

THIS PRINT COVERS CALENDAR ITEM NO. : 10.6

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Finance and Information Technology

BRIEF DESCRIPTION:

Amend Transportation Code, Division II, by adding Section 912 to authorize the SFMTA to issue and regulate vehicle parking permits for members of the Press and amending Section 902 to set the fee for these permits.

SUMMARY:

- The San Francisco Police Code authorizes the Chief of Police to issue vehicle parking permits to eligible members of the Press for the purpose of active news gathering.
- The SFMTA Board of Directors approved SFMTA Bd. Res. No. 10-053 on April 20, 2010 approving consolidation for issuing all City employee and department vehicle parking permits under the SFMTA pursuant to Charter Code Section 8A.102(b)(8).
- The SFMTA Board of Directors also approved Bd. Res. No. 11-109 on August 2, 2011 recommending that the SFMTA forward legislation to the Board of Supervisors to amend and repeal Sections of the San Francisco Police Code to remove the Chief of Police's authority to issue or regulate vehicle parking permits for the press.
- SFMTA has submitted this legislation for approval by the San Francisco Board of Supervisors and anticipates approval by October, 2012.
- This legislation sets forth the regulations for issuance of these permits by the SFMTA, establishes an initial annual fee of \$52.00 for Fiscal Year 2013, \$54 for Fiscal Year 2014 and ties future fee increases to the SFMTA approved automatic indexing policy approved by the SFMTA Board on April 21, 2009.
- This action will allow the SFMTA to better manage on-street parking by consolidating permit issuance and enforcement.

ENCLOSURES:

1. SFMTAB Resolution
2. Transportation Code Division II Ordinance

APPROVALS:

DATE

DIRECTOR _____

10/10/12

SECRETARY _____

10/10/12

ASSIGNED SFMTAB CALENDAR DATE: October 16, 2012

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PURPOSE

To amend the San Francisco Transportation Code to establish rules and regulations regarding the issuance of parking passes for members of the press and establish the annual permit fee.

GOAL

Approval of this fare policy modification would support the following Strategic Plan goals:

- **Goal 2:** Make transit, walking, bicycling, taxi, ridesharing and carsharing the preferred mean of travel.

Objective 2.4: Improve parking utilization and manage demand.

DESCRIPTION

Under existing law, the Chief of Police is authorized to establish procedures for the application, issuance, reissuance, and revocation of press parking permits for news-gathering vehicles. Display of a vehicle press permit exempts a parked vehicle from residential parking time restrictions, payment at parking meters, yellow and white curb zone restrictions, and overtime parking restrictions if the employee is actively gathering news and the vehicle is parked the required distance from the employee's place of employment or residence. The Chief of Police collects all permit fees associated with administering the program. The Police Department estimates approximately 500 permits are issued per year at \$50 each.

The Charter grants the SFMTA exclusive authority to adopt regulations to limit parking and establish parking privileges and locations subject to such privileges. In order to streamline and enforce on-street vehicle parking permits in the City, the SFMTA is proposing to become the sole issuing agency for all vehicle press permits. Decentralized vehicle parking permit issuance by multiple City departments makes it difficult for the Agency to improve parking management. As the agency charged with enforcing on-street parking regulations, the SFMTA should also be the sole issuer of on-street vehicle parking permits.

The SFMTA has submitted legislation to the San Francisco Board of Supervisors to amend the Police Code provisions and eliminate the authority of the Chief of Police to issue vehicle press permits. This legislation is expected to be approved by early October 2012.

The attached legislation establishes the procedures for the application, issuance, reissuance, and revocation of vehicle press permits, regulates the use of such permits and establishes the annual fee. Under this proposal, the Police Department would continue to issue individual press passes for the purpose of permitting these individuals to be admitted within police lines, and the SFMTA would coordinate with the Police Department to streamline issuance of vehicle parking permits for these individuals. The annual fee will be set at \$52.00 from January 1, 2013 to June 30, 2013, and at \$54

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effective July 1, 2013. Any additional future increases will be tied to the SFMTA Board of Director's approved automatic indexing policy which limits increases to an approved formula based on labor charges and the Bay Area Consumer Price Index.

ALTERNATIVES CONSIDERED

The alternative is that the Police Department continues to issue vehicle press parking permits. Having the SFMTA assume responsibility for issuing these permits will allow further consolidation of management of vehicle parking permits in the City as provided by Proposition A. Over the last year, the SFMTA has consolidated other vehicle parking permits to eliminate misuse, streamline enforcement, and better manage parking. This amendment would be in line with that policy direction.

