

2.40 Actions Related to the Schedule of Parking Penalties.


Recommendation:

Adopt a resolution to repeal Resolution 79710 and set forth the Schedule of Parking Penalties which increases the following parking violation amounts by a range of \$5-\$15 effective July 1, 2024:

- (a) Street sweeping;
- (b) Parked out of space – metered;
- (c) Expired/unpaid meter;
- (d) Failure to pay at lot;
- (e) Residential parking permit required; and
- (f) Parked in bike path/lane.

CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273,
Adjustment to Fees, Rates and Fares without changes to or expansion of services.
(Transportation)

CITY COUNCIL ACTION REQUEST

Department(s): Transportation	CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273	Coordination: City Attorney's Office; City Manager's Budget Office; and the Planning, Building, and Code Enforcement Department	Dept. Approval: /s/ John Ristow
Council District(s): Citywide	Adjustment to Fees, Rates and Fares without changes to or expansion of services.		CMO Approval:  6/5/24

SUBJECT: ACTIONS RELATED TO THE SCHEDULE OF PARKING PENALTIES

RECOMMENDATION:

Adopt a resolution to repeal Resolution 79710 and set forth the Schedule of Parking Penalties which increases the following parking violation amounts by a range of \$5-\$15 effective July 1, 2024:

- Street sweeping;
- Parked out of space – metered;
- Expired/unpaid meter;
- Failure to pay at lot;
- Residential parking permit required; and
- Parked in bike path/lane.

BASIS FOR RECOMMENDATION:

During fiscal year 2022-2023, the City of San José issued at total of 189,173 parking citations Citywide. Roughly 128,000 of those citations were issued across key parking violations that impact the environment (street sweeping), quality of life (residential parking permit), economic vitality (metered parking), and safety (bike lane.)

Staff conducted a benchmark analysis of current parking violation fine amounts against other cities in Northern California (San Francisco, Oakland, Sacramento) that showed that the City's current fine amounts were below average for the area. Additionally, as shown in the **table** below, the proposed fine amounts were last increased between the years 2011 – 2016.

VIOLATION CODE	DESCRIPTION	BENCHMARKED FINE AMOUNT RANGE	CURRENT CITY FINE AMOUNT*	PROPOSED NEW FINE AMOUNT*	LAST CHANGED
MC 11.36.190	Street Sweeping	\$ 66 - \$90	\$ 60.00	\$ 65.00	2015
MC 11.40.350	Parked Out of Space - Metered	\$ 45 - \$101	\$ 40.00	\$ 45.00	2011
MC 11.40.380	Expired/Unpaid Meter	\$ 45 - \$101	\$ 40.00	\$ 45.00	2011
MC 11.44.010	Failure to pay at lot	\$ 45 - \$101	\$ 35.00	\$ 45.00	2011
MC 11.48.300	Residential Parking Permit	\$ 40 - \$102	\$ 70.00	\$ 75.00	2016
CVC 21211 (b)	Parked in a Bike Path/Lane	\$ 50 - \$162	\$ 65.00	\$ 80.00	2015

**Fine amounts include a \$12.50 court administrative and infrastructure fees that is passed on to the County/State when each citation is paid by the violator.*

BASIS FOR RECOMMENDATION CONTINUED:

The Department of Transportation's Parking Compliance Unit focuses on obtaining compliance with parking rules and regulations through education whenever possible, however, when compliance cannot be gained voluntarily, citations are issued in an attempt to correct and change driver behavior. Typically, parking citation fine amounts are reviewed approximately every three to five years. When citation issuance data indicates that driver behavior remains unchanged and benchmarking analysis identifies that San José parking fines have remained below average, fine adjustments are considered. Rather than institute blanket increases across all violation types, recommended adjustments center around violations impacting the environment, quality of life, economic vitality, and safety.

Prior to this recommendation, fines were most recently reviewed during the COVID-19 pandemic, but adjustments were not recommended at that time and instead a parking citation amnesty program was instituted.

Staff estimates that the increase in fine amounts will generate an additional \$800,000 in collected citation revenue in fiscal year 2024-2025.

Commission Recommendation/Input: No commission recommendation or input is associated with this action.

COST AND FUNDING SOURCE:

There are no cost implications associated with this action. The proposed revenue increases have been incorporated into the development of the 2024-2025 Proposed Operating Budget.

FOR QUESTIONS CONTACT: Heather Hoshii, Deputy Director of the Department of Transportation, at heather.hoshii@sanjoseca.gov.



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember Jimenez
Councilmember Torres
Councilmember Doan
Councilmember Foley

SUBJECT: SEE BELOW

DATE: June 14, 2024

Approved

[Signatures]

Date: 6/14/2024

SUBJECT: Actions Related to the Schedule of Parking Penalties

RECOMMENDATION

Adopt a resolution to repeal Resolution 79710 and approve the staff-recommended Schedule of Parking Penalties, with an increase to the penalty for violations of CVC 21211(b), "Parked in a Bike Path/Lane," to a proposed new fine amount of \$112.50, including the \$12.50 surcharges, effective July 1, 2024.

BACKGROUND

Despite repeated efforts to deter chronic violations of CVC 21211(b), particularly on Lean Avenue between Blossom Hill Road and Hayes Avenue, enforcement has not meaningfully reduced the number of vehicles blocking bike lanes in District 2. Bicyclists have not been able to benefit from the protected bike lane that was constructed several years ago because vehicles continue to park in the lane. This problem is not unique to south San Jose.

A greater penalty is recommended to discourage drivers from continuing to park in bike lanes.

Additionally, we request that DOT and ESD work with the Council District 3 Office to address Downtown-specific parking concerns that affect traffic safety.

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF CITY OF
SAN JOSE SETTING FORTH THE SCHEDULE OF
PARKING PENALTIES AND LATE PAYMENT PENALTY
FOR PARKING VIOLATIONS AND REPEALING
RESOLUTION NO. 79710, EFFECTIVE JULY 1, 2024**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. SCHEDULE OF PARKING PENALTIES

The following parking penalties are hereby established for violations of San José Municipal Code (SJMC) and California Vehicle Code (CVC) regulations:

SJMC Section	Offense	Base Penalty	State Law Surcharges*	Total Penalty
6.46.030	Mobilehome or trailer parking	252.50	12.50	265.00
11.16.120	Obedience to parking space Markings	27.50	12.50	40.00
11.32.010	Unattended motor vehicle-keys in ignition	32.50	12.50	45.00
11.36.050	Parking not to obstruct traffic	47.50	12.50	60.00
11.36.060	Parked in parkways prohibited	37.50	12.50	50.00
11.36.080	Prohibited to stop, stand or park vehicles where "No Parking"	47.50	12.50	60.00
11.36.100	Parked for certain purposes prohibited	62.50	12.50	75.00
11.36.110	Parking on hills, curbing wheels	32.50	12.50	45.00

*California Government Code Sections 70372, 76000, 76100, 76101

SJMC Section	Offense	Base Penalty	State Law Surcharges*	Total Penalty
11.36.130	No parking on narrow streets	32.50	12.50	45.00
11.36.140	Parked in alleys	32.50	12.50	45.00
11.36.150	Park on left-hand side of one-way street restricted	37.50	12.50	50.00
11.36.170	Parking at an angle	37.50	12.50	50.00
11.36.190	Parking prohibited where use of street necessary for cleaning, repair or construction of street or installation of underground facility	52.50	12.50	65.00
11.36.200	Parking prohibited where use of street authorized for other than normal flow of traffic	42.50	12.50	55.00
11.36.210	Violation of terms of permit for loading or unloading	32.50	12.50	45.00
11.36.220	Use of streets for storage of vehicles prohibited	72.50	12.50	85.00
11.36.232	Parking for disabled persons	397.50	12.50	410.00
11.36.235	Reserved for disabled persons	397.50	12.50	410.00
11.36.250	Parked in excess of posted time limit; Sunday & legal holidays excepted	27.50	12.50	40.00

*California Government Code Sections 70372, 76000, 76100, 76101

SJMC Section	Offense	Base Penalty	State Law Surcharges*	Total Penalty
11.36.260	Stopping, standing or parking vehicles on certain streets, or portions thereof, during all or certain hours	32.50	12.50	45.00
11.36.280	Parking in reserved areas	42.50	12.50	55.00
11.36.290	Commercial vehicle parked on residential street	72.50	12.50	85.00
11.36.300	Parking restrictions commercial vehicle	77.50	12.50	90.00
11.36.320	Parking Circle-Drive	27.50	12.50	40.00
11.36.330	City Hall frontage parking restriction	27.50	12.50	40.00
11.36.340	City employee parking lots-permits-use	32.50	12.50	45.00
11.36.430	City Hall alley-parking restrictions	27.50	12.50	40.00
11.36.470	Minnesota Avenue- off-street lot parking	17.50	12.50	30.00
11.40.350	Parked Out of Space – Metered	32.50	12.50	45.00
11.40.380	Expired/Unpaid Meter	32.50	12.50	45.00
11.40.390	Failure to operate meter, meter not fully activated	17.50	12.50	30.00
11.44.010	Failure to Pay at Lot	27.50	12.50	45.00
11.44.040	Storage lien off-street parking	22.50	12.50	35.00

*California Government Code Sections 70372, 76000, 76100, 76101

SJMC Section	Offense	Base Penalty	State Law Surcharges*	Total Penalty
11.44.045	Off-Street Parking Restrictions	27.50	12.50	40.00
11.44.100	Parking in marked spaces	17.50	12.50	30.00
11.44.120	Deposit of money in meter	22.50	12.50	35.00
11.44.130	Unlawful to park after time expired	22.50	12.50	35.00
11.44.140	Unlawful to extend time beyond limit	17.50	12.50	30.00
11.44.180	Leaving vehicle after receipt of meter violation	17.50	12.50	30.00
11.44.290	Deposit of money in meter- airport parking	22.50	12.50	35.00
11.44.300	Unlawful to park after time expired airport	22.50	12.50	35.00
11.48.300	Residential parking permit required	62.50	12.50	75.00
11.49.300	SJSU student parking area restrictions	27.50	12.50	40.00
11.52.320	Freight loading zone, use restriction	37.50	12.50	50.00
11.52.330	Freight loading zone, time restriction	37.50	12.50	50.00
11.52.570A	Special Freight Loading Zone permit required	37.50	12.50	50.00
11.52.570B	Violation of Special Freight Loading Zone permit – usage	37.50	12.50	50.00

*California Government Code Sections 70372, 76000, 76100, 76101

SJMC Section	Offense	Base Penalty	State Law Surcharges*	Total Penalty
11.54.030	Passenger loading zone, use restriction	32.50	12.50	45.00
11.54.040	Passenger loading zone, time restriction	32.50	12.50	45.00
11.98.060	Large Vehicle Parking	32.50	12.50	45.00
13.44.100	City Parks Regulations	77.50	12.50	90.00
25.06.350	Airport Parking Regulations	32.50	12.50	45.00

CVC Section	Offense	Base Penalty	State Law Surcharges*	Total Penalty
21211(b)	Parked in a bike path/lane	57.50	12.50	80.00
21113(a)	Parked in violation of Administrative Rules	27.50	12.50	40.00
22500(a)	Parked in an intersection	47.50	12.50	60.00
22500(b)	Parked blocking a crosswalk	52.50	12.50	65.00
22500(c)	Parked in a safety zone	52.50	12.50	65.00
22500(d)	Parked w/in 15' of a fire station driveway	47.50	12.50	60.00
22500(e)	Parked blocking a driveway	47.50	12.50	60.00
22500(f)	Parked on/blocking sidewalk	47.50	12.50	60.00

*California Government Code Sections 70372, 76000, 76100, 76101

CVC Section	Offense	Base Penalty	State Law Surcharges*	Total Penalty
22500(g)	Parked obstructing traffic – beside excavation	47.50	12.50	60.00
22500(h)	Double parked	47.50	12.50	60.00
22500(i)	Parked in a bus zone	272.50	12.50	285.00
22500(j)	Parked in a tunnel	42.50	12.50	55.00
22500(k)	Parked on a bridge	42.50	12.50	55.00
22500(l)	Parked blocking a disabled sidewalk access	307.50	12.50	320.00
22500.1	Parked in a fire lane	57.50	12.50	70.00
22502	Parked the wrong way/over 18” from the curb	37.50	12.50	50.00

CVC Section	Offense	Base Penalty	State Law Surcharges*	Total Penalty
22507.8	Parked in space reserved for disabled	397.50	12.50	410.00
22514	Parked w/in 15’ of a fire hydrant	57.50	12.50	70.00
22515	Unattended unset parking brake	32.50	12.50	45.00
22521	Parked w/in 7’ of a railroad track	32.50	12.50	45.00

*California Government Code Sections 70372, 76000, 76100, 76101

CVC Section	Offense	Base Penalty	State Law Surcharges*	Total Penalty
22522	Parked blocking a disabled sidewalk access	307.50	12.50	320.00
22526	Entering an occupied intersection	102.50	12.50	115.00

SECTION 2. LATE PAYMENT PENALTIES

Late payment penalties shall be added to the Total Penalties as follows:

A one-time late payment penalty of thirty-five dollars (\$35.00) shall be added if the Total Penalty has not been paid within ten (10) days of the mailing of the notice of delinquency.

SECTION 3. DEPARTMENT OF MOTOR VEHICLES SERVICE FEE

A service fee for unpaid parking penalties shall be added to the Total Penalties as follows:

A one-time service fee of four dollars (\$4.00) shall be added if the Total Penalty has not been paid within forty (40) days of the notice of parking violation and a hold has been placed on the vehicle registration through the Department of Motor Vehicles. The Director of the Department of Transportation shall have the authority to make further adjustments to this service fee, between the range of one dollar (\$1.00) and ten dollars (\$10.00), corresponding with any future service fee adjustments implemented by the Department of Motor Vehicles.

*California Government Code Sections 70372, 76000, 76100, 76101

SECTION 4. CREDIT CARD SERVICE FEE

A one-time service fee of three dollars (\$3.00) for parking penalties paid by credit card shall be added to the Total Penalties, which shall be collected by the City or by the City's Parking Citation Processing and Collection contractor, to defer the cost of processing and collecting credit card payments.

SECTION 5. FRANCHISE TAX BOARD COLLECTION FEE

A collection fee for unpaid parking penalties and associated late payment penalties shall be added to the Total Penalties as follows:

A one-time service fee of thirty-five percent (35%) of the Total Penalties owed shall be added if the Total Penalties have not been paid prior to the mailing of the Franchise Tax Board Pre-Intercept Notice.

SECTION 6. SPECIAL COLLECTION FEE

A collection fee for unpaid parking penalties and associated late payment penalties shall be added to the Total Penalties as follows:

A one-time service fee of twenty-four percent (24%) of the Total Penalties owed shall be added if the Total Penalties have not been paid prior to the mailing of the Special Collection Notice.

SECTION 7. Resolution No. 79710, setting forth the Schedule of Parking Penalties, effective September 15, 2020, is hereby repealed.

SECTION 8. The provisions of this Resolution shall be operative commencing on June 18, 2024.

*California Government Code Sections 70372, 76000, 76100, 76101

ADOPTED this _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

*California Government Code Sections 70372, 76000, 76100, 76101