

**THIS PRINT COVERS CALENDAR ITEM NO.: 10.3**

**SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY**

**DIVISION:** Streets

**BRIEF DESCRIPTION:**

Recommending that the San Francisco Municipal Transportation Agency Board of Directors, acting as the Service Authority for the Abatement of Abandoned Vehicles, approves renewal and collection of the \$1 Abandoned Vehicle Abatement (AVA) fee for a ten-year period from June 1, 2023 until May 31, 2033, and requesting that the Board of Supervisors amend the Transportation Code to approve the extension for ten years until May 31, 2033.



**SUMMARY:**

- California Vehicle Code Sections 9250.7 and 22710 allows counties to establish a Service Authority for the Abatement of Abandoned Vehicles (Service Authority) and to collect a \$1 Abandoned Vehicle Abatement (AVA) fee, to be added to the vehicle registration fee, to offset the cost for the abatement of abandoned vehicles. The AVA fee must be renewed every ten years.
- In 1992 the Board of Supervisors (BOS) established a Service Authority for the City and County of San Francisco (the Service Authority) by designating the members of the Department of Parking and Traffic Commission to serve ex officio as the members of the Service Authority, and approved imposition by the Service Authority of the AVA fee.
- The Board of Supervisors amended the Transportation Code in 2008 to designate the SFMTA Board as the Service Authority and approved the renewal of the fee from June 1, 2013 until May 31, 2023.
- In order to continue the program and the 10-year renewal of the AVA \$1 fee, the SFMTA Board acting as the Authority and the BOS must approve the action; the Board of Supervisors must also amend the Transportation Code Division I, Section 4.4(b).

**ENCLOSURES:**

1. SFMTAB Resolution

**APPROVALS:**

	<b>DATE</b>
DIRECTOR 	<u>April 12, 2023</u>
SECRETARY 	<u>April 12, 2023</u>

**ASSIGNED SFMTAB CALENDAR DATE:** April 18, 2023

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## **PURPOSE**

Recommending that the San Francisco Municipal Transportation Agency Board of Directors, acting as the Service Authority for the Abatement of Abandoned Vehicles, approves renewal and collection of the \$1 Abandoned Vehicle Abatement (AVA) fee for a ten-year period from June 1, 2023 until May 31, 2033, and requesting that the Board of Supervisors amend the Transportation Code to approve the extension for ten years until May 31, 2033.

## **STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES**

Approval of the proposed resolution will support the following goals of the SFMTA Strategic Plan:

Goal 4: Make streets safer for everyone.

Goal 10: Position the agency for financial success.

Approval of the proposed resolution also supports the following Transit First Policy principles:

1. To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the safe and efficient movement of people and goods.
3. Decisions regarding the use of limited public street and sidewalk space shall encourage the use of public rights of way by pedestrians, bicyclists, and public transit, and shall strive to reduce traffic and improve public health and safety.

## **DESCRIPTION**

In 1990, Section 22710 was added to the California Vehicle Code to allow counties to establish a Service Authority to administer the Abandoned Vehicle Abatement (AVA) program. Through the program, abandoned vehicles or vehicle parts that promote blight or constitute a fire or health hazard may be removed from City streets. Section 9250.7 of the Vehicle Code allows the Service Authority to impose a \$1 fee to offset the counties' program costs. The \$1 fee is paid as part of vehicle registration fees collected by the California Department of Motor Vehicles (DMV). Funds collected are apportioned by the DMV to all participating counties. Section 9250.7 provides that the AVA fee expires after ten years, but may be renewed for up to ten years with approval of the county's board of supervisors by a two-thirds vote. Upon such approval, the Service Authority may impose the AVA fee for an additional period of up to ten years.

In 1992 the San Francisco Board of Supervisors (BOS) established a Service Authority for the City and County of San Francisco and designated the members of the Department of Parking and Traffic Commission to serve ex officio as the members of the Service Authority, and approved imposition by the Service Authority of the AVA fee (Ordinance No. 228-92.). The BOS designated the SFMTA Board to serve as the Service Authority in 2008. (S.F. Transportation Code Section 4.4(a).) In 2013, the BOS authorized renewal of the AVA to run from June 1, 2013 until May 31, 2023. (Resolution No. 101-13) In order to continue the program, the BOS, by a two-thirds vote, must approve extension of the fee until May 2033, and the SFMTA Board must impose the \$1 AVA fee for an additional ten years.

