

2011 - 2012 Statement of Legislative Intent

Approved

Tab	Action	Option	Version
125	2	A	3

Budget Action Title: Parking scofflaw program (Transportation, Municipal Court, Police, General Subfund revenue)

Councilmembers: Burgess; Licata; O'Brien

Staff Analyst: Peter Harris; Ben Noble

Budget Committee Vote:

Date	Result	SB	BH	SC	TR	JG	NL	RC	TB	MO
11/12/2010	Pass 9-	Y	Y	Y	Y	Y	Y	Y	Y	Y

Statement of Legislative Intent:

In approving C. B. 117025 and creating a parking scofflaw program, it is the Council's intent that the new program be administered in a just and fair manner that (1) allows for the owner/operator of a vehicle to gain its immediate release, (2) allows for credit card, cash and time-payment plans, and (3) includes an advance-of-implementation public notification effort designed to alert violators that continued non-compliance will result in vehicle booting, towing, and possible sale of the vehicle.

For informational purposes, the Council requests that the Executive provide a draft copy of any RFI or RFP to the Public Safety and Education Committee prior to its release. The Council also requests that the executive provide a business plan for implementation of the program prior to implementation and subsequent quarterly reports for the first year of the program.

Because of the complexity of the proposed program, and because the potential impact on vehicle owners is significant, the Council requests that an interdepartmental team be formed to address planning, implementation, public notification and education, and issues related to the race and social justice impacts of the program. This interdepartmental team should be led by the Finance and Administrative Services department and include representatives from SPD, Municipal Court, SDOT and the Office for Civil Rights.

Background

C. B. 117025 creates a new program to boot and impound vehicles in parking scofflaw status. Scofflaws are vehicle owners with four or more outstanding parking infractions who have failed to respond to multiple Municipal Court instructions and warnings. In almost all cases, the past due accounts have been sent to a collection agency for action. The ordinance allows a scofflaw's vehicle to be immobilized with a boot. If the vehicle owner pays the past-due infractions and the booting fee within 48 hours of the boot being applied, the boot contractor will enable the owner to release the boot. If not, the vehicle will be towed. Full payment must be made or a time-payment

arrangement agreed upon before the vehicle will be released. Per RCW 46.55, if the vehicle is not redeemed within 15 days the tow company may sell it. Overall, the scofflaw booting program is intended to increase parking availability, increase the incentives for scofflaws to pay their outstanding tickets, and increase compliance with parking regulations.

Currently over 25,000 vehicles are in scofflaw status. About 85% of scofflaw vehicles owe less than \$1,000 in fines and penalties to the City. Current code allows the Police Department to tow for scofflaw if the vehicle is found in violation of another parking rule. Police Department research has found that nine out of ten vehicles, when found in scofflaw status, are not violating another parking rule. With the few that can be towed for scofflaw, owners often remove the required impound notice before the tow can be completed. If impounded, scofflaw violators are not required to pay any citations prior to vehicle release. Consequently, parking citations are often ignored and accumulate because there is little incentive for payment, resulting in reduced opportunities for effective parking management. Vehicles in scofflaw often are found parked in dense business and residential areas including downtown, Capitol Hill, and the University District, contributing to parking shortfalls for law-abiding residents.

The new program calls for time payment options at several points: first when the scofflaw receives the notification of scofflaw status and the vehicle's vulnerability to boot and impound; then if and when the vehicle is booted; and then, if the boot is not released, after the vehicle is impounded.

The Council's intent

The Council believes all drivers should follow the City's parking regulations. The Council also believes the Municipal Court provides good opportunities for someone cited for a parking violation to contest the citation, request reduction of the fine, request community service as an alternative to the fine, or make time payments. Parking scofflaws are persons who have failed to take these opportunities at least four times. The new program is intended to be a more effective means for enforcing parking citations and thus for enforcing parking regulations, and the Council concurs with this intent.

The new program nevertheless contains the potential of impounding and selling the vehicles of low-income persons who cannot immediately pay their outstanding parking fines and who use their vehicles for work or basic family responsibilities. In such cases the penalty may be greater than is justified by the offense. The Council wants to ensure that those who in good faith want to pay their outstanding parking fines are able to do so, and do not lose their vehicles from lack of opportunity to fulfill this obligation.

There are two points at which this opportunity is especially important. One is when the vehicle is booted, before it is towed. The program should provide a means for arranging time payments at this point, and for paying with cash. The other is after the vehicle is towed if the boot is not removed. The program should again provide adequate opportunity to arrange time payments before the vehicle is sold.

The Council requests the Executive to include detailed plans for time payments and cash payments as part of the business plan due to Council prior to implementation of the program. This report should also explain how the process by which persons returning a boot to the boot contractor after

being allowed to release it will comply with the Americans with Disabilities Act, and what the most convenient options can be for returning the boot (for example, whether the boot could be left at a fire station).

The business plan should also include a description of the scope of the problem with scofflaw violators, including a listing of the number of individuals by the number of parking infractions and the outstanding financial value of the penalties, fees, and fines owing. This listing should have three columns as follows:

Number of Outstanding Parking Infractions	Number of Individuals	Financial Value of Penalties, Fines and Fees
1	000	\$00,000
2	000	\$00,000

The column titled "Number of Individuals" should report an individual only once in the report in the row that accurately reflects the highest number of outstanding parking infractions.

The Council also requests the Executive to report on the actual implementation of the program on a quarterly basis for one year following implementation. This report should include:

The number of vehicles booted, the number subsequently towed, and the number subsequently sold;

The number of persons who paid with cash to remove the boot;

The number of persons successfully arranging for time payments to remove the boot, and the number successfully arranging for time payments to remove the vehicle from impound;

The geographic distribution of vehicle bootings and tows under the program, and, if possible, the geographic distribution of residences of those whose vehicles were immobilized, both in comparison to the current geographic distribution of scofflaws;

The number of parking scofflaws who paid their outstanding fines after the program was announced or upon being notified of their scofflaw status, without having their vehicles booted;

The number of parking scofflaws who paid their outstanding fines after having their vehicles booted;

How the parking scofflaws who paid their outstanding fines compare in the number of outstanding fines to those not paying their fines; and

The estimated overall effect of the program on the number of parking scofflaws and the total outstanding parking fines owed to the City.

Date Due to Council: Business Plan sixty days prior to implementation; subsequent quarterly reports during 2011 and 2012.

Attachment A: Street Use Permit Fee Schedule, Effective January 1, 2011

Activities that use the public Right-of-Way and that block mobility					
Use Code	Use Description	Base Permit Fee	((Franchise and Utility Map Surcharge))	Occupation Fee (Long Term)	Use Fee (Short Term)
3A	street barricading for temporary private use (e.g.: grand openings, rallies)	(((\$104)) \$146	(((\$30))	N/A	ON NON-ARTERIAL mo 1=no fee, mo2&3=\$.10/sf/10d mo4&5=\$.20/sf/10d mo6&7=\$.40/sf/10d mo8&9=\$.80/sf/10d mo10+=\$1.20/sf/10d in mo 10+ up to \$.20/sf/10day credit for mobility mitigation ON ARTERIAL mo1=\$.10/sf/10d mo2=\$.20/sf/10d mo3=\$.40/sf/10d mo4=\$.80/sf/10d mo5=\$1.20/2f/10d in mo5+ up to \$.20/sf/10d credit for mobility mitigation N/A
3B	Farmers Market Program				
13	temporary placement of materials not for construction, and for bus staging				
15	installation of public art				
22	shoring and excavation				
31	construction use				
31B	single family construction/debris dumpster				
31C	low income housing construction				
40	roadway paving				
41	bus shelter installation				
44	mobile crane, manlift, boom truck, pump truck, etc				
46	waterproofing or similar surfacing of concrete walks over areaways				
49	street opening for miscellaneous purposes				
50	scaffold, swing staging, scissor lift				
45	commercial or multi-use construction street improvement [public improvements by private development]				
45A	single family residential construction street improvement [public improvements by private development]				

Utility activities that use the public Right-of-Way and that block mobility					
Use Code	Use Description	Base Permit Fee	((Franchise and Utility Map Surcharge))	Occupation Fee (Long Term)	Use Fee (Short Term)
51	utility system construction	(((\$104)) \$146	(((\$30))	N/A	ON NON-ARTERIAL mo 1=no fee, mo2&3=\$.10/sf/10d mo4&5=\$.20/sf/10d mo6&7=\$.40/sf/10d mo8&9=\$.80/sf/10d mo10+=\$1.20/sf/10d in mo 10+ up to \$.20/sf/10day credit for mobility mitigation ON ARTERIAL mo1=\$.10/sf/10d mo2=\$.20/sf/10d mo3=\$.40/sf/10d mo4=\$.80/sf/10d mo5=\$1.20/2f/10d in mo5+ up to \$.20/sf/10d credit for mobility mitigation
51A	utility main line or inserts				
51B	utility poles (less than 500 51B uses per year based on prior year volumes)				
51C	utility aerials				
51D	utility service connections and repairs =2" diameter (less than 500 51D uses per year based on prior year volumes)				
51E	utility maintenance (including vault replacements and pole bases)				
51G	utility service conduit by private party				
51H	utility poles (more than 500 51H uses per year based on prior year volumes)				
51I	utility service connections and repairs =2" diameter (more than 500 51I uses per year based on prior year volumes)				
51F	use of right-of-way for staging, curb crossing or excavation related to side sewer work				None

Activities that use the public Right-of-Way that involve little to no mobility blockage					
Use Code	Use Description	Base Permit Fee	((Franchise and Utility-Map Surcharge))	Occupation Fee (Long Term)	Use Fee (Short Term)
23	cornices, architectural features	(((\$104)) \$146	(((\$30))	N/A	None
25	driveways				
26	concrete driveways "Curb Cut"				
28	water service lines less than 2" in diameter				
29	Fences and non-structural walls				
34	grade and rock (temporary)				
35	clear and grub street and alley				
37	new sidewalk with existing curb				
38	surfacing planting strip or shoulder, including required landscaping				
43	tree removal when blocking street				
47	cross curb and sidewalk with equipment				
52A	pole banners [up to four blocks per permit]				
54A	miscellaneous private temporary uses up to 4 hours				