FUNDING IMPACT

This action is expected to be revenue and cost neutral.

PUBLISHED NOTICE AND PUBLIC HEARING

Charter Section 16.112 requires published notice and hearing before the SFMTA may institute or change any fare, fee, schedule of rates or charges which effects the public. Section 10 of the Board's Rules of Order requires that the advertisement run for at least five days and not less than fifteen days prior to the public hearing. In compliance with this requirement, an advertisement ran in the San Francisco Chronicle for a five-day period beginning on September 24, 2012 for the October 16, 2012 hearing.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

Modifications to fees, fares, rates and charges are subject to the California Environmental Quality Act (CEQA). CEQA provides a statutory exemption from environmental review for the establishment, modification, structuring, restructuring or approval of rates, tolls, and other charges pursuant to California Public Resources Code section 21080(b)(8) and CEQA implementing guidelines, Title 14 of the California Code of Regulations section 15273 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 supplies, equipment, or materials.

Under the authority granted by the Planning Department, SFMTA staff has determined that the proposed increases to the annual vehicle press permit fee are statutorily exempt from environmental review under the above cited provisions.

Because the vehicle press parking permit change requires modification of the Police Code, which is under the jurisdiction of the Board of Supervisors, their approval is required. Legislation has been submitted to the Board of Supervisors and approval is expected by early October 2012.

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The City Attorney has reviewed this proposal.

RECOMMENDATION

Staff recommends that the SFMTA Board of Directors amends Transportation Code, Division II, by adding Section 912 to authorize the SFMTA to issue and regulate Vehicle Press Permits, and amending Section 902 to set the Vehicle Press Permit fee.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, The San Francisco Police Code authorizes the Chief of Police to issue vehicle parking permits to eligible members of the Press for the purpose of active news gathering; and,

WHEREAS, The SFMTA Board of Directors approved SFMTA Bd. Res. No. 10-053 on April 20, 2010, approving consolidation for issuing all City employee and department vehicle parking permits under the SFMTA pursuant to Charter Code Section 8A.102(b)(8); and,

WHEREAS, The SFMTA Board of Directors also approved Bd. Res. No. 11-109 on August 2, 2011, recommending that the SFMTA forward legislation to the Board of Supervisors to amend and repeal Sections of the San Francisco Police Code to remove the Chief of Police's authority to issue or regulate vehicle parking permits for the press; and,

WHEREAS, The SFMTA has submitted legislation for approval by the San Francisco Board of Supervisors and anticipates approval by early October 2012; and,

WHEREAS, The legislation sets forth the regulations for issuance of these permits by the SFMTA, establishes an initial annual fee of \$52.00 from January 1, 2013 to June 30, 2013, and \$54 effective July 1, 2013, and ties future fee increases to the SFMTA approved automatic indexing policy approved by the SFMTA Board on April 21, 2009; and,

WHEREAS, This action will allow the SFMTA to better manage on-street parking by consolidating permit parking issuance and enforcement; and,

WHEREAS, Pursuant to Charter section 16.112 and the Rules of Order of the Board of Directors, published notice was placed in the City's official newspaper to provide notice that the Board of Directors will hold a public hearing on October 16, 2012 to consider the above modifications; and,

WHEREAS, The proposed modifications to the Transportation Code are subject to environmental review under the California Environmental Quality Act (CEQA); and,

WHEREAS, The SFMTA, under the authority granted by the Planning Department, has determined that the proposed increase to the annual vehicle press permit fee is statutorily exempt from environmental review under California Public Resources Code section 21080(b)(8) and CEQA implementing guidelines, Title 14 of the California Code of Regulations section 15273 because the increases will be used to meet operating expenses including employee wage rates and fringe benefits, purchase or lease supplies, equipment, or materials, meet financial reserve needs and requirements, and obtain funds for capital projects necessary to maintain service within existing service areas; and,

WHEREAS, A copy of the SFMTA's determination is on file in the Secretary's office for the SFMTA Board of Directors; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors amends San Francisco Transportation Code, Division II, by adding Section 912 to authorize the SFMTA to issue and regulate Vehicle Press Permits, and amending Section 902 to set the Vehicle Press Permit fee.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of October 16, 2012.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

[Transportation Code – Vehicle Press Permits]

Resolution adding San Francisco Transportation Code, Division II, Article 900 (Permits) Section 912 to authorize the SFMTA to issue and regulate Vehicle Press Permits, and amending Section 902 to set the Vehicle Press Permit fee.

