

**REPORT OF THE  
CHIEF LEGISLATIVE ANALYST**

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DATE: May 23, 2013

TO: Honorable Members of the Rules, Elections and Intergovernmental Relations  
Committee

FROM: Gerry F. Miller *Gerry F. Miller For* Council File No: 13-0002-S10  
Chief Legislative Analyst Assignment No: 13-01-0038

SUBJECT: AB 61, legislation which would prohibit local government agencies from enacting ordinances or resolutions to prohibit or restrict parking in spaces regulated by an inoperable parking meter or payment center

CLA RECOMMENDATION: Adopt the attached revised Resolution to include in the 2013 - 2014 State Legislative Program OPPOSITION to AB 61 (Gatto), which would prohibit local governments from enacting ordinances or resolutions prohibiting or restricting parking in spaces regulated by inoperable parking meters or payment centers.

SUMMARY

AB 61, which would prohibit local government agencies from enacting ordinances or resolutions to prohibit or restrict parking in spaces regulated by an inoperable parking meter or payment center, was introduced in the Assembly on January 7, 2013.

On January 9, 2013, a Resolution (Perry – Parks) was introduced in support of AB 61. This Resolution advises that state law authorizes parking at an inoperable parking meter for up to the posted time limit if no ordinance or resolution has been adopted to prohibit it, and that as a result of this legislation, a number of cities have adopted resolutions or ordinances prohibiting parking in spaces regulated by a broken parking meter or payment center.

The Resolution (Perry – Parks) further states that individuals should not be penalized for the failure of local governments to maintain parking meters or payment centers. This Resolution, therefore, seeks an official position of the City of Los Angeles to Support AB 61.

Upon review of the Department of Transportation's (LADOT) recommendations concerning AB 61, consideration of the City's current policy regarding parking at inoperable meters and matters of local control, this Office has prepared a revised Resolution in opposition of AB 61. The revised Resolution states that the City of Los Angeles currently enforces a no parking policy in spaces regulated by inoperable meters, and that AB 61 would negatively affect the City's ability to deter vandalism targeting its parking meters. Further, this Resolution states that AB 61 would have a negative impact on local control and violates home rule principals. The revised Resolution, therefore, seeks an official position of the City of Los Angeles to oppose AB 61.

## BACKGROUND

The City of Los Angeles has had a policy of no parking in spaces regulated by inoperable meters that accept both coins and credit cards since 2010 (CF 09-0600-S173). The City originally enacted this policy in order to deter vandalism, and it has been successful in eliminating the motivation for parking meter vandalism, which was once rampant throughout the City. Prior to the adoption of this policy in 2010, approximately 10% of the City's parking meters were subjected to vandalism in order to render them inoperable.

SB 1388, which became effective January 1, 2013, mandated that parking in a parking spot regulated by an inoperable parking meter or parking payment center be allowed, but authorized local jurisdictions to adopt an ordinance or resolution prohibiting or restricting parking in these spots. The City of Los Angeles adopted such an ordinance on December 7, 2012 (CF 12-1764), in order to continue the City's policy of prohibiting parking in spaces regulated by inoperable meters.

AB 61 would eliminate the ability of local governments to set policy regarding parking in spaces regulated by inoperable parking meters or parking payment centers. Under this bill, jurisdictions would be prohibited from passing an ordinance or resolution regulating or prohibiting parking in these spaces. Parking policies cannot be mandated by the state, as it is impossible for the state government to understand the complexities faced in each jurisdiction, and set a policy that works for all municipalities. This is an issue best left to local jurisdictions, and AB 61 would negatively impact local control.

Further, AB 61 addresses an issue that largely does not exist. The City of Los Angeles has an incredibly well managed parking meter system. Motorists are not being forced to pay for the shortcomings of local government maintenance efforts, as is often stated by supporters of this bill. LADOT states that since January 1, 2013, there have only been five times that a City parking meter could not accept payments during paid hours, and that City meters have logged only 12 hours in an inoperable condition out of over 50 million operating hours during this timeframe. Further, no tickets have been issued for parking at an inoperable meter since January 1, 2013.

LADOT has taken an oppose position to any changes in current policy through a Bill Response Report. LADOT reports that it has serious concerns that any change in policy will encourage the resumption of vandalism targeted at parking meters, which would severely hamper maintenance, parking turnover, reduce access to parking, and reduce meter and enforcement revenue. LADOT states that, if vandalism rates returned to a pre-2010 level, the City could lose over \$5 million in parking revenue annually.

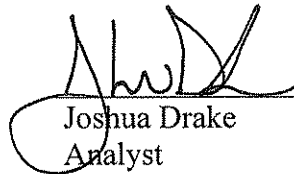
Based on the concerns with AB 61 noted by LADOT, as well as current policy on this matter and matters of local control, it is recommended that the City adopt a position in opposition to this bill.

DEPARTMENTS NOTIFIED

Department of Transportation

BILL STATUS

01/07/2013	Bill introduced
01/18/2013	Referred to the Committee on Local Government
05/09/2013	Passed in Committee
05/16/2013	Passed In Assembly (72-0)
05/16/2013	In Senate



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Joshua Drake  
Analyst

GFM:MF:PS:jwd

Attachment: Revised Resolution  
Resolution (Perry -Parks)  
LADOT Bill Response Report

## RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, current law allows local jurisdictions to enact ordinances or resolutions to prohibit or restrict parking in spaces regulated by an inoperable parking meter or parking payment machine; and

WHEREAS, the City of Los Angeles enacted such an ordinance in December 2012; and

WHEREAS, this policy is designed to deter vandalism, which used to be a significant issue prior to the enactment of this no parking policy; and

WHEREAS, parking is a local control issue, and should not be subject to state controls on local government actions; and

WHEREAS, AB 61 (Gatto) would prohibit local agencies from enacting ordinances or resolutions to prohibit or restrict parking in spaces regulated by an inoperable parking meter or payment center; and

WHEREAS, AB 61 would encourage renewed vandalism against parking meters, negatively impacting maintenance, parking turnover and access, as well as parking revenue; and

WHEREAS, AB 61 would have a significant impact on local government and local control;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013 - 2014 State Legislative Program OPPOSITION to AB 61, which would prohibit local government agencies from enacting ordinances or resolutions to prohibit or restrict parking in spaces regulated by an inoperable parking meter or payment center.

13-0002-510

RESOLUTION

JAN 9 2013

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, effective January 1, 2013, state law authorized parking at an inoperable parking meter for up to the posted time limit if no ordinance or resolution had been adopted to prohibit it; and

WHEREAS, as a result of the new legislation, many cities and counties have adopted the required ordinance or resolution, which does not allow drivers to park at broken meters; and

WHEREAS, individuals should not be penalized for the failures of local governments to maintain parking meters or payment centers, or be forced to re-locate to another parking space when one is available; and

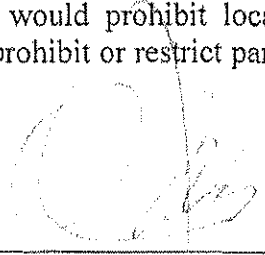
WHEREAS, currently pending before the State Assembly, is a bill, AB 61 (Gatto) relative to parking and parking meters; and

WHEREAS, AB 61 would prevent local authorities from issuing tickets to drivers who park at a broken or malfunctioning meter by closing the loophole that the recent legislation allowed; and

WHEREAS, the City of Los Angeles should support AB 61 because it would protect individuals from overzealous parking enforcement;

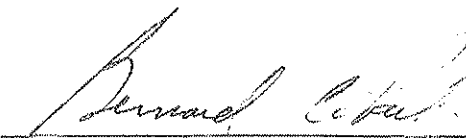
NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013 - 2014 State Legislative Program SUPPORT of AB 61 (Gatto), which would prohibit local government agencies from enacting ordinances or resolutions that would prohibit or restrict parking in spaces regulated by an inoperable parking meter or payment center.

PRESENTED BY

  
JAN PERRY  
Councilmember, 9<sup>th</sup> District



SECONDED BY



ORIGINAL

CITY OF LOS ANGELES  
**BILL RESPONSE REPORT**

DEPARTMENT/BUREAU/OFFICE <b>TRANSPORTATION</b>		BILL NO. <b>AB 61</b>	AUTHOR <b>Gatto</b>
PREPARED BY <b>Dan Mitchell</b>	EXT. <b>473-8276</b>	DATE <b>4/26/2013</b>	AMENDED DATE

BILL SUBJECT/TITLE:	<b>An act to amend, add, and repeal Section 22508.5 of the Vehicle Code, relating to parking meters.</b>
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I. Describe the impact this bill will have on your department or the City, its program(s), and/or its constituency (state existing law or practice, a summary of the effect the bill will have on existing department operations, etc.).

**SB 1388, which became effective January 1, 2013, authorizes a local authority to adopt an ordinance or resolution prohibiting or restricting the parking of a vehicle at an inoperable parking meter or inoperable parking payment center, as defined. On December 7, 2012, the City Council adopted such a resolution (CF 12-1764) in order to retain the City's policy of requiring payment for parking in a metered space unless legally exempt. This policy has successfully removed the incentive for vandalizing and disabling parking meters and pay stations in order to park for free.**

**This bill would *prohibit* a local authority from enacting an ordinance or resolution prohibiting or restricting parking at an inoperable parking meter or parking payment center until January 1, 2017. Without this ability, the SB 1388 law authorizes parking for free at an inoperable parking meter for up to the posted time limit, which re-introduces an incentive to vandalize and disable parking meters and pay stations in order to park for free.**

**Should this bill become law, Los Angeles Department of Transportation (LADOT) anticipates that vandalism rates could return to the level experienced prior to the department policy change in 2010, which was approximately 10%. At that rate, maintenance would be severely hampered, parking turnover and access would be reduced, and parking meter and enforcement revenue would be significantly impacted. The department would also need to print and replace 35,000 labels to reflect the new policy.**

II. Give estimate of cost or savings to your department (include SB 90 reimbursements, if applicable).

**With an expected significant increase in parking meter vandalism, the city would incur the loss of millions of dollars annually in parking meter revenue and meter-related citation revenue. If 10% of parking meters were inoperable, parking meter revenue would be reduced proportionally, resulting in a revenue loss of over \$5 million annually.**

III. Arguments both For and Against this bill.

For:	<b>The argument for the bill is that it is the responsibility of local agencies to maintain their parking meters in good repair. It is therefore not fair to punish customers by making them move to another space, or worse yet, by giving them a parking citation because of the agency's poor maintenance. The bill would protect the public from "overzealous" parking enforcement. The State of California simply cannot trust local agencies to establish and publicize their own policies about such critically important matters.</b>
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Against:

The primary argument against the bill is that of local control. Such policies should be left to the authority of local agencies. The intent of the existing law (established by SB1388) was to establish a default state standard policy for parking at broken meters *in the absence of any other public notice* to provide clarity to the public.

The secondary argument is that by granting the public the right to park for free at an inoperable parking meter, the state is, in essence, creating an incentive to vandalize and disable parking meters to *make* them inoperable for significant personal gain (up to \$20 each time in Los Angeles). This vandalism is very difficult to police, and the crime is a relative low priority for the criminal justice system. The end result is a significant impact to customer service, a reduction in parking availability and access to local businesses, and the loss of millions of dollars in parking-related revenue.

In addition, the argument that such policies are unfair is a fallacy because, without the incentive for vandalism and the maintenance burden it creates, parking meters are well-maintained and available for public use. In the City of Los Angeles, parking meter operability now exceeds 99.999% as a direct result of a no tolerance policy for the vandalism of public parking meters.

FOR CLA USE ONLY

Position Noted

Committee

Analyst

Council

Program No.

Position

IV. Recommended position and justification:

No Position  Support  Oppose  Amend

Describe reasons for recommended position (include relevant existing City legislative policy, and any proposed amendments in underline and ~~strike out~~ format).

**The City of Los Angeles has legally adopted and publicized a policy for parking at inoperable parking meters and pay stations, and the City's right to do so should be protected. See LADOT Council Report and Council Resolution in Council File 12-1764 and opposing viewpoint presented in the resolution in Council File 13-0002-S10.**

V. Interested Parties:

Indicate any interest other departments or organizations may have on the bill. Also, list any contacts you made in preparing this information.

**The California Public Parking Association opposes the bill. Many other local agencies in California have similar policies.**