

SUPPLEMENTAL MEMO – Item 15

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TO: Council President Brunner and Members of the Oakland City Council

FROM: Councilmember Pat Kernighan

RE: City Council Meeting of September 22, 2009 – Parking Enforcement Issues

"Discussion and Action to Adopt an Ordinance Amending Ordinance Number 12880 C.M.S. (Master Fee Schedule), and Ordinance Number 12953 As Amended, To Establish, Modify and Delete Fees Assessed by the Parking Operations Division of the Finance and Management Agency, Including Reductions in the Hours of Meter Enforcement, Reduction of the Hourly Charge for Parking in Metered Parking Spots, and/or Increasing the Time Limits for Various Metered Parking Spaces within the City."

Fiscal Impact of Rescinding Meter Enforcement between 6 pm and 8 pm.

As stated in my earlier Memo, I propose that City Council rescind the extra two hours of meter enforcement between 6 pm and 8 pm. Staff has stated that this change could reduce anticipated revenues by \$1.33 million. Below I propose an option to make up for this projected loss of revenue.

Enforcement against Illegal Use of Disabled Parking Placards

A concerted enforcement operation against the abuse of disabled placards could yield well over \$1 million in meter collections. The number of metered parking spaces in downtown and other areas that are occupied all day by cars displaying disabled parking placards is extraordinary. It is inconceivable that all these cars are being driven by people who actually have legitimate mobility limitations. Many downtown merchants have complained that they regularly see able-bodied people parking all day for free via the use of the disabled placards. The abuse of the placards is harmful to people who really do have disabilities because it is very hard for them to find a place to park. The abuse is also causing Oakland to lose huge amounts of parking meter revenue.

Several informal surveys of parking occupancy by cars with the placards have been done in recent weeks. Two Council aides counted 100 cars displaying the placards parked on five square blocks around City Hall. In my own observations of the uptown area, it appears that 25 to 35% of parking spaces are occupied by cars with the placards.

Representatives of the Chinatown Chamber of Commerce did a count of parking spaces last week. They found that out of a total of 227 parking meter spaces, 125 spaces (55%) were occupied by cars with disabled placards. The Chamber

representatives regularly observe that cars with placards park all day.

The revenue that could be generated by eliminating even half of the abuse of the disabled placards could yield a substantial amount of revenue for the City. Based on operating hours from 8 am to 6 pm, at \$2.00 per hour, six days a week, each metered space should generate \$20 per day or \$6,120 per year. At 85% occupancy, the meter would generate \$5,202 per year. If increased enforcement deterred the illegal use of the placards by people who are not actually disabled and 250 parking spaces were freed up for paying drivers, this would generate an extra \$1,300,500 per year in revenue for the City.

Our Parking Enforcement Director is already taking some steps toward increasing enforcement of illegal use of the disabled placards, but I recommend that Council direct that more resources be deployed in the effort. Further, the City should create an administrative appeal process for those who are ticketed for the misuse. The City Attorney advises that if the driver cannot produce the proper identification of the disabled person to whom the placard was issued, there is a rebuttable presumption that the violation occurred. The persons so cited must have an opportunity, via a hearing, to rebut the presumption.

In summary, the financial benefit of seriously enforcing the disabled parking placard requirements is substantial, well over \$1 million, and should be implemented immediately. The increased parking revenue that would be generated would offset the projected loss of revenue by returning the meter hours to 8 am through 6 pm.

Respectfully submitted,



Patricia Kernighan
Councilmember, District 2