

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 16-021

WHEREAS, In Fiscal Year 2015, the San Francisco Juvenile Court adjudicated approximately 819 transit violation citations issued to youth; and

WHEREAS, In 2008, the San Francisco Municipal Transportation Agency (SFMTA), in conjunction with the City of Los Angeles, successfully changed state law to allow the agency to issue an administrative citation, as an alternative to a criminal citation, for adults receiving transit related violations; and

WHEREAS, This change shifted the processing of transit violation citations from the Superior Court to the SFMTA and its contractor, similar to parking tickets, but at the request of the San Francisco Juvenile Court, did not apply to citations issued to youth under the age of 18; and

WHEREAS, By retaining jurisdiction for administering transit violations committed by youth in the court system, an undue burden is placed on children and families by requiring them to appear in court during school and/or work hours while adults are able to pay or protest their violation by mail, online or by phone; and

WHEREAS, Currently adults charged with fare evasion pay a \$112 administrative fine, while juveniles may be subject to criminal penalties and administrative fees up to \$380; and

WHEREAS, On January 1, 2016, Senate Bill 413 became effective, authorizing local jurisdictions to establish by ordinance administrative penalties for transit violations committed by youth, and for citations issued to any passenger or other person who fails to yield a seat reserved for the elderly or people with disabilities; and

WHEREAS, The proposed amendment to Division II of Transportation Code authorizes the SFMTA to set the penalties for violations committed by youth at \$56, or fifty percent of the penalty for adults, and failure to yield a seat committed by adults at \$112; and

WHEREAS, In conjunction with these changes, a number of non-substantive amendments are being proposed to Division I and Division II to delete outdated references, consolidate and clarify definitions of transit violations, and add language to comply with existing state law; and

WHEREAS, The proposed Division II amendment to the San Francisco Transportation Code is 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., Tit. 14, § 15273.); and,

WHEREAS, On November 23, 2015, the SFMTA, under authority delegated by the Planning Department, determined that the proposed Division II amendment is statutorily exempt from environmental review under Title 14 of the California Code of Regulations Section 15273; the proposed action is the Approval Action as defined by the S. F. Administrative Code Chapter 31; now, therefore be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors amends San Francisco Transportation Code Division II Section 302; to add a penalty for fare evasion and passenger conduct violations committed by youth subject to passage by the Board of Supervisors of an ordinance to create a separate violation and making other non-substantive revisions and be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors recommends that the San Francisco Board of Supervisors amend San Francisco Transportation Code Division I to implement the provisions of California Senate Bill 413 authorizing local jurisdictions to establish administrative penalties for fare evasion and other transit violations committed by youth under 18, and any passenger or other person who fails to yield a seat reserved for an elderly person or person with disabilities on any public transit vehicle; and various non-substantive amendments to delete outdated references, consolidate and clarify definitions of transit violations, and adding language to comply with existing state law.

I certify that the foregoing resolution was adopted by the Municipal Transportation Agency Board of Directors at their meeting of February 16, 2016.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

RESOLUTION NO. 16-021

[Transportation Code – Penalty for Fare Evasion and Passenger Conduct Violations Committed by Youth]

Resolution amending the Transportation Code to add a penalty upon passage by the Board of Supervisors of an ordinance to create a separate violation for fare evasion and passenger conduct violations committed by youth, and deleting the existing penalties for conversing with an operator and Clipper card violations.

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 300 of Division II of the Transportation Code is hereby amended by amending Section 302, to read as follows:

SEC. 302. TRANSPORTATION CODE PENALTY SCHEDULE.

Violation of any of the following subsections of the San Francisco Transportation Code shall be punishable by the fines set forth below:

FORMER CODE SECTION	TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT Effective July 1, 2014**	FINE AMOUNT Effective July 1, 2015**
PEDESTRIANS AND SIDEWALKS				
Traffic Code Sections 77, 78	Div I 7.2.10	Pedestrian Crossings	\$60.00	\$62.00
Traffic Code Section 104	Div I 7.2.11	Electric Assistive Personal Mobility Devices	\$60.00	\$62.00
Traffic Code Section 96	Div I 7.2.12	Bicycle Riding Restricted	\$100.00	\$100.00

Traffic Code Section 100	Div I 7.2.13	NUV Violation	\$60.00	\$62.00
ON-STREET PARKING				
Traffic Code Section 315(a)	Div I 7.2.20	Residential Parking	\$76.00	\$78.00
Traffic Code Section 37(e)	Div I 7.2.22	Street Cleaning	\$66.00	\$68.00
Traffic Code Section 202.1	Div I 7.2.23(a)	Parking Meter-Downtown Core	\$76.00	\$78.00
Traffic Code Section 202	Div I 7.2.23(b)	Parking Meter-Outside Downtown Core	\$66.00	\$68.00
Traffic Code Section 38A	Div I 7.2.25	Red Zone	\$103.00	\$106.00
Traffic Code Sections 38B, 38B.1	Div I 7.2.26	Yellow Zone	\$88.00	\$91.00
Traffic Code Section 38C	Div I 7.2.27	White Zone	\$103.00	\$106.00
Traffic Code Section 38D	Div I 7.2.28	Green Zone	\$76.00	\$78.00
Traffic Code Section 37(a)	Div I 7.2.29	Parking for Three Days	\$103.00	\$106.00

Traffic Code Section 32(e)(1)	Div I 7.2.30(a)	Overtime Parking Downtown Core	\$76.00	\$78.00
Traffic Code Section 32(e)(2)	Div I 7.2.30(b)	Overtime Parking Outside Downtown Core	\$66.00	\$68.00
Not applicable	Div I 7.2.30(c)	Overtime Meter Parking Downtown Core	\$76.00	\$78.00
Not applicable	Div I 7.2.30(d)	Overtime Meter Parking Outside Downtown Core	\$66.00	\$68.00
Traffic Code Sections 32.13, 55	Div I 7.2.32	Angled Parking	\$60.00	\$62.00
Traffic Code Section 32.21	Div I 7.2.33	Blocking Residential Door	\$47.00	\$48.00
Traffic Code Section 56	Div I 7.2.34	Median Dividers and Islands	\$76.00	\$78.00
Traffic Code Section 58(a)	Div I 7.2.35	Parking on Grades	\$60.00	\$62.00
Traffic Code Section 61	Div I 7.2.36	100 Feet Oversize	\$110.00	\$110.00
Traffic Code Sections 27, 219	Div I 7.2.37	Motorcycle Parking	\$103.00	\$106.00
Traffic Code Sections 33.5, 39(b), 66	Div I 7.2.38	Parking in Stand	\$103.00	\$106.00
Traffic	Div I 7.2.39	Parking Transit-	\$110.00	\$110.00

Code Section 53(a)		Only		
Traffic Code Section 32(a)(1)	Div I 7.2.40	Tow-Away Zone- Downtown Core	\$98.00	\$101.00
Traffic Code Section 32(a)(2)	Div I 7.2.41	Tow-Away Zone- Outside Downtown Core	\$88.00	\$91.00
Traffic Code Section 32(b), 32.6.2, 32.6.3, 32.6.7, 32.6.8, 32.1.10, 32.6.13, 32.6.16, 32.6.18, 32.6.19, 32.6.20, 32.6.21, 32.6.22, 32.6.23, 32.6.24, 32.6.25, 32.6.26, 32.6.27, 32.6.29, 32.6.30, 32.6.31, 32.6.32, 32.6.34, 32.6.35	Div I 7.2.42	Parking Restrictions	\$88.00	\$91.00
Traffic Code Section 32, 32.1, 32.1.1,	Div I 7.2.43	Parking-Public Property	\$66.00	\$68.00

32.1.2, 32.1.3, 32.1.11, 32.1.4, 32.1.7, 32.1.9, 32.2, 32.2.1, 32.2.2, 32.2.3, 32.3, 32.3.1, 32.5, 32.6, 32.6.5, 32.6.6, 32.6.11				
Not Applicable	Div I 7.2.44	Misuse Disabled Parking Placard/License	\$880.00*	\$875.00*
Traffic Code Section 33(e)	Div I 7.2.45	Temporary Parking Restriction	\$66.00	\$68.00
Traffic Code Section 33.1	Div I 7.2.46	Temporary Construction Zone	\$66.00	\$68.00
Traffic Code Section 21	Div I 7.2.47	Remove Chalk	\$110.00	\$110.00
Traffic Code Section 65	Div I 7.2.48	Repairing Vehicle	\$81.00	\$83.00
Traffic Code Sections 315(e), 412(e), 712(e)	Div I 7.2.49	Permit on Wrong Car	\$110.00	\$110.00
Traffic Code Sections 315(d),	Div I 7.2.50	Invalid Permit	\$110.00	\$110.00

412(d), 712(d)				
Traffic Code Sections 32.4.2(b), 32.14, 58(e)	Div I 7.2.51	Parking Marked Space	\$60.00	\$62.00
Not Applicable	Div I 7.2.52	On-Street Car Share Parking	\$110.00	\$110.00
Not Applicable	Div I 7.2.54	Large Vehicle	\$110.00	\$110.00
OFF-STREET PARKING				
Traffic Code Sections 32.10, 32.11	Div I 7.2.60	Parking Facility Charges	\$60.00	\$62.00
Traffic Code Section 32.15	Div I 7.2.61	Entrance/Exit Parking Facility	\$100.00	\$100.00
Traffic Code Section 32.14	Div I 7.2.62	Blocking Space Parking Facility	\$60.00	\$62.00
Traffic Code Section 32.16	Div I 7.2.63	Speeding within Parking Facility	\$100.00	\$100.00
Traffic Code Section 32.21A	Div I 7.2.64	Block Charging Bay	\$110.00	\$110.00
Not Applicable	Div I 7.2.65	Overtime Parking - Off-Street Parking Meter	\$66.00	\$68.00
Not Applicable	Div I 7.2.66	Misuse Disabled Parking Placard/ License Plate	\$880.00*	\$875.00*
Not Applicable	Div II 1009	SFMTA Property	\$66.00	\$68.00

TRAFFIC REGULATIONS				
Traffic Code Section 70	Div I 7.2.70	Obstruction of Traffic-Vehicle	\$110.00	\$110.00
Traffic Code Section 194.3	Div I 7.2.71	Obstruction of Traffic Without Permit	\$546.00	\$563.00
Traffic Code Section 194.3	Div I 7.3.3	Obstruction of Traffic Without Permit	\$1,000, or six months in jail, or both (4th or more offenses within one year)	\$1,000, or six months in jail, or both (4th or more offenses within one year)
Traffic Code Sections 31, 31.2	Div I 7.2.72	Driving in Transit-Only Area	\$71.00	\$73.00
Traffic Code Section 103	Div I 7.2.73	Driving Through Parades	\$100.00	\$100.00
Traffic Code Section 121	Div I 7.2.74	Streetcar Right-of-Way	\$100.00	\$100.00
Traffic Code Section 122	Div I 7.2.75	Passing Safety Zones	\$100.00	\$100.00
Traffic Code Section 25	Div I 7.2.76	Removal of Vehicles-Collision	\$100.00	\$100.00
Traffic Code Sections 28.1	Div I 7.2.77	Weight Restricted Streets	\$100.00	\$100.00
COMMERCIAL VEHICLES				
Traffic Code Section 63.2	Div I 7.2.80	Vehicles for Hire Parking	\$110.00	\$110.00
Traffic	Div I 7.2.81	Advertising Sign	\$110.00	\$110.00

Code Section 63.3				
Traffic Code Section 68	Div I 7.2.82	Selling from Vehicle	\$110.00	\$110.00
Traffic Code Sections 33.3, 33.3.2	Div I 7.2.83	Truck Loading Zone	\$88.00	\$91.00
Traffic Code Sections 63, 63(A), 63.1	Div I 7.2.84	Commercial Vehicle Parking Restrictions	\$110.00	\$110.00
Traffic Code Section 60.5	Div I 7.2.86	Idling Engine While Parked	\$100.00	\$100.00
Police Code Sections 1183- 1183.40	Div I 7.2.87	Commercial Passenger Vehicle Street Restrictions	\$103.00	\$106.00
Police Code Section 710.2	Div. I 7.2.88	For Sale Sign	\$60.00	\$62.00
TRANSIT VIOLATIONS				
Traffic Code Section 127	Div I 7.2.101	Fare Evasion	\$109.00	\$112.00
Traffic Code Section 128	Div I 7.2.102	Passenger Misconduct	\$109.00	\$112.00
Traffic Code Section 128.5	Div I 7.2.103	<u>Fare Evasion/Passenger Misconduct - Youth Violation</u>	<u>\$55.00</u> Not Applicable	\$57 <u>6.00</u>

		Conversing with Operator		
Not Applicable	Div I 7.2.104	Fare Evasion - Clipper Card	\$109.00	\$112.00

* This fine includes a 10% additional penalty assessment as mandated by California Vehicle Code 40203.6.

**** Note:**

The California State Legislature has imposed additional fees applicable to all parking citations. As a result, the total fine amount for parking citations includes the following fees: \$4.50 for the state courthouse construction fee, \$2.50 for the local courthouse construction fee, and \$3.00 for the Trial Court Trust Fund fee.

Section 2. Effective and Operative Dates. This ordinance shall become effective 31 days after enactment. Enactment occurs when the San Francisco Municipal Transportation Agency Board of Directors approves this ordinance. Section 1 shall become operative upon the effective date of an ordinance enacted by the City to create a violation for fare evasion and passenger conduct violations committed by youth.

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 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: _____
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 February 16, 2016.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency