
18 governing vehicle parking under this code, under a federal or state
19 statute or regulation, or under an ordinance enacted by the City
20 and County of San Francisco or the Alameda-Contra Costa Transit
21 District occurring in a transit-only traffic lane or at a bus stop
22 observed by the designated employee in the recordings is subject
23 to a civil penalty.

24 (d) The registered owner shall be permitted to review the video
25 image evidence of the alleged violation during normal business
26 hours at no cost.

27 (e) (1) Except as it may be included in court records described
28 in Section 68152 of the Government Code, or as provided in
29 paragraph (2), the video image evidence may be retained for up
30 to six months from the date the information was first obtained, or
31 60 days after final disposition of the citation, whichever date is
32 later, after which time the information shall be destroyed.

33 (2) Notwithstanding Section 26202.6 of the Government Code,
34 video image evidence from forward facing automated enforcement
35 devices that does not contain evidence of a parking violation
36 occurring in a transit-only traffic lane or at a bus stop shall be
37 destroyed within 15 days after the information was first obtained.

38 (f) Notwithstanding Section 6253 of the Government Code, or
39 any other law, the video image records are confidential. Public

1 agencies shall use and allow access to these records only for the
2 purposes authorized by this article.

3 (g) (1) *The authority to implement an automated enforcement*
4 *system to enforce parking violations occurring at bus stops*
5 *pursuant to this section exists only until January 1, 2022.*

6 (2) *The authority for the Alameda-Contra Costa Transit District*
7 *to implement an automated enforcement system to enforce*
8 *violations occurring in transit-only traffic lanes exists only until*
9 *January 1, 2022.*

10 (h) *The following definitions shall apply for purposes of this*
11 *article:*

12 ~~(g) For purposes of this article, “bus~~

13 (1) *“Bus stop” means a curb space authorized for the loading*
14 *and unloading of passengers of a bus engaged as a common carrier*
15 *in local transportation when indicated by a sign or red paint on the*
16 *curb erected or painted by local authorities pursuant to an*
17 *ordinance.*

18 ~~(h) For purposes of this article, “local agency”~~

19 (2) *“Local agency” means the City and County of San Francisco*
20 *and the Alameda-Contra Costa Transit District.*

21 ~~(i) For purposes of this article, “transit-only traffic lane”~~

22 (3) *“Transit-only traffic lane” means any designated transit-only*
23 *lane on which use is restricted to mass transit vehicles, or other*
24 *designated vehicles including taxis and vanpools, during posted*
25 *times.*

26 *SEC. 2. Section 40240.5 is added to the Vehicle Code, to read:*

27 *40240.5. (a) If the City and County of San Francisco or the*
28 *Alameda-Contra Costa Transit District implements an automated*
29 *enforcement system to enforce parking violations occurring at bus*
30 *stops pursuant to this article, the respective local agency shall*
31 *submit to the transportation and judiciary committees of the*
32 *Legislature an evaluation of the enforcement system’s effectiveness,*
33 *impact on privacy, cost to implement, and generation of revenue,*
34 *no later than January 1, 2021.*

35 (b) *If the Alameda-Contra Costa Transit District implements*
36 *an automated enforcement system to enforce violations occurring*
37 *in transit-only traffic lanes pursuant to this article, the district*
38 *shall provide to the transportation and judiciary committees of*
39 *the Legislature an evaluation of the enforcement system’s*

1 *effectiveness, impact on privacy, cost to implement, and generation*
2 *of revenue, no later than January 1, 2021.*

3 *(c) (1) A report submitted pursuant to this section shall be*
4 *submitted notwithstanding Section 10231.5 of the Government*
5 *Code.*

6 *(2) A report submitted pursuant to this section shall be submitted*
7 *in compliance with Section 9795 of the Government Code.*

8 ~~SEC. 2.~~

9 *SEC. 3.* Section 40241 of the Vehicle Code is amended to read:

10 40241. (a) A designated employee of the local agency,
11 including a contracted law enforcement agency for the
12 Alameda-Contra Costa Transit District, shall issue a notice of a
13 parking violation to the registered owner of a vehicle within 15
14 calendar days of the date of the violation. The notice of violation
15 shall set forth the violation of a statute, regulation, or ordinance
16 governing vehicle parking under this code, under a federal or state
17 statute or regulation, or under an ordinance enacted by the City
18 and County of San Francisco or the Alameda-Contra Costa Transit
19 District occurring in a transit-only traffic lane or at a bus stop, a
20 statement indicating that payment is required within 21 calendar
21 days from the date of citation issuance, and the procedure for the
22 registered owner, lessee, or rentee to deposit the parking penalty
23 or contest the citation pursuant to Section 40215. The notice of a
24 parking violation shall also set forth the date, time, and location
25 of the violation, the vehicle license number, registration expiration
26 date if visible, the color of the vehicle, and, if possible, the make
27 of the vehicle. The notice of parking violation, or copy of the
28 notice, shall be considered a record kept in the ordinary course of
29 business of the City and County of San Francisco or the
30 Alameda-Contra Costa Transit District and shall be prima facie
31 evidence of the facts contained in the notice. The City and County
32 of San Francisco or the Alameda-Contra Costa Transit District
33 shall send information regarding the process for requesting review
34 of the video image evidence along with the notice of parking
35 violation.

36 (b) The notice of parking violation shall be served by depositing
37 the notice in the United States mail to the registered owner's last
38 known address listed with the Department of Motor Vehicles.
39 Proof of mailing demonstrating that the notice of parking violation
40 was mailed to that address shall be maintained by the local agency.

1 If the registered owner, by appearance or by mail, makes payment
2 to the processing agency or contests the violation within either 21
3 calendar days from the date of mailing of the citation, or 14
4 calendar days after the mailing of the notice of delinquent parking
5 violation, the parking penalty shall consist solely of the amount
6 of the original penalty.

7 (c) If, within 21 days after the notice of parking violation is
8 issued, the local agency determines that, in the interest of justice,
9 the notice of parking violation should be canceled, the local agency
10 shall cancel the notice of parking violation pursuant to subdivision
11 (a) of Section 40215. The reason for the cancellation shall be set
12 forth in writing.

13 (d) Following an initial review by the local agency, and an
14 administrative hearing, pursuant to Section 40215, a contestant
15 may seek court review by filing an appeal pursuant to Section
16 40230.

17 (e) The City and County of San Francisco or the contracted law
18 enforcement agency for the Alameda-Contra Costa Transit District
19 may contract with a private vendor for the processing of notices
20 of parking violations and notices of delinquent violations. The
21 City and County of San Francisco and the Alameda-Contra Costa
22 Transit District shall maintain overall control and supervision of
23 the program.

24 ~~SEC. 3.~~

25 *SEC. 4.* The Legislature finds and declares that a special law
26 is necessary and that a general law cannot be made applicable
27 within the meaning of Section 16 of Article IV of the California
28 Constitution because of the unique circumstances relating to
29 enforcing parking violations in the City and County of San
30 Francisco and the Alameda-Contra Costa Transit District.

31 ~~SEC. 4.~~

32 *SEC. 5.* The Legislature finds and declares that Section 1 of
33 this act, which amends Section 40240 of the Vehicle Code, imposes
34 a limitation on the public's right of access to the meetings of public
35 bodies or the writings of public officials and agencies within the
36 meaning of Section 3 of Article I of the California Constitution.
37 Pursuant to that constitutional provision, the Legislature makes
38 the following findings to demonstrate the interest protected by this
39 limitation and the need for protecting that interest:

1 In order to protect the individual privacy rights of those
2 individuals depicted in video camera footage relating to parking
3 violations, it is necessary that this act limit the public's right of
4 access to the images captured by an automated parking control
5 device installed on City and County of San Francisco and
6 Alameda-Contra Costa Transit District-owned public transit
7 vehicles.

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