

THIS PRINT COVERS CALENDAR ITEM NO.: 13

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Sustainable Streets

BRIEF DESCRIPTION:

Approving Policy Guidelines for restricting overnight parking of oversized vehicles on San Francisco streets.


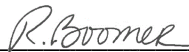
SUMMARY:

- The proposed Policy Guidelines articulate the roles and responsibilities of the various partners involved with developing, implementing and enforcing parking regulations along with the partners involved with homelessness and vehicular habitation.
- The proposed Policy Guidelines provide direction for opportunities within the purview of the SFMTA to address impacts related to oversized vehicles including the review process for requests for overnight parking restrictions for oversized vehicles as well as mitigation measures and a long-term commitment of working with key partners to establish a sustainable and equitable solution for vehicular habitation

ENCLOSURES:

1. SFMTAB Resolution
2. SFMTA Policy Guidelines for Oversized Vehicle Parking Restrictions

APPROVALS:

	DATE
DIRECTOR  _____	12/11/2018 _____
SECRETARY  _____	12/11/2018 _____

ASSIGNED SFMTAB CALENDAR DATE: December 18, 2018

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PURPOSE

Approving Policy Guidelines for restricting overnight parking of oversized vehicles on San Francisco streets.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

The item will support the following goals and objectives of the SFMTA Strategic Plan:

Goal 1: Create a safer transportation experience for everyone.

Objective 1.3: Improve security for transportation system users

Goal 3: Improve the quality of life and environment in San Francisco and the region.

Objective 3.1: Use Agency programs and policies to advance San Francisco's commitment to equity

This item will support the following Transit First Policy Principles:

- 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.
- Decisions regarding the use of 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 2004, the SF Board of Supervisors' (BOS) Finance and Audits Committee considered, but did not move forward, a proposed citywide parking restriction for oversized vehicles; instead, the BOS approved a street-by-street parking restriction, as determined by the SFMTA, for oversized vehicles in 2012. Pursuant to the San Francisco Charter and Transportation Code, the SFMTA Board of Directors regulates on-street parking in San Francisco and approves which streets oversized vehicles are prohibited from parking overnight. In exercising this authority, the SFMTA Board of Directors must balance real public health and safety concerns against providing compassion for vulnerable populations who must live in vehicles since they may otherwise live on the street or be forced to leave the City where they may be employed, have support services, or utilize other networks.

The parking of oversized vehicles (OV) (e.g. trailers, semi-trailers, motorhomes, and boats) on public streets has been a challenging issue for years, particularly when these vehicles are parked in the same location for extended periods of time, effectively using the public right-of-way (ROW) for human habitation and storage, and congesting the curb and prohibiting curb access for other needs (e.g. parking, loading). Further, when these vehicles are being used for housing, there are issues of public health, safety and quality of life—both for the people living in the vehicles and those who live or work in the area. Many people who, by choice or necessity, live in a vehicle follow the posted regulations and are mindful that they are parked in the public ROW which is to be shared by everyone. However, there are others who do not.

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The Policy Guidelines (Enclosure 2) outline how the City will regulate the ROW as it pertains to the parking of OV's and provide the following procedures:

- A process which prioritizes equity and determines where and under which conditions restricting overnight parking of oversized vehicles is appropriate.
- Mitigation measures within the purview of the SFMTA to avoid or alleviate the impacts of curb regulations for low income and/or vulnerable populations living in vehicles.
- A commitment by the SFMTA to continue working closely with the Vehicle Encampment Resolution Team (V-ERT) as well as district Supervisors and other key stakeholders to find long-term solutions for those who are vehicularly housed that are sustainable and equitable.

(V-ERT is led by the Department of Homelessness and Supportive Housing (DHS) and coordinates key partners (SFMTA, SF Police Department, Public Works, Homeless Outreach Team (HOT), Port, Recreation and Parks, Caltrans, California Highway Patrol, National Park Service/Golden Gate National Recreation Area, and the San Mateo County Sheriff) to engage with vehicle dwellers in the weeks leading up to and the day of efforts to dismantle vehicle encampments demonstrated to be a public health and safety issue, and works to connect people dwelling in vehicles with critical services)

STAKEHOLDER ENGAGEMENT

These policy guidelines were brought to the SFMTA Board (MTAB) on November 6, 2018 where members of the public and Directors of the Board offered feedback, largely with respect to the progression of the review and legislative process and how and when Healthy Streets Operations Center (HSOC) is involved but also other factors to consider such as degree of impact. Per this feedback, HSOC is involved earlier in the process and among factors such as proximity to schools and parking availability staff will also consider concentration of oversized vehicles; this input is reflected in the current version of the policy guidelines (Enclosure 2).

Prior to MTAB, stakeholder engagement was largely accomplished through the process of reviewing requests for OV parking restrictions and, in particular, the steps to substantiate a complaint with data collection and on-site visits with V-ERT and the key partners previously identified. The review process is a critical component identified in the Policy Guidelines to ensure that proper stakeholders are involved.

The Policy Guidelines have been shaped through requests for OV parking regulations made by members of the public and/or by members of the Board of Supervisors.

The SFMTA's policy guidance for the use of the OV restriction, has also been formulated by the agency's initial evaluation of the use of the OV parking restriction in 2013 and subsequent deliberations by, and presentations to, the SFMTA Board, most recently at their February 6, 2018 meeting. The policy guidance presented here is based in large part on a collation of that outreach and engagement.

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The development of the V-ERT and review process with the identified stakeholders, is relatively new; as such, the Policy Guidelines stipulate that they will be updated when any substantial changes in rules or programs are developed.

ALTERNATIVES CONSIDERED

Staff considered several options:

1. A citywide parking restriction for oversized vehicles on all public streets was contemplated several years ago. Staff is not pursuing this alternative because such a restriction would displace thousands of people who live in their vehicles as well as people who park large vehicles on the streets.
2. Removing all parking restrictions regarding oversized vehicles on City streets. Staff is not pursuing this option because consideration of the merits of restrictions on specific blocks should be considered by the SFMTA on a case-by-case basis depending upon whether the vehicle is a public health or safety concern, among other considerations.
3. Coordinating with the DSHS to develop a parking permit program for oversized vehicles. This alternative was explored but is not being pursued at this time due to the lack of success (operational and logistical issues) in other cities in the United States that have attempted such a program.

FUNDING IMPACT

No funding impact. Curb regulations are a fundamental element of the Agency's workplan.

ENVIRONMENTAL REVIEW

On October 12, 2018, the SFMTA, under authority delegated by the Planning Department, determined that the proposed action is not defined as 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.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The City Attorney's Office has reviewed this report.

RECOMMENDATION

SFMTA staff recommend the SFMTA Board of Directors approve the Policy Guidelines for restricting overnight parking of oversized vehicles on San Francisco streets.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, The SFMTA worked collaboratively with the Vehicle Encampment Resolution Team (V-ERT), led by Department of Homelessness and Supportive Housing, and with SF Police Department, Public Works, Homeless Outreach Team, Port, Recreation and Parks, Caltrans, California Highway Patrol, National Parks Service/Golden Gate National Recreation Area and San Mateo County Sheriff on the Policy Guidelines for restricting overnight parking of oversized vehicles on San Francisco streets; and,

WHEREAS, Staff presented policy guidelines to the SFMTA Board on November 6, 2018 and received feedback from the Directors and the public which has been integrated into the current version of the Policy Guidelines; and,

WHEREAS, Currently, requests for oversized vehicle parking restrictions are submitted by the public and in responding to each request, SFMTA staff initiate public outreach and engagement on the suitability and appropriateness of those requests; and,

WHEREAS, SFMTA staff have drafted the proposed the attached Policy Guidelines, within the purview of the SFMTA, to direct the process by which OV parking regulations may be considered and implemented, mitigate the impacts of such restrictions, and commit to continued partnership with key stakeholders to develop sustainable and equitable solutions for vehicular habitation; and,

WHEREAS, On October 12, 2018, the SFMTA, under authority delegated by the Planning Department, determined that the proposed action is not defined as a “project” under the California Environmental Quality Act (CEQA) pursuant 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; and, therefore be it

RESOLVED, The SFMTA Board of Directors approves the Policy Guidelines for restricting overnight parking of oversized vehicles on San Francisco streets.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of December 18, 2018.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

SFMTA Policy Guidelines for Oversized Vehicle Overnight Parking Restriction

Section 7.2.54 of the Transportation Code

Policy guidelines to direct the application of the regulation to restrict overnight parking of oversized vehicles on San Francisco streets

Sustainable Streets
Parking and Curb Management

December 18, 2018



Summary

Parking of oversized vehicles (e.g. trailers, semi-trailers, motorhomes, and boats) on public streets has been a challenging issue for years, particularly when these vehicles are parked in the same location for extended periods of time, effectively using the public right-of-way (ROW) for storage, congesting the curb and prohibiting access for other needs (e.g. parking, loading). Further, when these vehicles are being used for housing, there are issues of public health, safety and quality of life—both for the people living in the vehicles and those who live or work in the area. Many people who by choice or necessity live in a vehicle follow the posted regulations and are mindful that they are parked in public ROW which is to be shared by everyone; unfortunately, there are others who do not.

Two of the San Francisco Municipal Transportation Agency's (SFMTA) chief goals are to create a safer transportation experience and to improve quality of life with equitable and sustainable solutions¹. While these policy guidelines address the regulation to restrict oversized vehicle parking overnight, they cannot be decoupled from the growing issue of vehicular habitation. The Agency must balance its responsibility to regulate the curb and be responsive to real public health and safety concerns yet demonstrate compassion for the vulnerable populations who must live in vehicles as they would otherwise live on the street or be forced to leave a city where they may be employed, and have support services or other networks. The policy guidelines offer a process which prioritizes equity and determines where and under which conditions restricting oversized vehicles at night is appropriate. These guidelines also identify mitigations within the purview of the agency to avoid or alleviate the impacts of curb regulations for low income and/or vulnerable populations living in vehicles, including a commitment by the SFMTA to continue to work closely with the Department of Homelessness and Supportive Housing (DHS), San Francisco Police Department (SFPD), district Supervisors and other key stakeholders to find long-term solutions that create a safer transportation experience and improve quality of life equitably and sustainably.

Background

Issues around on-street parking of oversized vehicles, including trailers, semi-trailers, motorhomes, and boats, have long been observed and reported by SFMTA parking control officers, the SFPD, and residents throughout the city. Oversized vehicles parked on city streets can present a variety of public

¹ SFMTA Strategic Plan, April 3, 2018. <https://www.sfmta.com/sfmta-strategic-plan>

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safety and public health problems, from impaired sight lines for road users to illegal dumping of garbage and waste matter on sidewalks and streets. Graffiti and tagging of oversized vehicles parked on city streets contributes blight to neighborhoods. And, with a finite supply of on-street parking, oversized vehicles (which take more curb space than smaller vehicles) can reduce availability of curb for other needs.

A single city agency is not responsible for resolving the impacts of homelessness and vehicular housing; rather, several key agencies have a role in establishing rules to prevent problems or programs to mitigate them:

SF Municipal Transportation Agency: develop, implement and enforce curb/parking regulations.

SF Police Department: enforcement of some curb/parking regulations; address illegal activity (e.g. drug use/distribution, violent behavior), activities or conditions which pose a public health or safety issue; respond to nuisance complaints.

SF Public Works: street sweeping and refuse collection on streets and sidewalks.

SF Department of Homelessness and Supportive Housing: combines key homeless serving programs and contracts from SF Department of Public Health (DPH), Human Services Agency (HSA), Mayor's Office of Housing and Community Development and Department of Children Youth and Their Families to provide coordinated, compassionate and high-quality services to address homelessness.

