

***Los Angeles Parking Reform Working Group (LAPRWG): Response to
LADOT Report on the Feasibility of a Tiered Fine Structure.
(CF 15-1450-S1)***

The Los Angeles Parking Reform Working Group (LAPRWG) is extremely disappointed in the tone and content of the LADOT report on the feasibility of a tiered fine structure.

During the time that the Working Group was in session, LADOT and the city's vendor, Xerox, made it clear that they were not in favor of this proposal. Many of the same objections outlined in the LADOT report were expressed at that time. The Working Group carefully considered the points raised by LADOT and provided substantial documentation of how this proposal could be implemented and how it has worked in other locales. We provided DOT with examples from other cities that have successfully implemented a tiered fine structure, documentation from vendors that provide the software and hardware technology to process fines where this policy is in effect, as well as academic research advocating for this policy. However, LADOT appears to have ignored everything the Working Group provided and has fallen back on their original and disproven objections. For these reasons, we do not believe that the LADOT report is an honest evaluation of the Working Group's proposal.

Further, we wish to point out, that the Working Group made a series of proposals that should be considered as a full package, not in isolation. For example, our proposals for a progressive fee schedule at parking meters rather than arbitrary time limits and a pay in/pay out system would likely reduce the number of tickets issued at parking meters while increasing meter revenue. Likewise, our recommendations with regard to street sweeping policies would also reduce the number of those types of tickets. When proposing the tiered fine schedule, we considered that if our other proposals were implemented, fewer tickets would be issued overall and therefore any reduction in fines would have a lesser impact on the city's budget. We also projected that the increase in meter revenue from capturing all fees due for the entire time a vehicle is parked using the pay in/pay out system would partially or entirely offset the loss in revenue from reduced ticketing and lower initial fines. We also contemplated that less punitive parking policies, such as a tiered fine structure, would have a beneficial effect on the city's business climate and bring in additional tax revenue. LADOT has not taken any of these issues into account in their Report. For these reasons, we urge the members of the Transportation Committee not to dismiss the concept of a tiered fine structure without also considering how our other proposals might work in tandem. We would be happy to meet with LADOT staff to further explain our proposals and help overcome any logistical problems they anticipate.

In the remainder of this correspondence, we follow the format of the LADOT Report. Text from the LADOT report appears in bold italics. Our response follows.

Without effective parking enforcement and sufficient fine amounts, drivers are not adequately incentivized to follow the law.

This assumes that parking infractions are primarily willful. However, evidence suggests that many are largely inadvertent. Drivers misread confusing signage, misjudge the amount of time needed at parking meters, etc. As stated later in the report, DOT acknowledges that few violators are repeat offenders. This suggests that most violations are simply one-time mistakes on the part of the vast majority of motorists. The statement also assumes that higher fines create greater compliance. This is also an unproven assumption. In fact, most studies show that increasing fines have no effect on compliance rates. While we are unaware of a study specific to parking fines, a study by the Texas Transportation

Institute (TTI) at Texas A & M University on the effect of doubled fines for speeding in highway work zones concluded that the increased penalties had “no significant effect on driving behavior.”

In addition, a study in Australia, “*The deterrent effect of higher fines on recidivism: Driving offences*” which examined the effect of increased fines on the propensity of drivers to reoffend found:

This study investigates whether fine amount has an impact on reoffending. The study examines the history and subsequent reoffending of 70,000 persons who received a court imposed fine for a driving offence between 1998 and 2000. ...The results provide little evidence to suggest the presence of marginal deterrent effects from court-imposed fines on driving offenders; the most consistent predictors of returning to court were individual attributes of offenders. As a result, it is suggested that substantial increases in fines and licence disqualifications would have limited potential in deterring recidivist offenders.

The working group previously made this information available to LADOT staff. They have apparently disregarded the data in its entirety.

Parking violations need to be carefully set in order to maintain a balance between encouraging compliance without being overly punitive and deterring people from parking.

