



June 20, 2016

The Honorable Mike Gatto
California State Assembly, District 43
State Capitol Building, Room 5136
Sacramento, CA 95814
Fax: (916) 319-2143

RE: AB 2586 (Gatto) Parking
Notice of Opposition *(As amended 4/6/2016)*

Dear Assembly Member Gatto:

JOHN SAWYER
Mayor

TOM SCHWEDHELM
Vice Mayor

ERIN CARLSTROM
JULIE COMBS
CHRIS COURSEY
ERNESTO OLIVARES
GARY WYSOCKY

The City of Santa Rosa must respectfully oppose your AB 2586, which would restrict the ability of local governments to regulate local parking. This bill unnecessarily upends local authority to regulate parking, an authority that cities have had since at least 1959.

In 2013, the state enacted AB 61 (Gatto, Chapter 71, Statutes of 2013), a bill narrowly targeted at broken parking meters. That law is set to expire at the end of this year, yet not enough time has elapsed to adequately assess its impact. Furthermore, many cities do not have parking meters at all and, for cities that do, some have already adopted policies or ordinances of not ticketing cars at broken meters on their own without the need for legislation. Making this recent change in law permanent is premature at best.

Unlike AB 61, AB 2586 goes well beyond the limitations imposed on the authority of a local government to regulate its own parking needs. It also intrudes into a local governments' authority to establish valet service arrangements for core business areas of their communities that help facilitate business activity and local economic development. Undoing these carefully balanced arrangements between businesses and governments can have significant detrimental impacts to local economies.

The bill takes a one-size-fits-all approach by mandating that each city consider the feasibility of installing demand-based pricing technology and to include a finding as such before installing any new parking technology, with no regard to how technology is constantly changing, other viable parking technologies that already exist, or the size of the city. This provision creates an undue burden on cities and leaves them vulnerable to expensive legal and contractual challenges if any vendor claims a city did not fulfill this requirement appropriately.

AB 2586 also prohibits cities from providing certain incentives when contracting out for private parking enforcement. Many cities conduct their own parking enforcement, but when faced with limited resources, cities need every tool at their disposal to ensure contractors are fulfilling their enforcement responsibilities.

Furthermore, the bill declares it the intent of the legislature that local authorities shall make parking immediately available upon the conclusion of street sweeping activities, without considering that cities will often use such parking restrictions to provide other valuable services, such as tree trimming, garbage cleanup, and other services to maximize their ability to deliver such services.

No entity is better equipped than local government to regulate its own parking needs. Cities are more than capable and continue to demonstrate their ability to adapt to their residents' needs without statewide policy on such a core local issue.

For these reasons, the City of Santa Rosa **opposes** your AB 2586.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Sawyer", with a large, stylized flourish above the name.

JOHN SAWYER
Mayor

JS/sks

- c: Senator Mike McGuire, mike.mcguire@sen.ca.gov, Fax: (916) 651-4902
- Assembly Member Jim Wood, Fax: (916) 319-2002 or (707) 576-2297
- Chuck Nicol, Principal Consultant, Assembly Appropriations Committee, Fax: (916) 319-2181
- Daniel Ballon, Principal Consultant, Assembly Republican Caucus, Fax: (916) 319-3902
- Nancy Hall Bennett, nbennett@cacities.org
- Meg Desmond, League of California Cities, mdesmond@cacities.org

AMENDED IN ASSEMBLY MAY 31, 2016

AMENDED IN ASSEMBLY APRIL 6, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2586

Introduced by Assembly Member Gatto

February 19, 2016

An act to amend Section 22507.6 of, to add Sections 22508.6; ~~22508.7, and 22527~~ and 22508.7 to, and to repeal and amend Section 22508.5 of, the Vehicle Code, relating to parking.

LEGISLATIVE COUNSEL'S DIGEST

AB 2586, as amended, Gatto. Parking.

Existing law authorizes parking, for up to the posted time limit, in any parking space that is regulated by an inoperable parking meter or an inoperable parking payment center, as defined, until January 1, 2017. Existing law prohibits, until January 1, 2017, a local authority from enacting an ordinance or resolution prohibiting or restricting the parking of vehicles under the above circumstances.

This bill would delete the January 1, 2017, date of repeal for the above provisions, and thus extend those provisions indefinitely.

This bill would prohibit a person providing valet parking services in a business district from prohibiting a vehicle from parking in any otherwise available parking space regulated by a parking meter, or from stopping or standing for the purpose of loading or unloading passengers in any space or area that has been designated for that purpose.

This bill would prohibit a local authority that contracts with a private entity to enforce parking regulations from promoting designated incentives in connection with the issuance of violation notices.

~~This bill would require a local authority to consider the feasibility of installing a technology capable of demand-based pricing when considering the installation of new parking technology within its jurisdiction, thereby imposing a state-mandated local program.~~

Because a violation of provisions relating to vehicles, with certain exceptions, is an infraction, the bill would impose a state-mandated local program by creating a new infraction applicable to providers of valet parking services.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, with regard to certain mandates, no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 22507.6 of the Vehicle Code is amended
- 2 to read:
- 3 22507.6. (a) Local authorities may, by ordinance or resolution,
- 4 prohibit or restrict the parking or standing of vehicles on designated
- 5 streets or highways, or portions thereof, for the purpose of street
- 6 sweeping. An ordinance or resolution relating to the parking or
- 7 standing of commercial vehicles in a residential district shall not
- 8 be effective with respect to any commercial vehicle making pickups
- 9 or deliveries of goods, wares, or merchandise from or to any
- 10 building or structure located on the restricted street or highway,
- 11 or for the purpose of delivering materials to be used in the repair,
- 12 alteration, remodeling, or reconstruction of any building or

1 structure for which a building permit has previously been obtained.
2 The ordinance or resolution shall not be effective until the street
3 or highway, or portion thereof, has been sign-posted in accordance
4 with the uniform standards and specifications of the Department
5 of Transportation, or local authorities have caused to be posted in
6 a conspicuous place at each entrance to the street a notice not less
7 than 17 inches by 22 inches in size, with lettering not less than one
8 inch in height, setting forth the day or days and hours parking is
9 prohibited. As used in this section, “entrance” means the
10 intersection of any street or streets comprising an area of restricted
11 parking for street-sweeping purposes on the same day or days and
12 hours with another street or highway not subject to that parking
13 restriction, or subject to parking restrictions on different days and
14 hours.

15 (b) Notwithstanding subdivision (a), it is the intent of the
16 Legislature that if a local authority prohibits or restricts the parking
17 or standing of vehicles on designated streets or highways, or
18 portions thereof, for the purpose of street sweeping, the local
19 authority, as soon as the street sweeping has concluded, shall ensure
20 that the designated streets, highways, or portions thereof are
21 promptly made available to motorists, regardless of the posted
22 hours.

23 SEC. 2. Section 22508.5 of the Vehicle Code, as amended by
24 Section 1 of Chapter 71 of the Statutes of 2013, is repealed.

25 SEC. 3. Section 22508.5 of the Vehicle Code, as added by
26 Section 2 of Chapter 71 of the Statutes of 2013, is amended to
27 read:

28 22508.5. (a) A vehicle may park, for up to the posted time
29 limit, in any parking space that is regulated by an inoperable
30 parking meter or an inoperable parking payment center.

31 (b) A local authority shall not, by ordinance or resolution,
32 prohibit or restrict the parking of vehicles in a space that is
33 regulated by an inoperable parking meter or inoperable parking
34 payment center.

35 (c) For purposes of this section:

36 (1) “Inoperable parking meter” means a meter located next to
37 and designated for an individual parking space, which has become
38 inoperable and cannot accept payment in any form or cannot
39 register that a payment in any form has been made.

1 (2) “Inoperable parking payment center” means an electronic
 2 parking meter or pay station serving one or more parking spaces
 3 that is closest to the space where a person has parked and that
 4 cannot accept payment in any form, cannot register that a payment
 5 in any form has been made, or cannot issue a receipt that is required
 6 to be displayed in a conspicuous location on or in the vehicle.

7 SEC. 4. Section 22508.6 is added to the Vehicle Code, to read:

8 22508.6. A person providing valet parking services in a
 9 business district is prohibited from doing either of the following:

10 (a) Prohibiting a vehicle from parking in an otherwise available
 11 parking space regulated by a parking meter.

12 (b) Prohibiting a vehicle from stopping or standing for the
 13 purpose of loading or unloading passengers in any space or area
 14 that has been designated for that purpose.

15 SEC. 5. Section 22508.7 is added to the Vehicle Code, to read:

16 22508.7. A local authority, when contracting with a private
 17 entity to enforce parking regulations, shall not promote any of the
 18 following activities in connection with the issuance of violation
 19 notices:

20 (a) Provide any monetary or other incentive, such as the promise
 21 of a future contract for the issuance of a specified or higher number
 22 of violation notices.

23 (b) Increase any violation fine in order to cover the cost of the
 24 contracted enforcement service.

25 *SEC. 6. No reimbursement is required by this act pursuant to*
 26 *Section 6 of Article XIII B of the California Constitution because*
 27 *the only costs that may be incurred by a local agency or school*
 28 *district will be incurred because this act creates a new crime or*
 29 *infraction, eliminates a crime or infraction, or changes the penalty*
 30 *for a crime or infraction, within the meaning of Section 17556 of*
 31 *the Government Code, or changes the definition of a crime within*
 32 *the meaning of Section 6 of Article XIII B of the California*
 33 *Constitution.*

34 ~~SEC. 6. Section 22527 is added to the Vehicle Code, to read:~~

35 ~~22527. (a) When considering the installation within its~~
 36 ~~jurisdiction of new parking technology, a local authority shall~~
 37 ~~consider the feasibility of technology that is capable of~~
 38 ~~demand-based pricing, and shall identify appropriate locations~~
 39 ~~within the local authority’s jurisdiction for technology with that~~
 40 ~~capability.~~

1 (b) ~~The local authority shall include a written finding regarding~~
2 ~~subdivision (a) before installing any new parking technology within~~
3 ~~its jurisdiction and shall retain a copy of that finding and post the~~
4 ~~finding on the local authority's Internet Web site, if any.~~

5 ~~SEC. 7. No reimbursement is required by this act pursuant to~~
6 ~~Section 6 of Article XIII B of the California Constitution for certain~~
7 ~~costs that may be incurred by a local agency or school district~~
8 ~~because, in that regard, this act creates a new crime or infraction,~~
9 ~~eliminates a crime or infraction, or changes the penalty for a crime~~
10 ~~or infraction, within the meaning of Section 17556 of the~~
11 ~~Government Code, or changes the definition of a crime within the~~
12 ~~meaning of Section 6 of Article XIII B of the California~~
13 ~~Constitution.~~

14 ~~However, if the Commission on State Mandates determines that~~
15 ~~this act contains other costs mandated by the state, reimbursement~~
16 ~~to local agencies and school districts for those costs shall be made~~
17 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
18 ~~4 of Title 2 of the Government Code.~~