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CITY OF OAKLAND
AGENDA REPORT

2009 MAY 14 PM 4: 24

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Finance and Management Agency
DATE: May 26, 2009

RE: **A Follow-Up Report From the Parking Division Comparing Oakland's Parking Violation Fines with Other Cities**

SUMMARY

At the April 7, 2009 meeting, the Finance and Management Committee directed staff to return with a comparison of Oakland's Parking Violation Fines to those of other cities. Staff's analysis is included in *Attachment A*.

FISCAL IMPACT

This is an informational report. Fiscal impacts are not included.

KEY ISSUES AND IMPACTS

Comparison of Fines

Staff conducted an assessment of parking violation fines for seven cities in order to compare Oakland's parking violation fines with these municipalities. Most of San Francisco's parking violation fines are higher than Oakland's fines. The comparison of fines is provided in *Attachment A*. Please note: (1) \$10.00 of each Oakland's fine is passed through to Alameda County as a surcharge. (2) Fee increases are proposed for FY 09-11, as presented in *Attachment A*.

Pursuant to the provision of the California Constitution and the State of California Section 40203.5(a), the City of Oakland is authorized to set its schedule of parking penalties for parking violations and late payment penalties.

Possible Fine Reductions

Typically parking violation fines are set high enough to deter parking violators from violating a city's parking codes and regulations. Reducing parking violation fines could encourage violations and have a negative impact on the availability of parking spaces in commercial areas.

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Lack of available parking spaces in the commercial areas also may turn away potential customers due to inconvenience in locating a parking space.

Staff conducted an analysis of the effect of reducing the parking fines by \$5.00 for the top 20 issued parking violations to determine what the potential impact on revenues would be.

As shown in Chart 1 below, the potential impact of a \$5.00 reduction in parking fines would be \$1,191,502.00 annually. The current rate of fine collection is approximately 64%. Citations that are not paid within 63 days are referred for further collections to Law Enforcement Systems (the collection agency), Department of Motor Vehicles (DMV) and Franchise Tax Board (FTB).

Chart 1.

| Violation Code | Violation Type | Current Fine | No. of Citations issued | No. of Citations Paid | Amount paid | If Fines reduced by \$5 | Revenue Loss from \$5 reduction |
|----------------|--|--------------|-------------------------|-----------------------|--------------|-------------------------|---------------------------------|
| 10.16.110 | Failure to cramp wheels on grade | \$47 | 2,504 | 1,606 | \$83,156 | \$42 | \$9,479 |
| 10.28.030 | Abandoned/using street for storage | \$250 | 348 | 17 | \$4,142 | \$245 | \$83 |
| 10.28.040A | Over 18" from curb | \$40 | 519 | 386 | \$15,946 | \$35 | \$2,007 |
| 10.28.040B | Parked wrong way on a two-way street | \$40 | 1,420 | 912 | \$39,521 | \$35 | \$5,145 |
| 10.28.120 | Parking commercial vehicles in residential district--Over 10,000 pounds | \$122 | 66 | 33 | \$4,127 | \$117 | \$266 |
| 10.28.160 | Parking prohibited--Unattached trailer | \$63 | 83 | 34 | \$2,338 | \$58 | \$201 |
| 10.28.180 | One-hour zone | \$50 | 1,163 | 788 | \$39,556 | \$45 | \$3,956 |
| 10.28.190 | Two-hour zone | \$50 | 10,813 | 7,489 | \$384,159 | \$45 | \$38,637 |
| 10.28.210 | Four-hour zone | \$50 | 608 | 438 | \$22,241 | \$45 | \$2,229 |
| 10.28.240 | No parking--Certain hours | \$53 | 139,511 | 77,621 | \$4,491,208 | \$48 | \$452,404 |
| 10.28.250 | No parking any time | \$50 | 4,503 | 2,077 | \$137,097 | \$45 | \$20,966 |
| 10.36.050 | Parking meter violation--Expired | \$45 | 132,046 | 93,420 | \$4,203,918 | \$40 | \$467,102 |
| 10.36.060 | Meter--Overtime (meter feeding) | \$45 | 376 | 223 | \$10,046 | \$40 | \$1,116 |
| 10.36.100 | Meter--Expired--Off-street meter | \$45 | 3,730 | 2,894 | \$130,257 | \$40 | \$14,473 |
| 10.40.020A1 | No parking--Red Zone | \$70 | 16,085 | 9,602 | \$769,606 | \$65 | \$66,434 |
| 10.40.020A4 | No parking--Green Zone | \$50 | 609 | 387 | \$22,731 | \$45 | \$2,726 |
| 10.40.060 | Special zones--Sign posted for loading/unloading passengers or materials | \$50 | 10,066 | 6,928 | \$387,034 | \$45 | \$42,543 |
| 10.40.070 | No parking in Yellow Zones | \$50 | 3,368 | 2,260 | \$123,914 | \$45 | \$13,257 |
| 10.44.120A | Residential permit parking zone | \$70 | 11,004 | 7,569 | \$592,199 | \$65 | \$48,399 |
| 10.64.180 | Misdemeanor to fail to remove vehicles after order to do so | \$250 | 155 | 16 | \$3,973 | \$245 | \$79 |
| | | | 336,473 | 214,699 | \$11,467,169 | | \$1,191,502 |

SUSTAINABLE OPPORTUNITIES

Economic: Parking fines generate revenues for the General Purpose Fund.

Environmental: No environmental opportunities are anticipated.

Social Equity: There is no impact to social equity.

DISABILITY AND SENIOR CITIZEN ACCESS

There is no impact to disability and senior access.

RECOMMENDATION (S) AND RATIONALE

Staff recommends that the City Council accept this supplemental report.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that City of Oakland's parking fines remain the same at their current levels.

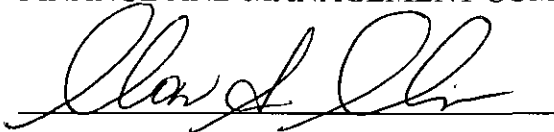
Respectfully submitted,



Noel Pinto
Manager, Parking Division

Prepared by: Shahla Azimi
Revenue Analyst

APPROVED AND FORWARDED TO THE
FINANCE AND MANAGEMENT COMMITTEE:



Office of the City Administrator

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ATTACHMENT A

| Violation Code | Violation Type | Oakland's Current Fines** | Oakland's Proposed New Fines FY 09-10 | Berkeley | Portland (Current) | Portland (Proposed) | Sacramento County | San Diego | San Francisco | Santa Barbara | San Jose | Average Excluding Oakland |
|----------------|--|---------------------------|---------------------------------------|------------------|--------------------|---------------------|-------------------|-----------|---------------|---------------|----------|---------------------------|
| 10.16.110 | Obedience to Signs & Barriers | \$ 57.00 | \$ 70.00 | \$ 56 | \$ - | \$ - | \$ - | \$ 40 | \$ 50 | \$ - | \$ - | \$ 49 |
| 10.28.030 | Abandoned/using street for storage | \$ 260.00 | \$ 260.00 | \$ 160 | \$ 280 | \$ - | \$ 100 | | \$ 210 | \$ 120 | \$ - | \$ 174 |
| 10.28.040A | Over 18" from curb | \$ 50.00 | \$ 60.00 | \$43 & (\$65 FD) | \$ 24 | \$ 50 | \$ - | \$ 47 | \$ 45 | \$ - | \$ 27 | \$ 47 |
| 10.28.040B | Parked wrong way on a two-way street | \$ 50.00 | \$ 60.00 | - | \$ 25 | \$ 50 | \$ - | \$ 47 | \$ 45 | \$ - | \$ 27 | \$ 49 |
| 10.28.120 | Parking commercial vehicles in residential district--Over 10,000 pounds | \$ 132.00 | \$ 132.00 | - | \$ 100 | \$ 150 | \$ - | \$ 41 | \$ 100 | \$ 45 | \$ - | \$ 72 |
| 10.28.160 | Parking prohibited--Unattached trailer | \$ 73.00 | \$ 73.00 | - | \$ 60 | \$ - | \$ 50 | \$ 40 | \$ 70 | \$ - | \$ 33 | \$ 63 |
| 10.28.180 | One-hour zone | \$ 60.00 | \$ 70.00 | \$35 & (\$53 FD) | \$ 24 | \$ 34 | \$ - | \$ - | \$ 60 | \$ - | \$ 33 | \$ 38 |
| 10.28.190 | Two-hour zone | \$ 60.00 | \$ 70.00 | \$35 & (\$53 FD) | \$ 24 | \$ 34 | \$ - | \$ 40 | \$ 60 | \$ - | \$ 33 | \$ 38 |
| 10.28.210 | Four-hour zone | \$ 60.00 | \$ 70.00 | - | \$ 24 | \$ 34 | \$ - | \$ - | \$ 60 | \$ - | \$ 33 | \$ 39 |
| 10.28.240 | No parking--Certain hours | \$ 63.00 | \$ 63.00 | \$ 41 | \$ 70 | \$ 90 | \$ - | \$ 40 | \$ 50 | \$ 50 | \$ - | \$ 50 |
| 10.28.250 | No parking any time | \$ 60.00 | \$ 70.00 | \$56 & (\$84 FD) | \$ 70 | \$ 90 | \$ 70 | \$ 65 | \$ 85 | \$ 55 | \$ 36 | \$ 62 |
| 10.36.050 | Parking meter violation--Expired | \$ 55.00 | \$ 65.00 | \$35 & (\$53 FD) | \$ 24 | \$ 34 | \$ 50 | \$ 30 | \$ 60 | \$ 45 | \$ 28 | \$ 39 |
| 10.36.060 | Meter--Overtime (meter feeding) | \$ 55.00 | \$ 65.00 | \$35 & (\$53 FD) | \$ 24 | \$ 34 | \$ 50 | \$ 40 | \$ 60 | \$ - | \$ 28 | \$ 40 |
| 10.36.100 | Meter--Expired--Off-street meter | \$ 55.00 | \$ 65.00 | \$25 & (\$35 FD) | \$ 24 | \$ 34 | \$ - | \$ - | \$ 50 | \$ - | \$ - | \$ - |
| 10.40.020A1 | No parking--Red Zone | \$ 80.00 | \$ 80.00 | \$56 & (\$84 FD) | \$ - | \$ - | \$ 35 | \$ 65 | \$ 85 | \$ - | \$ - | \$ - |
| 10.40.020A4 | No parking--Green Zone | \$ 60.00 | \$ 80.00 | \$35 & (\$53 FD) | \$ - | \$ - | \$ 35 | \$ - | \$ 60 | \$ - | \$ 33 | \$ 41 |
| 10.40.030B | Special zones--Sign posted for loading/unloading passengers or materials | \$ 42.00 | \$ 50.00 | \$49 & (\$74 FD) | \$ 60 | \$ 80 | \$ 35 | \$ - | \$ 70 | \$ - | \$ 31 | \$ 49 |
| 10.40.060 | No parking in Yellow Zones | \$ 60.00 | \$ 80.00 | \$49 & (\$74 FD) | \$ 70 | \$ 90 | \$ 35 | \$ 45 | \$ 70 | \$ - | \$ 34 | \$ 51 |
| 10.40.110 | No Parking -Taxi Zone | \$ 42.00 | \$ 50.00 | \$ 43 | \$ 35 | \$ 55 | \$ - | | \$ 85 | \$ 45 | \$ - | \$ 52 |
| 10.44.120A | Residential permit parking zone | \$ 80.00 | \$ 80.00 | \$41 & (\$82 FD) | \$ 50 | \$ - | \$ 35 | \$ 40 | \$ 60 | \$ - | \$ - | \$ 45 |
| 10.56.270 | Parking Prohibited | \$ 42.00 | \$ 42.00 | - | \$ 60 | \$ 60 | \$ 50 | \$ - | \$ 70 | \$ - | \$ - | \$ 60 |
| 10.64.180 | Misdemeanor to fail to remove vehicles after order to do so | \$ 260.00 | \$ 260.00 | \$ 210 | \$ 280 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 245 |

** Includes \$10 Pass-through surcharge paid to Alameda County
 Note: Berkeley's Football Day (FD) fines were not used for the "Average"