Activities that have value to the general citizenry					
Use Code	Use Description	Base Permit Fee	((Franchise and Utility Map Surcharge))	Occupation Fee (Long Term)	Use Fee (Short Term)
1	beautification	None	None	None	None
1A	tree pruning, planting, and removal and other plantings				
5A	clocks in public Historic Landmark places				
54	miscellaneous uses for use of public per SMC 15.04.100				
55	sidewalk repair (less than 100 sq. ft.)				
55A	sidewalk repairs (100 sq. ft. or greater)	(((\$104)) \$146			
Miscellaneous					
Use Code	Use Description	Base Permit Fee	((Franchise and Utility Map Surcharge))	Occupation Fee (Long Term)	Use Fee (Short Term)
57	impound fee	\$97 per occurrence	None	N/A	N/A
58	sign removal	\$78 per sign or poster			
59	mobility impact surcharge	\$360			

Activities that occur over more than one year					
Use Code	Use Description	Base Permit Fee	((Franchise and Utility-Map Surcharge))	Occupation Fee (Long Term)	Use Fee (Short Term)
2	small directional signs	((\$101 (first year); \$97 (subsequent years)) <u>\$146 (first year); \$140 (subsequent years)</u>	((\$30 (first year))	None	N/A
2B	portable signs (i.e.: sandwich board signs, "A" frames, etc.)				
3	street barricading for private use				
5	clocks				
6	signs, flags, etc. extending over ROW				
7B	ramp primary access over underwater street				
8	ventilating ducts				
9	underground vaults				
14	miscellaneous renewable uses				
14A	vending carts				
14B	tables and chairs [max 4]				
16A	inactive areaways prior to January 1, 1995				
17	sidewalk elevator doors				
21A	non-public utilities				
21B	underground storage tanks				
27A	stanchions				
29A	structural retaining				
33	contractors' trucks/equipment per vehicle				
48	building maintenance over ROW [per bidg]				
52	street decorations				
Long term uses of the Right-of-Way					
Use Code	Use Description	Base Permit Fee	Franchise and Utility-Map Surcharge	Occupation Fee (Long Term)	Use Fee (Short Term)
61	term uses for long-term street level occupations (structures in right-of-way)	Fees determined by ordinance			
61A	term uses for skybridges or bridges over right-of-way				
61B	term uses for tunnels under right-of-way				
61C	term uses for pipelines in right-of-way				
61D	other term uses in right-of-				

Occupation of Right-of-Way street						
Use Code	Use Description	Base Permit Fee	((Franchise and Utility Map Surcharge))	Occupation Fee (Long Term)	Use Fee (Short Term)	
2A	fixed ground signs	(((\$101 (first year); \$97 (subsequent years)) \$146 (first year); \$140 (subsequent years))	(((\$30 (first year)))	\$590/yr	N/A	
21	underground storage in street					
7	<u>At-grade structures required only for access and overhangs</u>			\$.51/sf/yr		
12	material storage			\$.51/sf/yr		
16	areaways existing prior to January 1, 1995			\$.51/sf/yr		
18	sidewalk cafes			\$1.56/sf/yr		
18A	merchandise on sidewalks					
22B	shoring unremoved (must be removed to a point 4 ft below finished grade)			\$1011/pile		
27	awnings, marquees and canopies [plus 27A if stanchions]			(((\$101)) \$146		\$.51/sf

Occupation of underwater street					
Use Code	Use Description	Base Permit Fee	((Franchise and Utility-Map Surcharge))	Occupation Fee (Long Term)	Use Fee (Short Term)
7A	structures and overhangs in underwater streets	((\$101 (first year); \$97 (subsequent years)) \$146 (first year); \$140 (subsequent years))	((\$30 (first year)))	\$0.14/sf/mo	N/A
12A	moorage not covered elsewhere				
WW100	installations and overhangs in state waterways				
WW200	moorage in state waterways				
WW250	temporary moorage or other uses of state waterways				
WW150	non-profit organizations water safety for youth			None	
Per ordinance or council action					
Use Code	Use Description	Base Permit Fee	((Franchise and Utility-Map Surcharge))	Occupation Fee (Long Term)	Use Fee (Short Term)
11	shoreline street ends [land portion]	Fees determined by ordinance			
14C	1st amendment vending	\$40	((None))	\$35/mo	None
14D	stadium vending [April - September]	None		\$121.50/mo	
14E	stadium vending [October - March]	None		\$18/mo	
16B	areaways built after January 1, 1995	Fees based upon appraisal			

Other Fees and Charges

Hourly Charge for Street Use service including but not limited to: review, investigation, inspection, drafting, design guidance, document preparation and other activities related to the administration of the permit

(((\$150)) \$172

Premium hourly rate (e.g. Overtime Inspections)

\$344

Penalty Fee (No Job Start Call)

\$300

((Pre-submittal Consultation Fee))

(((\$375))

A Deposit may be required

Amount determined based on services requested