Healthy Streets Operations Center (HSOC): provides unified City services to unsheltered persons experiencing homelessness

SF Homeless Outreach Team (HOT): a collaboration with DPH, HSA, SF Public Library and the non-profit, Public Health Foundation Enterprises which engages and stabilizes vulnerable and at-risk homeless individuals. Through outreach, medical services, engagement and advocacy, HOT transitions individuals into stable living and healthcare environments with access to services.

Vehicle Encampment Resolution Team (V-ERT): led by DSHS; coordinates the groups above along with SF Port (which controls much of the real estate on the eastern edge of the city), SF Recreation and Parks, Caltrans (which manages land under freeways), California Highway Patrol, National Park Service/Golden Gate National Recreation Area, and San Mateo County Sheriff (which polices Caltrain ROW) to perform outreach and engage with vehicle dwellers in the weeks leading up to and the day of efforts to dismantle vehicle encampments demonstrated to be a public health and safety issue, and working to connect people dwelling in vehicles with critical services.

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Applicable curb/parking regulations can apply to all vehicles (such as time limits, parking meters, no parking restrictions) or can target specific vehicle types (such as the oversized vehicle overnight parking restriction). In 2004, the SF Board of Supervisors' (BOS) Finance and Audits Committee considered, but did not move forward, a citywide parking restriction for oversized vehicles; instead, the BOS approved parking restrictions on a street-by-street basis, as determined by the SFMTA, for oversized vehicles in 2012. A pilot, at select locations, found that active enforcement of the restricted blocks with signage reduced the number of oversized vehicles parked overnight. However, a street-by-street parking restriction tends to move oversized vehicles to other locations within the City, as well as displaces people who may be vehicularly housed. Consequently, the SFMTA Board has declined to implement parking restrictions on additional City streets since 2015 until a comprehensive solution is identified.

Existing Regulations

The long-term storage of private property (e.g. trailers, semi-trailers, motorhomes, and boats) in the public ROW is generally prohibited by law in San Francisco. Like any other vehicle, oversized vehicles are subject to all parking regulations including color curb requirements, time limits, parking meters, permit parking (e.g. Residential Parking Permit), no overnight parking (for all vehicles, not just oversized), street sweeping, and the 72 hour rule.² There are, however, additional regulatory tools to address inappropriate parking of oversized vehicles³:

- Commercial vehicles used for advertising cannot park on City streets
- Commercial vehicles over 10,000 pounds cannot park on residential streets between the hours of 2:00 a.m. and 6:00 a.m. or for more than one hour during any other time
- Vehicles of any type weighing more than 6,000 pounds (with the exception of transit, utility, and emergency vehicles) are prohibited from operating on dozens of San Francisco streets enumerated in the Transportation Code
- Vehicles six feet or more in height (including any load thereon) are prohibited from parking within 100 feet of an intersection on those streets or portions of streets if designated by appropriate signs

² San Francisco Transportation Code Article 7: Violations, Section 7.2.29: Parking Prohibited for more than 72 hours.

³ San Francisco Transportation Code Article 7: Violations, Section 7.2.81: Parking of vehicles for commercial advertising purposes; Section 7.2.84: Commercial vehicle parking in certain districts. Article 500: Size, weight, load restrictions, Section 502: Commercial vehicles; parking limited in certain districts. San Francisco Transportation Code Article 500: Size, weight, load restrictions, Section 501: Vehicle weight restrictions. Article 7: Violations, Section 7.2.36. Parking oversized vehicles within 100 feet of an intersection

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Further, the Police Code prohibits human habitation of a vehicle on any street, park, beach, square, avenue, alley or public way between 10:00 p.m. and 6:00 a.m.⁴

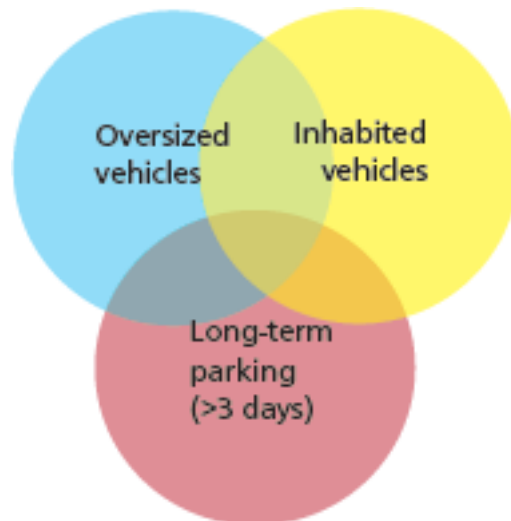
Restricting parking of oversized vehicles as defined by length and height during nighttime hours is another means to regulate what may be otherwise prohibited parking of oversized vehicles:

San Francisco Transportation Code, Sec. 7.2.54. OVERSIZED VEHICLE PARKING.

To Park a vehicle over 22 feet in length or over 7 feet in height, or camp trailers, fifth-wheel travel trailers, house cars, trailer coaches, mobile homes, recreational vehicles, or semi-trailers as defined by the California Vehicle Code and Health and Safety Code, between the hours of 12 a.m. and 6 a.m. when Municipal Transportation Agency signs are posted giving notice. This section shall be operative on March 31, 2013.

Challenges with Oversized Vehicle Regulations

Based on the 2017 Point-in-Time count led by DSHS, there are approximately 1,200 people—men, women and children—living in cars, vans, buses or RVs on the streets of San Francisco⁵; the number of oversized vehicles and oversized vehicles being stored or abandoned on the street is likely higher.



The diagram above illustrates that the issues attributed to on-street vehicular habitation do not rest solely with oversized vehicles. As such, some of the shortcomings of regulating oversized vehicles overnight include:

4 San Francisco Police Code Article 1.1: Regulating the use of vehicles for human habitation, Sections 96-99

5 2017 Point in Time Count, San Francisco DSHS

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- Does not address habitation of smaller vehicles (sedans, vans)
 - Restrictions are only during the nighttime hours
 - An oversized vehicle with an ADA placard is exempt from the restriction
 - Displaces the people who are living in vehicles
 - Moves the issue to other streets in the City
 - Signs may be illegally removed and the restriction cannot be enforced until those signs are replaced
- Restriction may be opposed by homeowners/tenants who park oversized vehicles (such as a boat) on the street near their home
- Does not address existing prohibition of vehicular habitation (that citation must be issued to an individual, not the vehicle)

For many people living in vehicles, the economic hardship of a citation or being towed can be devastating, particularly when the vehicle is someone's home and they no longer have access to their shelter and belongings⁶.

Mitigating the Impacts of Regulations

The following programs are within the purview of the SFMTA and have been initiated to avoid or alleviate the impacts of parking regulations effecting low income and/or vulnerable populations living in vehicles:

1. Low-Income Citation Payment Plans: The SFMTA provides customers the option to enroll outstanding parking citation fines into a monthly payment plan. Low Income Citation payment plans are available to customers with a gross annual income at or below 200% of the Federal Poverty level. Low Income Citation Payment Plans have a \$5 enrollment fee and allow up to 18 months to complete payments.
2. Low-Income Administrative Tow Fee Waiver: Low-income customers can have an administrative tow fee (the SFMTA's portion) waived to \$0. However, the Low Income Tow Fee Waiver does not waive the \$229 contractor (tow company) fee. Payment plans are not available for citations on vehicles that are booted or towed, so administrative tow fee forgiveness is often not enough for someone to recover a towed vehicle and its contents.

⁶ State of Washington Court of Appeals, October 11, 2017 and King County Superior Court, March 2, 2018. Despite the temporary nature of a tent or vehicle, it can be a home, so privacy rights should not be undermined and the government may not impound a vehicle. *Smith v. Reiskin*, October 10, 2018, preliminary injunction stating there is no justification for the seizure and retention of a vehicle if its owner cannot afford to pay the parking tickets.

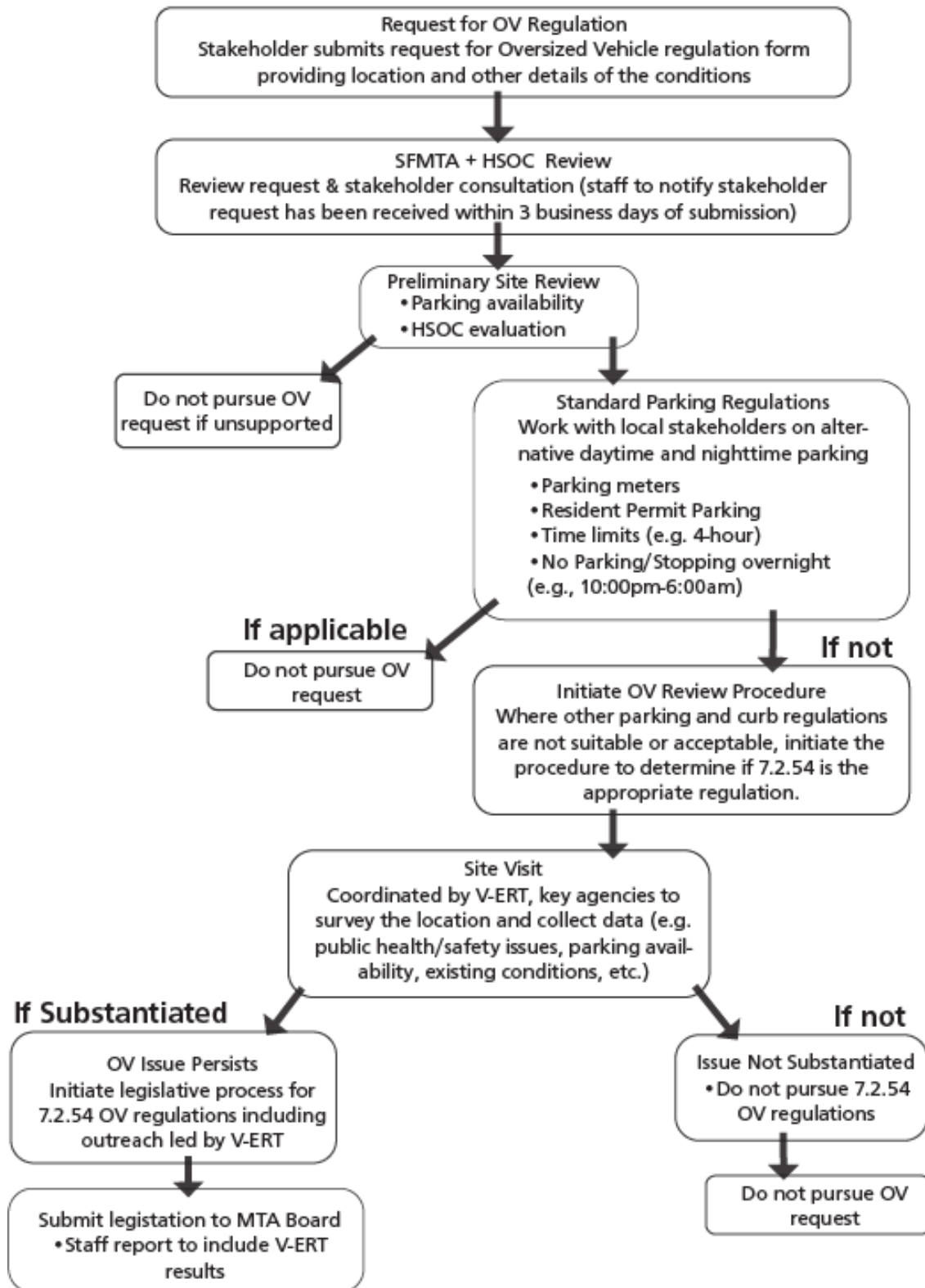
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3. Towing Eligibility Notification: Vehicles with five or more delinquent citations are subject to booting and towing; citation payment status information is readily available for any vehicle via the SFMTA website. PCOs and others (Homeless Outreach Team, Coalition on Homelessness volunteers, etc.) can notify vehicles in jeopardy of towing with flyers placed on vehicles and/or handed to occupants; flyers would also include information on how to avoid towing and address previous citations.

While most individuals who are vehicularly housed are careful to follow regulations and avoid impacting the streets, others may pose a threat to health and safety of other residents, businesses, workers, and visitors by dumping, keeping aggressive animals, making/using/selling drugs, etc. The issue of vehicular habitation is as complex and challenging as the issue of homelessness in general, and requires coordination among SFMTA, SFPD, DSHS and other key stakeholders. The process and application of the oversized vehicle overnight parking restriction must be cognizant of the impacts of displacing vulnerable populations who may be employed, have support or health services, or other networks in the city.

In order to be respectful of the impacts of vehicular habitation for the residents of vehicles, nearby residents, employees, and visitors, the SFMTA uses the following process in evaluating and approving requests for OV parking restrictions:

Process for Regulating Oversized Vehicles



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For requests that continue to the Site Visit stage, which are coordinated by V-ERT, staff will also consider the following:

- Concentration of oversized vehicles: staff will prioritize locations most impacted by oversized vehicles to spend resources most efficiently.
- Perimeters of schoolyards, playgrounds, and community parks: locations for children and families to recreate should not be subject to the public safety or public health risks that may be generated by oversized vehicle encampments
- Streets with limited on-street parking: OV encampments should not be permitted to limit curb access for residents, employees or visitors
- Streets subject to graffiti and dumping: OV encampments should not be permitted to exacerbate these conditions.

If the request advances to the SFMTA Board for approval, the staff report will include information on the existing regulatory conditions, site visit, outreach efforts, and services provided. For requests which staff deem parking regulations unnecessary, staff will send a determination of final action to the requestor.

Commitment to Safer Transportation Experience and Improved Quality of Life with Equitable and Sustainable Solutions

It is important that people living in vehicles and who need critical services have information and access to those services to ensure the situation does not become a public health or safety issue. Similarly, the vehicles themselves need to be in good working condition. The following efforts aim to keep people living in vehicles, and their vehicles, healthy and safe.

Near-term:

SFMTA staff will continue to participate in the Healthy Streets Operation Center (HSOC) Vehicle Encampment Resolution Team (V-ERT); SFMTA representation to include staff from Curb Management and Enforcement. Under the leadership of the HSOC and building on the success of major sidewalk encampment resolution and service provision efforts, the V-ERT will identify major vehicular encampment locations and develop resolution protocols. SFMTA may need to establish temporary OV or other curb restrictions to post during interim period after encampment resolution to prevent re-encampment while permanent restrictions are approved and posted.

Mid/long-term:

Vehicular habitation is a profoundly challenging issue; just like San Francisco, other California and U.S. cities have struggled to respond effectively and compassionately. Despite many intriguing efforts, no other locality is known to have developed effective sustainable tools and methods. The V-

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ERT approach is presently our best first step, however limited, with the largest encampments identified, prioritized, and engaged methodically with outreach and services (as well as safety checks and appropriate enforcement). As noted above, this approach will not eliminate the need for parking regulations and enforcement; indeed, a method of posting interim curb restrictions is likely to be called for to prevent re-encampment after resolution and before permanent restrictions can be established through standard processes. The SFMTA will continue to collaborate with City agencies and Supervisor district offices to identify and implement other equitable and sustainable solutions that are sensitive to the affordable housing situation and accommodate the needs of those vehicularly housed but also the concerns raised by other residents, businesses and visitors.

These policy guidelines will be updated when any substantial changes in rules or programs are developed.