### AVA PROGRAM SUMMARY

Most vehicle abatement requests are received from SF residents. SFMTA Parking Enforcement investigate and if the vehicle is parked at the location reported, a warning notice is posted on the vehicle instructing the owner to move the vehicle within the five days (extended from the standard 72-Hour notice). The posted warning gives written notice that the vehicle may be towed. An officer returns five days later and if the vehicle was not moved, the vehicle is towed. Enforcement submits an annual report that is used to complete the AVA submission report. The number of vehicles investigated, and the number and percentage abated for the last ten fiscal years are listed in the table below.

Fiscal Year	Number of Vehicles Investigated	Number Abated	Percent Disposed
FY2013	17,908	1,041	6%
FY2014	15,936	1,033	6%
FY2015	18,158	1,162	6%
FY2016	26,410	1,471	6%
FY2017	29,181	1,615	6%
FY2018	31,283	1,646	5%
FY2019	29,926	1,703	6%
FY2020	21,673	1,180	5%
FY2021	2,142	135	6%
FY2022	17,114	672	4%

If, during an investigation, Enforcement suspects that the vehicle in question is being used for vehicular housing and the owner is present, they work with the Department of Homelessness and Supportive Housing (DHS), the Healthy Streets Operations Center (HSOC) and the City’s SF Homeless Outreach Team (HOT) to provide proactive outreach to people living in their vehicles. The primary goal of this work is to connect people living in their vehicles with health care, services, and alternative housing options. In addition, officers mark the vehicle to indicate whether the vehicle is violation. Vehicles not in violation will have no further action taken.

### STAKEHOLDER ENGAGEMENT

Before adopting or revising any schedule of rates, charges, fares fees or fines, the Board shall publish in the official newspaper of the City and County notice of its intention to do so for five days, with the last day of publication being not less than five calendar days prior to the hearing. Notice of this item was provided by the City’s Official Newspaper, the Examiner, on April 9, 12, 13 14 and 16. Since the public hearing is less than five days after the last publication of notice, the Board is asked to waive Article 4, Section 10 of the SFMTA Board Rules of Order.

## ALTERNATIVES CONSIDERED

The alternative would be to not renew the \$1 fee to offset vehicle abatement costs. However, the program’s costs are only partially offset by collection of the fee, so foregoing collection would lead to a larger expense to the Agency for providing a needed service to investigate and if necessary, remove abandoned vehicles.

## FUNDING IMPACT

The vehicle abatement \$1 fee collected by the DMV reduces the cost to abate abandoned vehicles. Costs for the program and amount reimbursed by the fee for the last ten years are listed below:

Fiscal Year	Program Expenditures	Vehicle Abatement Fee Distributed	Difference	Percent of Cost Recovery
FY2013	\$1,122,438	\$486,882	\$635,556	57%
FY2014	\$1,070,522	\$505,418	\$565,104	53%
FY2015	\$1,270,647	\$509,055	\$761,592	60%
FY2016	\$1,311,194	\$509,871	\$801,323	61%
FY2017	\$1,506,605	\$515,520	\$991,085	66%
FY2018	\$1,563,597	\$507,960	\$1,055,637	68%
FY2019	\$1,590,127	\$511,600	\$1,078,527	68%
FY2020	\$1,935,965	\$486,839	\$1,449,126	75%
FY2021	\$553,071	\$498,990	\$54,081	10%
FY2022	\$2,170,393	\$484,085	\$1,686,308	78%

*\*Includes Enforcement staffing (For fiscal year 2022, this included eight FTE PCOs, 25% of one FTE Sr. PCO, 50% of one FTE dispatcher, and five percent of one FTE assistant director), overhead, materials and supplies, and enforcement vehicles.*

## ENVIRONMENTAL REVIEW

On April 6, 2023, the SFMTA, under authority delegated by the Planning Department, determined that approving the renewal and collection of the \$1 Abandoned Vehicle Abatement (“AVA”) fee for a ten-year period from June 1, 2023 until May 31, 2033, and requesting that the Board of Supervisors amend the Transportation Code to approve the extension for ten years until May 31, 2033 is not a “project” under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b).

A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference.

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**OTHER APPROVALS RECEIVED OR STILL REQUIRED**

The item has been reviewed by the City Attorney's Office. Because State law requires authorization from the Board of Supervisors to approve the \$1 AVA fee and the Board authorization in the Transportation Code Division I, Section 4.4(B) expires on May 31, 2023, the ten-year extension to May 31, 2033 requires approval of the BOS by a two-thirds vote.

**DRECOMMENDATION**

Staff Recommends that the San Francisco Municipal Transportation Agency Board of Directors, acting as the Service Authority for the Abatement of Abandoned Vehicles, approves renewal and collection of the \$1 Abandoned Vehicle Abatement (AVA) fee for a ten-year period from June 1, 2023 until May 31, 2033, and requests that the Board of Supervisors amend the Transportation Code to approve the extension for ten years until May 31, 2033.

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. \_\_\_\_\_

WHEREAS, In 1990, Section 22710 was added to the California Vehicle Code (CVC) to allow counties to establish a Service Authority for the Abatement of Abandoned Vehicles (Service Authority) to administer the Abandoned Vehicle Abatement (AVA) program; and,

WHEREAS, Through the program, abandoned vehicles or vehicle parts that promote blight or constitute a fire or health hazard may be removed from City streets; and,

WHEREAS, Section 9250.7 allows a Service Authority to impose a \$1 AVA fee to mitigate the counties' program costs, to be paid as part of the vehicle registration fee and collected by the Department of Motor Vehicles for each vehicle registered by a county resident; and,

WHEREAS, In 1992, the San Francisco Board of Supervisors established the Service Authority, designated the Department of Parking and Traffic Commission to act as Service Authority, and authorized the Service Authority to impose the AVA fee; and,

WHEREAS, In 2008 the Board of Supervisors transferred the Service Authority responsibilities to the SFMTA Through Transportation Code Division I, Section 4.4(a); and,

WHEREAS, In 2012 the Board of Supervisors authorized extension of the AVA \$1 fee for an additional ten years, until May 31, 2023 through Transportation Code Division I, Section 4.4(b); and,

WHEREAS, The current AVA fee will expire on May 31, 2013; and,

WHEREAS, A two-thirds majority of the BOS must approve the AVA fee renewal; and

WHEREAS, Failure to extend the AVA fee would result in a loss of approximately \$500K annually and lead to a larger expense to the Agency for providing a needed service to investigate and if necessary, remove abandoned vehicles; and,

WHEREAS, Since the public hearing is less than five days after the last publication of notice, the SFMTA Board of Directors is asked to waive Article 4, Section 10 of the SFMTA Board Rules of Order; and

WHEREAS, On April 6, 2023, the SFMTA, under authority delegated by the Planning Department, determined that approving the renewal and collection of the \$1 Abandoned Vehicle Abatement (AVA) fee for a ten-year period from June 1, 2023 until May 31, 2033, and requesting that the Board of Supervisors amend the Transportation Code to approve the extension for ten years until May 31, 2033 is not a "project" under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections

15060(c) and 15378(b); and,

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors, and is incorporated herein by reference; now, therefore, be it now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors waives Article 4, Section 10 of the SFMTA Board Rules of Order since the scheduled public hearing is less than five days after the last publication of notice; and be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors, acting as the Service Authority, approves renewal and collection of the \$1 Abandoned Vehicle Abatement (AVA) fee for a ten-year period from June 1, 2023 until May 31, 2033; and, be it further

RESOLVED, That the SFMTA Board requests that the Board of Supervisors, acting by a two-thirds vote, amends Transportation Code Section 4.4(b) to authorize the renewal of the fee from June 1, 2023 to May 31, 2033.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of April 18, 2023.

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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency