

# CITY OF OAKLAND

## AGENDA REPORT

09 OCT -1 PM 4:08

TO: Councilmember Nadel, Chair, and Members of the Public Works Committee  
CC: Dan Lindheim  
FROM: Councilmember Patricia Kernighan  
DATE: October 1, 2009

RE: **Report and Recommendation for Council to Adopt a Parking Enforcement Policy that Violations for Parking in the Wrong Direction on Streets That Are Thirty Feet Wide or Narrower Shall Have the Lowest Enforcement Priority**

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### SUMMARY

This is a request for the Public Works Committee and City Council to state a City policy with regard to the enforcement of the California Vehicle Code Section 22502, which prohibits parking a vehicle on the left side of the street against the direction of traffic. For the reasons explained below, I recommend that the City adopt a policy of lowest enforcement priority for CVC Sec. 22502 on streets that are less than 30' wide (technically, "30 feet wide or narrower").

### FISCAL IMPACT

The only potential fiscal impact of the requested policy would be a reduction in fine revenue that has historically been generated by tickets given for parking in the wrong direction. This Council office does not have access to that information. If City staff reviews the records for FY 2007-2008, it could probably be determined how much revenue was generated from tickets for that violation.

### BACKGROUND

For at least the past three decades, there has been no systematic patrolling by parking enforcement officers of neighborhoods that are exclusively residential and made up mainly of single-family homes. The City's Parking Enforcement division has enforced parking violations in residential areas primarily on a complaint basis, such as where a resident calls because someone is parked blocking his drive-way or parked in a red zone. For these many years, it has been an accepted practice of residents on most narrow streets to park in the "wrong direction." Other residents have not complained about this practice because it has not posed a safety problem or any other kind of problem.

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Starting in July 2009, with the expansion of the parking enforcement staff, there are now two roving crews that work in the early mornings and later into evening, and that have been directed to patrol residential neighborhoods on a systematic basis and issue tickets for violations of any and all State or City parking codes. In July, these crews began issuing tickets to cars for parking in the wrong direction. Many of the ticketed residents were angry that they were ticketed for a practice that has been condoned by the City for many years and further that they had received no warning from the City of the new enforcement policy. After receiving many of these complaints, several Councilmembers requested of the Parking Director that he first issue warning notices on a street before actual ticketing. According to the Parking Director, this has been done. However, the District 2 Council office continues to hear complaints from residents who were ticketed and say their street received no such notice.

### **KEY ISSUES AND IMPACTS**

The issue of enforcement policy for parking in the wrong direction is worthy of City Council attention for the following reasons. 1) Parking in either direction on narrow streets does not pose an actual safety problem, 2) a total ban on parking in the wrong direction poses a hardship for residents on many narrow streets, and 3) the Parking Director believes that it is not within his authority to direct his staff to refrain from ticketing for this violation. Consequently, I recommend that Council officially state as City policy that parking in the wrong direction shall be the lowest enforcement priority for City parking enforcement staff.

#### Parking in either direction does not pose a safety problem on narrow streets.

On narrow streets – that is, streets with a width of 30 feet or narrower – there is only one travel lane, not two. Cars are parked on both sides of the street, leaving only enough width for one lane in the middle, which must be shared by cars traveling in both directions. In many respects, this works well as a traffic-calming measure, as cars must drive slowly and carefully because there is always the possibility of on-coming traffic in the travel lane. When cars are traveling in opposite directions, one car must yield to another, usually by pulling into an unoccupied part of the parking lane, so the other car can pass. Under these circumstances, there is not an actual safety problem posed by cars that are parked in the “wrong” direction, as all drivers are aware that travel is taking place in both directions at all times. Parked drivers know that they must look out for cars traveling in both directions, and drivers of moving cars are also aware to be on the look-out for parked cars which may pull out on either side of the street. Under these conditions, traffic speeds are low, all drivers must be alert for traffic in both directions, and consequently, there is no safety hazard posed by cars which are entering the traffic lane from the “wrong” side of the street. This is a very different set of conditions than on streets in a neighborhood commercial districts where there are one or more lanes in each direction, and the travel direction is clearly delineated for each travel lane.

A total ban on parking in the “wrong” direction presents a hardship for residents of narrow streets. On narrow streets, the practice of parking in either direction on any side of the street actually reduces traffic congestion and inconvenience for all the residents. Many of these narrow streets extend the length of several blocks without intersecting another street, hence the great majority of cars enter from one end only (usually the end that connects to a larger street). When entering from that direction, if there is not a parking space available on the right side of the street, cars can easily pull into a spot of the left side, which has been the normal practice on these streets. If the City insists on enforcing against “wrong way” parking, each of these cars must get turned around before parking. Because the street is narrow, it is often difficult to get one’s car turned around. It entails pulling into someone’s driveway and making a five-point turn in order to get turned around, which is awkward, time-consuming, and often risks bumping other parked cars. There are a number of streets that are so narrow that turning around in this manner is itself hazardous. In addition to being narrow, some of the streets are steep as well, which adds to the difficulty. For these reasons, I submit that the safety and convenience for residents of narrow streets would be best served by tolerance of the practice of parking in the wrong direction.

## **SUSTAINABLE OPPORTUNITIES**

***Economic:*** As in indirect economic impact, freeing Oakland residents from the feeling that they are being harassed by City staff for technical violations would likely make these residents happier with their City government and more likely to contribute to community activities.

***Environmental:*** There are no significant environmental opportunities

***Social Equity:*** There are no social equity opportunities.


## **DISABILITY AND SENIOR CITIZEN ACCESS**

Numerous seniors and disabled residents have complained about the City’s new enforcement against parking in the wrong direction. For many of them who live on narrow streets, the enforcement prevents them from parking near their own homes.

**ACTION REQUESTED OF THE CITY COUNCIL**

City Council is requested to adopt a parking enforcement policy, and so direct the City Administrator, to make enforcement of parking in the wrong direction on streets with a width of 30 feet or narrower the lowest enforcement priority for City parking enforcement staff.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patricia Kernighan", written over a horizontal line.

Patricia Kernighan  
Councilmember, District 2