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. Article 900 of Division II of the Transportation Code is hereby amended by amending Section 902, to read as follows:

SEC. 902. - GENERAL PERMIT CONDITIONS.

The following general provisions apply to all permits issued under this Article.

(a) **Application and Renewal.** Permit applications must be submitted on a form supplied by the SFMTA. All required application and any other fees must be paid and all permit requirements satisfied before a permit may be issued. The SFMTA may require any information of the applicant which it deems necessary to carry out the purposes of this Article. Permits may be renewed annually in compliance with any renewal procedures established by the SFMTA.

(b) **Display of Permit.** Permittees must maintain the permit at the site of the permitted activity and available for inspection in accordance with any requirements for permit display as may be established by the SFMTA, and shall make all permits available for inspection upon request by an employee of the Police Department or SFMTA.

(c) **Prior Payments Required.** No permit shall be issued or renewed until the applicant has paid all permit fees that are due to the SFMTA. No permit shall be issued to any applicant who is responsible for payment of one or more delinquent citations for violation of any provision of this Code or the Vehicle Code until all fines and fees associated with the citation are

paid in full.

(d) **Permit Fees.** Fees for permits issued pursuant to this Code are as follows:

Table 902(d)
Permit Fee Schedule

	Effective July 1, 2012	Effective July 1, 2013
Special Traffic Permit (§ 903)		
Base Permit Fee:	\$176.25	\$179.75
Daily Fee:	\$36.25	\$37.00
Late Fee:	\$201.25	\$201.25
Removal/Relocation Fee		
Removal or relocation of each sign:	\$50.00	\$50.00
Removal or relocation of each pole:	\$75.00	\$75.00
Parking Space for the temporary relocation of colored curbs zones:	\$200.00	\$200.00
Parking Space for permanent relocation of colored curb zones, including painting:	\$350.00	\$350.00
Temporary Exclusive Use of Parking Meters (§ 904)		
Base Permit Fee: per 25 linear feet of construction frontage per day, including weekends and holidays:	\$6.00	\$7.00
Residential Area Parking Permit (§ 905)		
Residence and Commercial Property Owners/ Leasees		
(one year):	\$104.00	\$109.00
(6 months):	\$52.00	\$54.00
Permit Transfer Program:	\$16.00	\$16.00
Temporary/Visitor Permit		

	Effective July 1, 2012	Effective July 1, 2013
Daily:	\$15.00	\$16.00
2 weeks:	\$35.00	\$37.00
4 weeks:	\$52.00	\$54.00
6 weeks:	\$69.00	\$72.00
8 weeks:	\$88.00	\$93.00
Health Care Worker/Foreign Consulate/Childcare Provider Permits		
First six months of permit year:	\$104.00	\$109.00
Last six months of permit year:	\$52.00	\$54.00
Yearly Educational Institution Permits:	\$104.00	\$109.00
Permit Transfer Fee:	\$15.00	\$16.00
Contractor Permit (§ 906)		
Base Permit Fee		
Annual/Renewal:	\$876.00	\$920.00
6 Months:	\$438.00	\$460.00
Permit Transfer Fee:	\$36.00	\$37.00
Vanpool Permit (§ 907)		
Base Permit Fee		
(per year):	\$104.00	\$109.00
(6 months):	\$52.00	\$54.00
Carpool Permit (§ 908)		
Base Permit Fee		
(per year):	\$104.00	\$109.00
(6 months):	\$52.00	\$54.00
SFMTA Permit (§ 910)		

	Effective July 1, 2012	Effective July 1, 2013
Annualized Parking Meter Use Fee calculation as set forth in Section 910		
<u>Vehicle Press Permit (§911)</u> <u>Base Permit Fee: The permit fee shall only be increased pursuant to the Automatic Indexing Implementation Plan approved by the SFMTA Board of Directors.</u>	<u>\$52.00 effective January 1, 2013</u>	<u>\$54.00</u>
Farmer's Market Parking Permit (§ 801(c)(17))		
Base Permit Fee (quarterly):	\$162.00	\$170.00
Temporary Street Closures Permits (Division I, Article 6)		
Neighborhood Block Party		
More than 60 days in advance:	\$154.00	\$158.00
Fewer than 60 days in advance:	\$205.00	\$210.00
Fewer than 30 days in advance:	\$410.00	\$420.00
Fewer than 7 days in advance:	\$461.00	\$473.00
All Other Events		
More than 60 days in advance:	\$509.00	\$522.00
Fewer than 60 days in advance:	\$617.00	\$632.00
Fewer than 30 days in advance:	\$724.00	\$741.00
Fewer than 7 days in advance:	\$831.00	\$852.00

(e) **Indemnification.** The permit application for Special Traffic Permits issued pursuant to Section [903](#), and permits for the Temporary and Exclusive Use of Parking Meters issued pursuant to Section [904](#), shall require the applicant to acknowledge that the Permittee, by acceptance of the permit, agrees to indemnify and hold the City and County of San Francisco, its

departments, commissions, boards, officers, employees and agents ("Indemnitees") harmless from and against any and all claims, demands, actions or causes of action which may be made against the Indemnitees for the recovery of damages for the injury to or death of any person or persons or for the damage to any property resulting directly or indirectly from the activity authorized by the permit regardless of the negligence of the Indemnitees.

(f) **Rules and Regulations.** Compliance with all applicable rules and regulations and with all permit conditions shall be a material condition for the issuance or renewal of a permit.

(g) **Permit Revocation.** The Director of Transportation is authorized to revoke the permit of any Permittee found to be in violation of this Article and, upon written notice of revocation, the Permittee shall surrender such permit in accordance with the instructions in the notice of revocation

Section 2. Article 900 of Division II of the Transportation Code is hereby amended by adding Section 912, to read as follows:

SEC. 912. - VEHICLE PRESS PERMITS.

(a) The following definitions shall apply:

(1) News-Gathering Vehicle. A News-Gathering Vehicle is a motor vehicle for which a Vehicle Press Permit has been issued by the Director of Transportation while the vehicle is in the control of a newspaper, radio or television station, or is being operated by an employee of a newspaper, radio or television station whose primary duty is to gather or photograph news events while gathering information or images for use in the news.

(2) Vehicle Press Permit. A Vehicle Press Permit is a permit issued by the SFMTA for the use of an authorized News-Gathering Vehicle.

(b) The SFMTA shall issue one or more Vehicle Press Permit(s) to a newspaper, radio or television station upon receipt of an application signed by the managing editor, station manager, or person of equivalent managerial responsibility, of the newspaper, radio or television station. The application shall be on a form approved by the Director of Transportation. The application shall require the applicant to verify in writing that each requested Vehicle Press Permit is for either (1) an identified vehicle owned and operated by the newspaper, radio or television station and used primarily for the gathering of news, or (2) a person holding a full-time position with that organization whose duties primarily involve the actual gathering of news outside of the organization's main office and who has been issued a Press Permit by the Chief of Police. Each such organization with 12 or more full-time employees may also apply for one temporary Vehicle Press Permit, and each such organization with 25 or more full-time employees may also apply for two temporary Vehicle Press Permits, which shall be of a distinguishing color and may be assigned by the newspaper, radio or television station on an as-

needed basis to temporary or free-lance reporters or photographers while they are engaged in news gathering for that newspaper, radio or television station, subject to the other restrictions on use set forth in this Section. In the event the temporary Vehicle Press Permits are being used by a newspaper, radio or television station in a manner inconsistent with the provisions of this Section, the Director of Transportation shall have the discretion, after a hearing to consider evidence of such misuse and testimony from the newspaper, radio or television station and other interested persons, to revoke any or all Vehicle Press Permits issued to such organization. All Vehicle Press Permits shall be valid for a period of not more than one year, and a new application must be submitted for reissuance of each permit for the following year. The Director of Transportation may request supporting documentation or evidence to verify any information supplied on an application for a Vehicle Press Permit, including verification of an employee's newsgathering duties. Print media outlets whose publications are not published more frequently than once per month shall not be eligible to receive Vehicle Press Permits.

(c) Nothing in this Article shall relieve the operator and/or owner of a News-Gathering Vehicle or the newspaper, radio or television station that holds a Vehicle Press Permit for such a vehicle from the duty to operate and Park the vehicle with due regard for access of Fire Department vehicles to any property, and to the safety of all persons and vehicles, nor shall these provisions protect the owner of the newspaper, radio or television station from the consequences of reckless disregard for the safety of others.

(d) The Director of Transportation may collect permit fees for Vehicle Press Permits in order to recover costs for administering the program. Any annual increase to the permit fee may not exceed an amount calculated by applying the Automatic Indexing Implementation Plan approved by the SFMTA Board of Directors in Resolution No. 09-065 to the permit fee.

(e) Provided that the News-Gathering Vehicle complies with all other applicable requirements, a News-Gathering Vehicle may Park where authorized by the Transportation Code, Division II, Section 106 (Exemptions).

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

By: _____
JOHN I. KENNEDY
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 October 16, 2012.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency