

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 180515-079

WHEREAS, As part of the FY 2019 and FY 2020 budget process, modifications to a number of fees and fines were considered and adopted by the SFMTA Board of Directors on April 3, 2018; and,

WHEREAS, Since the adoption of the budget, and based on stakeholder feedback received during the budget process, staff have evaluated additional modifications to existing fees and completed final negotiations for a new contract for the collection of special collections fees for delinquent citations; and,

WHEREAS, The SFMTA's goal is to implement these additional modifications to existing fees by July 1, 2018 in conjunction with the fee changes approved as part of the budget; and,

WHEREAS, The SFMTA is proposing changes to the rental fees for vintage street car, and amendments to Transportation Code, Division II, Sections 301 and 305 to reduce the special collection fee for failure to timely pay or contest citations, establish a low income boot removal fee, make renters of towed vehicles eligible for first tow and low income reduced administrative, and revise the low income towing fees; and,

WHEREAS, In compliance with both Charter Section 16.112 and the SFMTA Board of Director's Rules of Order, advertisements were placed in the City's official newspaper, to provide published notice for the April 3, 2018 board meeting, and ran on March 8, 11, 14, 15 and 18, 2018; and,

WHEREAS, The proposed fee changes are subject to the California Environmental Quality Act (CEQA); the CEQA Guidelines provide an exemption from environmental review for the establishment, modification, structuring, restructuring or approval of rates, tolls, and other charges, if these rates, tolls, and other charges will be used to meet operating expenses, including employee wage rates and fringe benefits, or purchase or lease of supplies, equipment, or materials. (Cal. Code Regs., Title 14, Section 15273); and,

WHEREAS, On February 13, 2018, the SFMTA, under authority delegated by the Planning Department, determined (Case Number 2018-002861ENV) that these fees are statutorily exempt from environmental review and,

WHEREAS, The proposed action is the Approval Action as defined by the S. F. Administrative Code Chapter 31; and,


WHEREAS, The SFMTA Board finds that the proposed fee changes are for the purpose of the establishment, modification, structuring, restructuring, or approval of rates, tolls, or other charges, and that the rates, tolls, and other charges will be used to meet operating expenses, including employee wage rates and fringe benefits, or purchase or lease of supplies, equipment, or materials; and,

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors, and may be found in the records of the Planning Department at 1650 Mission Street in San Francisco, and are incorporated herein by reference; now be it

RESOLVED, That the SFMTA Board of Directors authorizes changes to the rental fees for vintage street cars; and be it further

RESOLVED, That the SFMTA Board amends the Transportation Code, Division II, Sections 301 and 305 to: reduce the special collection fee for failure to timely pay or contest citations; establish a low income boot removal fee; make renters of towed vehicles eligible for first tow and low income reduced administrative fees; and revise low income towing fees.

I certify that the foregoing resolution was adopted by the SFMTA Board of Directors at their meeting of May 15, 2018.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

RESOLUTION NO.

[Transportation Code – Division II Fees and Penalties] RESOLUTION No. 180515-079

Resolution amending Transportation Code, Division II, Sections 301 and 305 to: reduce the special collection fee for failure to timely pay or contest citations; establish a low income boot removal fee; make renters of towed vehicles eligible for first tow and low income reduced administrative fees; and revise low income towing fees.

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 300 of Division II of the Transportation Code are hereby amended by revising Sections 301 and 305 to read as follows:

SEC. 301. LATE PAYMENT; SPECIAL COLLECTIONS AND BOOT REMOVAL FEE.

Except as otherwise specified in this Code, the SFMTA may charge the following penalties and fees to persons to whom civil citations have been issued or to owners of cited vehicles for failure to either pay the citations or to contest the underlying citations by the due date affixed to the notice of violation. These fees include a DMV registration hold fee. The penalties and fees shall be as follows:

Schedule	FY 2019 Effective 7-1-2018	FY 2020 Effective 7-1-2019
After the 1st payment due date	\$33	\$35
After the 2nd payment due date	\$47	\$49
Special Collection Fee (after the 2nd payment due date)	\$4049	\$4049
Boot Removal Fee	\$505	\$515
<u>Low Income Boot Removal Fee*</u>	<u>\$100</u>	<u>\$100</u>

* Customers whose vehicles have been booted are eligible for the Low Income Boot Removal Fee only if they demonstrate (1) their participation in an eligible program for low income families, or (2) that their annual household income is less than or equal to 200% of Federal Poverty Level. The SFMTA shall publish the list of eligible low income programs on its website.

SEC 305. TOWING AND STORAGE FEES.

(a) **Fees.**

(1) The SFMTA shall charge the registered owner of a towed vehicle, ~~or the registered owner's agent claiming a~~ the towed vehicle, or the renter of a towed vehicle, the following fees to reimburse the City for its costs related to the removal, storage, sale, or release of vehicles towed from the public right-of-way, public property, or private property:

Fee Type	Fee Amount Effective July 1, 2018	Fee Amount Effective July 1, 2019
SFMTA Administrative Fees		
Administrative Fee (other than First Tow or First Tow /Low Income)	\$283.75	\$298.75
First Tow (reduced fee available only to registered owner <u>of towed vehicle,</u> or registered owner's agent claiming the towed vehicle, or renter of towed vehicle)	\$186.75 <u>200.75</u>	\$196.50 <u>211.25</u>
First Tow /Low Income (reduced fee waiver available only to registered owner <u>or renter of towed vehicle</u>)	\$93.75 <u>98.75</u>	\$98.75 <u>98.75</u>

* * * *

(A) The SFMTA shall charge the registered owner or the registered owner's agent claiming the towed vehicle the First Tow reduced administrative fee only if the vehicle has not previously been towed by the SFPD or SFMTA while registered to its current owner. The SFMTA shall charge the renter of the towed vehicle the First Tow reduced administrative fee only if the SFPD or SFMTA has not previously towed any vehicle registered to or rented by the renter of the towed vehicle.

(B) The SFMTA shall ~~charge the registered owner of the towed vehicle~~ wave the First Tow/Low Income reduced administrative fee, and shall waive any applicable dolly or flatbed fees, and the storage fees that would otherwise accrue during the first 24 hours and two consecutive calendar days thereafter that the vehicle is stored only if ~~the vehicle has not~~

~~previously been towed while registered to its current owner, and~~ registered owner or renter of the towed vehicle demonstrates (1) his or her participation in an eligible program for low income families or individuals, (2) that his or her annual household income is less than or equal to 200% of the Federal Poverty Level. The SFMTA shall publish the list of eligible low income programs on its website.

(C) Neither the First Tow nor the ~~First Tow/Low Income~~ reduced administrative fees under subsection (A) and (B) above shall be available ~~if the~~ to either a registered owner of a towed vehicle's or a registered owner's agent claiming a towed vehicle if the towed vehicle's registered owner is a business, including but not limited to a partnership, for-profit corporation, or non-profit corporation, or if the registered owner rents the towed vehicle to other persons as part of a peer to peer, person to person, or other social car sharing enterprise.

(D) A renter of the towed vehicle shall be eligible for the First Tow or Low Income reduced administrative fees under subsection (A) or (B) above only if the towed vehicle's rental agreement identifies the renter as the vehicle's driver.

* * * *

Section 2. Effective and Operative Dates.

(a) This ordinance shall become effective 31 days after enactment. Enactment occurs when the San Francisco Municipal Transportation Agency Board of Directors approves this ordinance.

(b) The operative date of this ordinance is July 1, 2018. The amendments to Sections 301 and 305 of the Transportation Code made by Section 1 of this ordinance are intended to be additive to the revisions to those sections made by the SFMTA Board of Directors in approving Resolution No. 180403-057 in the 2018-2020 budget.


Section 3. Scope of Ordinance. In enacting this ordinance, the San Francisco Municipal Transportation Agency Board of Directors intends to amend only those words,

phrases, paragraphs, subsections, sections, articles, numbers, letters, punctuation marks, charts, diagrams, or any other constituent parts of the Transportation Code (understood to include amendments to Sections 301 and 305 enacted as part of Resolution No. 180403-057) that are explicitly shown in this ordinance as additions or deletions in accordance with the "Note" that appears under the official title of the ordinance.

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

By: _____
ISIDRO A. JIMENEZ
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 May 15, 2018.

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