We agree with this statement, which is why we carefully considered a recommendation to strike that proper balance. The committee spent several weeks on this issue alone. We reviewed the fine structure in Los Angeles and in other cities that have successfully implemented a tiered fine structure. We also conferred with Professor Donald Shoup, who is misquoted later in the LADOT report. Dr. Shoup was the person who first suggested the idea of a tiered fine structure to us. We took his advice. The members of the Transportation Committee should do so as well.

Socio-Economic Analysis

In order to ensure that parking citation distribution across the City is equitable and not disproportionately issued to a specific socio-economic group, LADOT performed an analysis of citation issuance. The analysis found no strong correlation between socio-economic status and citation issuance. Ticketing for parking violations across the city is correlated to population density, not income. If the City decides to increase or decrease fines, it would affect groups from all socio-economic backgrounds.

We are unsure how LADOT conducted such a study as no evidence of the results or explanation of the methodology is provided. However, assuming that LADOT is correct and that there is strong correlation between ticketing for parking violations and population density, then those of lower socio-economic standing are likely to be disproportionately burdened by parking fines. This must be true since those of lesser means are more likely to live in areas of greater population density. Further, poorer and denser areas of the city are likely to have fewer off-street parking options, especially in residential areas. Therefore, those residing in such areas are much more likely to encounter greater opportunity to be ticketed for parking violations. Therefore, there is likely strong correlation between socio-economic status and citation issuance.

The fiscal impact would be greater on the low-income groups as the fine constitutes a larger share of their total income.

This statement is likely true and was a major factor in our decision to recommend a tiered fine structure. We reasoned that the difference between a \$23 fine and a \$73 fine would make little difference to those with high incomes, but would be a huge benefit for those at the bottom of the pay scale. The City Council recently voted to increase the minimum wage in an effort to assist those of lesser means. This proposal does the same.

Relationship between Parking Compliance and Citation Amount

The Los Angeles Parking Reform Working Group stated in their report that parking citations should only be used to encourage compliance, and that fine amounts should be set only as high as necessary to accomplish that goal. Fines, they note, should never be used to generate revenue.

This was a guiding principle of our reform efforts and is agreed to by the vast majority of stakeholders. It is regrettable that LADOT so easily dismisses this concept.

But other critical factors also contribute to deterrence. The notion of deterrence rests on a series of assumptions about how motorists recognize, interpret, and react to the potential of a citation and subsequent attempts to collect it.

Again, we note that this may be true for willful violations. But as shown previously, the vast majority of violations are one-time, inadvertent mistakes. No “calculation” of these factors is likely occurring when most motorists commit a parking infraction. The relatively rare willful scofflaws that do make such a calculation and receive multiple tickets with increasing fine amounts will quickly find that the arithmetic does not work out in their favor.

The key questions in evaluating whether a system is properly deterring dangerous or unwelcome behavior include:

We specifically indicated that the lowered, tiered fine structure would apply only to infractions with no public safety component (such as blocking a fire hydrant), so dangerous behavior is not an issue.

What is the financial incentive for parking contrary to the law? Many decisions are a function of arbitrage, the rate for parking on-street and potentially receiving a fine versus the opportunity cost of paying for off-street parking.

Regarding the arbitrage issue, this would apply only to the relatively few willful scofflaws who would quickly find that incentive to park illegally withdrawn as fines increase with each subsequent ticket. In addition, during the entire process of public outreach and research we found ZERO public issue with the cost of paying for parking. The public issue has always been with the cost of the fine. The right price for parking in any given zone will be further revealed with the continued implementation of demand based pricing for parking.

What is the likelihood of being cited for violating a parking ordinance? As noted above, the higher the probability of being cited, the higher the deterrent value. If the probability of receiving a violation is low, it will be harder to deter undesirable driving behavior.

Our proposal of a tiered fine structure does not affect the likelihood of being cited. This is a completely separate issue. While LADOT may wish to make a proposal for increasing the likelihood of receiving a citation, such a discussion is immaterial to the issue being considered in this proposal.

What is the penalty for violating said law? The larger the fine or penalty (including the impact on a motorist's ability to use his or her car or drive), the more likely drivers will be deterred from committing the violation. ... if fines fail to correlate with the egregiousness of a violation, drivers may misinterpret the parking environment. In fact, they may not be deterred at all. Though citations are unpopular, motorists will change behavior when enforcement is an anticipated consequence.

Again, we note that while this may be the conventional wisdom, studies suggest that it is not true. In addition to the study from TTI referenced above, other studies have shown that it is merely the experience of receiving a ticket, rather than the amount, which creates a deterrent effect, if such an effect exists at all.

Deterrence is not the only objective, though. There is an additional fiscal and social impact of parking violations. Every vehicle that overstays a meter during peak periods reduces the business of a merchant or restaurant.

This overstates the effect of overstaying a meter. It is only true if most or all other parking spaces are filled and another driver wishes to park. Without some information of how often a “peak period” occurs and what effect, if any, a lower fine might contribute to overstaying a meter, it is only speculation that the business of a merchant or restaurant would be reduced. In fact, based on the best evidence available, any reduction would be minimal or non-existent.

Further, the LADOT report ignores the very real detrimental effect that high fines have on the public's willingness to patronize businesses in districts with parking meters or time limited parking. We have routinely heard from stakeholders who got a \$63 or greater ticket while patronizing a local business that they are unlikely to return and chance another citation. Instead, they will go where parking is free or there is less chance of incurring a high penalty if they make a mistake. High fines reduce the business of a merchant or restaurant as well, perhaps to a greater extent than the rare instances where a motorist overstays their meter because they calculate the fine isn't high enough to deter them from doing so.

Visitors to a business district often choose to extend their stay and mis-estimate the time they need or they get back to the meter too late to add additional time. The intention is to patronize local businesses but this intention is thwarted by the existing, outdated system.

The current metering system is antiquated and ineffective for its stated aims. It is only effective at collecting revenue, which is not the same thing as effectively enforcing parking restrictions. Technology now exists to address the glaring deficiencies of this outdated system. Mayor Garcetti has mandated to us to discover new and better ways of getting parking done in LA. LADOT is simply defending past practices.

Every second spent searching for parking or stuck in parking-related congestion affects a motorist's experience. Double parking is a potential traffic obstruction and thus affects other people's safety. Illegally parked cars affect the health, safety, and compliance of other people, no matter how they travel.

This litany of the potential dire consequences of creating a more equitable fine structure is clearly intended to dissuade the City Council from considering a proposal that has widespread support among all stakeholder groups as well as academic researchers.

Fines are about more than deterrence. They are about compensating the public through the government, and that is a key component of what government does. In most cities like Los Angeles, a portion of fine revenue helps support law enforcement, road improvements, and other investments that benefit everyone.

While law enforcement, road improvements, and other investments are important components of what government does, funding them through a regressive fine structure is universally viewed as extremely poor public policy. It is what the City of LA has been doing for decades and what has created the backlash against the city's parking policies which lead to the creation of the Mayor's Working Group on Parking Reform. Members of the current City Council would be wise not to ignore the anger that these policies have engendered in the body politic.

Considering the volume of parking citations that the City issued each year (approximately 2.6 million), it is difficult to argue for a reduction in fines. For example, the amount of an expired meter violation rose from \$40 in 2006, to \$63 in 2012 to encourage driver compliance.

This completely misstates the history of the increase in parking fines in 2012. The City of LA raised parking fines by 58% between 2006 and 2012 to fill a budget gap. Fines were not raised "to encourage driver compliance". To suggest so is laughable.

Nearly half a million citations are issued per year for meter violations and are presently not serving as an adequate deterrent.

This actually belies the arguments being made by LADOT against a tiered fine structure. Fines were increased by 58% between 2006 and 2012. Apparently, however, this did not result in a greater deterrence to committing violations. Since a higher fine did not lead to fewer violations, there certainly can be no principled argument that reducing the fine for a first offense would lead to more violations.

Further, in a study performed in 2011, the parking enforcement capture rate for expired meters remains low at 25% meaning 75% of expired meters are not ticketed.

We point out again that the rate of enforcement is unrelated to our proposal for a tiered fine structure.

According to noted parking academic Professor Donald Shoup, "Reducing [meter] fines for overstaying the meter in front of [a] store is going to ensure there won't be an open space. If current fines don't prevent people from overstaying at meters, then a lower fine will make it even likelier people will overstay meters."

We are shocked that LADOT would intentionally take Professor Shoup's statements out of context to advocated against a policy that the professor actually has advocated for, both to us and in his public writings. The quote above appears to be taken from a LA Times article (available at <http://www.latimes.com/opinion/op-ed/la-oe-morrison-shoup-20140702-column.html>). Professor Shoup was responding to a question about reducing parking fines to \$23 with no increase for subsequent violations. This proposal was considered and rejected by the Working Group in favor of Professor Shoup's recommendation for a progressive fine schedule. As evidence of Professor Shoup's

support for this concept, we would provide the following quote from Professor Shoup from the same article in which he advocates for a progressive fine structure:

“A better idea would be progressive fines [for all parking infractions, especially street cleaning]: a low fine for the first violation in a year. So the first would be \$23, the next \$63 and so on.”

We would also like to point the members of the committee to an essay by Professor Shoup where he lays out the argument for a progressive fine structure in detail. In this essay the professor notes:

“Graduated parking fines are a way to deter chronic violators without unfairly punishing anyone else. Graduated fines are lenient for the many cars with only a few tickets but punitive for the few cars with many tickets.”

For the committee's convenience, we have attached the full essay to the end of this correspondence.

Options

1. Maintain the Status Quo

No change to the existing parking citation fine structure or amounts.

This is an unacceptable option.

2. Reduced Parking Fines for Street Cleaning and Expired Meter Citations

Two citations that account for nearly half of the parking enforcement citations issued in the City are street cleaning (26%) and meter violation/expired meter (23%). The citations are among the highest in the county with street cleaning at \$73 and expired meter at \$63 (see Table 1). In the interest of making a widespread impact and bringing these citations in line with adjacent jurisdictions such as Los Angeles County, Santa Monica, and West Hollywood, these fines should decrease by \$10 each.

While we agree that these fines should be reduced absent implementation of progressive fines, the LADOT proposal does not go nearly far enough. The Working Group reviewed fines in other cities in LA County. We found that at the time of our review, fines in LA were in many cases significantly higher than the average fine for a similar offense in other jurisdictions. The table below shows the absolute and percentage difference between fines in LA City and the average fine in other LA County cities for the same offense.

Note that in the vast majority of cases, the fine in LA City is substantially higher than \$10 more than the average across all other cities. Street cleaning fines are a full \$21 (40.57%) higher in the City of LA. In addition, when considering the average ticket amounts in cities with a similar demographic makeup as Los Angeles, the disparity between the fines in LA compared to those cities is even greater. Considering the above statistics, we do not consider the LADOT proposal to reduced fines for street cleaning and meter violations to be a serious proposal.

JURISDICTION	Street Cleaning 80.69(b)	Expired Meter 88.13(a)	No Parking Peak 80.69(a)	Red Zone 80.56(e)4	Preferential Pkg 80.58(l)	Time Limit 80.69(c)	No Parking 89.39.1(b)	No Stop/Stand 89.39.1(a)
LA CITY	\$73	\$63	\$163	\$93	\$68	\$58	\$68	\$93
LA COUNTY	\$63	\$53	N/A	\$63	\$53	\$63	\$63	\$63
ALHAMBRA	\$53	N/A	\$53	\$53	\$53	\$53	\$53	\$53
ANAHEIM	\$40	N/A	\$54	\$49	\$72	\$34	\$54	\$34
ARCADIA	\$53	N/A	N/A	\$53	N/A	\$53	\$53	\$53
BEVERLY HILLS	\$68	\$58	\$158	\$93	\$64	\$55	\$68	\$95
BURBANK	\$45	N/A	N/A	\$53	\$43	\$43	\$43	\$43
CARSON	\$45	N/A	\$45	\$45	\$45	\$45	\$45	\$45
GLENDALE	\$54	\$46	\$54	\$59	\$54	\$48	\$54	\$52
HAWTHORNE	\$35	N/A	N/A	\$35	\$123	\$35	N/A	N/A
INGLEWOOD	\$55	\$40	\$55	\$78	\$48	\$55	\$55	\$55
LONG BEACH	\$50	\$49	\$49	\$49	\$49	\$49	\$49	\$65
MONTEREY PK	\$53	N/A	\$50	\$65	\$56	\$50	\$50	\$50
PASADENA	\$47	\$47	\$47	\$58	\$47	\$47	\$47	\$53
SANTA MONICA	\$64	\$53	N/A	\$64	\$64	\$64	\$64	\$64
TORRANCE	\$43	N/A	\$43	\$43	\$43	\$43	\$43	\$43
W HOLLYWOOD	\$63	\$53	\$63	\$83	\$58	\$63	\$63	\$58
Ave Other Cities	\$52	\$50	\$61	\$59	\$58	\$50	\$54	\$55
Difference	\$21	\$13	\$102	\$34	\$10	\$8	\$14	\$38
% Difference	40.57%	26.35%	167.25%	57.78%	16.99%	16.01%	26.88%	68.89%

Variation of the fine amount for the two violations has significant impact on the total citation revenue received by the City. The estimated annual citation revenue loss would be:

...

**** Total citation revenue loss from one year of reduced fines: \$12.55 million.***

While it is appropriate for LADOT to provide some statistics on the financial impact of reducing fines, we believe the focus should be on the positive aspects of the Working Group's proposal, rather than on how much the city would "lose" if our proposal were adopted in some form. First, one could argue that the fines should never have been increased by 58% in the first place, so the city is only "losing" something that it never should have gained to begin with. Second, the potential reduction in revenue should be placed in proper perspective. \$12.55 million is just 0.23% of the City's General Fund (less than ¼ of 1%) and about 0.15% of the total city budget. Even if the city were to reduce all traffic fines by half (which is not being proposed) the reduction would still be less than 1% of the total budget.

Expired Meter Fine Reduction - Turnover impacts

The reduction in expired meter citation by \$10 may compromise the intended positive outcomes of the City's demand-based parking program, LA Express Park. In parts of the City with a high parking demand such as the Financial District in Downtown LA, private off-street parking rates can range from \$30 to \$47 for all-day parking. The reduction in the citation amount makes it more comparable to some private off-street facilities making it more appealing to park on-street all day and take the chance of getting cited. Prolonged occupancy of on-street parking will reduce the turnover of spaces and decreased turnover will comprise the economic vitality of the area and reduce the benefits presented by LA Express Park.

This analysis fails to account for the fact that repeat offenders would eventually pay the full current violation amount or greater. Therefore, the full deterrent effect would remain in place for those that would make the calculation theorized above. Further, the Transportation Committee asked for a report back as to the feasibility of higher fines in high demand areas and peak times. This is something that should be explored if it resulted in a reduction in other areas and at other times. The Working Group has advocated for proper market pricing of parking rates and fines, including proposals for progressive meter pricing as well as progressive fines. These proposals should be seriously investigated, not dismissed out of hand as the LADOT has apparently done.

3. Tiered Fine Structure

This concept involves adopting an escalated (tiered) fine structure in which fines become progressively higher with each additional violation within the same violation category within the same year. This penalizes the chronic violators but poses a number of economic and operational challenges.

The Working Group recognizes that there would be operational challenges to implementing a tiered fine structure. We believe that these challenges can be overcome if there is the will to do so. Unfortunately, LADOT has spent this entire report arguing why the proposal can't work, rather than exploring the challenges and how they might be overcome. We, therefore, do not believe that LADOT has taken this proposal seriously. LADOT should be directed to come back with a report that addresses the information provided by the Working Group on how this proposal might be implemented.

In Los Angeles, a small percentage of motorists receive more than one citation per year (less than 13%) (See Table 2). If the tiered pricing structure lowers the initial citation with the expectation that subsequent citations would be priced higher to help ensure compliance and recuperate revenue loss, then the second and subsequent citation tiers must be priced in the hundreds or thousands of dollars.

It was not the proposal of the Working Group to create a tiered pricing structure that “recuperates revenue loss”. Here, the LADOT creates a straw man argument and then counters with a proposal that “subsequent citation tiers must be priced in the hundreds or thousands of dollars”. Again, this shows a clear bias in the LADOT report against our proposal. Our goal was to propose a workable and fair tiered pricing structure based on the recommendations of Professor Shoup and the experience in other jurisdictions. We did not propose, nor do we advocate for, a tiered pricing structure that would be revenue neutral. However, as stated in our introduction, the entirety of our proposals must be viewed in context. Within that context, it may be found that our proposals overall are (close to) revenue neutral.

Incrementally harsher sanctions will do little to curb recidivism as recidivism is already relatively low in the City.

Here LADOT contradicts itself by arguing that harsher sanctions are not necessary because recidivism is already relatively low while previously arguing that the higher penalties imposed in 2012 were not effective. LADOT can't have it both ways. Apparently, LADOT is arguing that whatever the current fine rate is, it is magically “just right” and should neither be increased or reduced. Will LADOT maintain this position the next time there is a call to increase fines?

Punishing recidivists more harshly may disproportionately impact those most in financial need and unable to pay.

The current one-size-fits-all fine structure already disproportionately impacts those most in financial need. Our proposal would address this disparity.

Logistically, implementing a tiered fine structure borders on infeasible in the short-term. In California, the license plate stays with the vehicle, rather than the owner of the vehicle. Currently, the only information retrieved from DMV is registered owner information. Additional integration and/or information requests would need to be obtained from the DMV that identifies if the registered owner has changed within a period of time. The DMV does not currently provide this information. Obtaining that information from the DMV would be an additional overnight request process, potentially delaying the calculation of the fine structure and in turn, delaying the payment for the citation. Since citation data is attached to a specific plate, there will be significant programming effort (if at all possible) in identifying motorists that have multiple vehicles who receive multiple citations. Receiving information from DMV regarding a registered owner change may be difficult as well. DMV considers any change (i.e. removing/adding of middle initial) as a different registered owner - this can have further processing and revenue impacts in cases where the registered owner has changed minor information.

There is no need to contact DMV for any additional information or track motorists that have multiple vehicles. First, in the situation where a vehicle changes ownership and the plate remains with the vehicle, a problem would only arise if that same license plate had been issued a citation within the preceding year. Once that year expires, there is no further problem. However, if a new owner were to be issued a higher fine because a previous owner incurred the same violation sometime in the preceding year, DOT could simply implement a policy where if this new owner were to show sufficient evidence (e.g. a bill of sale) that they were not the vehicle owner when the previous ticket(s) was issued, then they would be able to pay the lower fine. This would be handled by the city's vendor, Xerox, during the initial review and no additional work on the part of LADOT would likely be necessary. This is just one possible solution to the objections made by LADOT. There are likely others.

Amazingly, other jurisdictions have been able to overcome these problems and implement a tiered fine structure. In Claremont, CA, for example, the first ticket for overtime parking in a calendar year is \$35, the second \$70, and the third \$105. For illegally using a disabled parking space, the first ticket is \$325, the second \$650, and the third \$975. If the City of Claremont can implement this system, certainly the City of Los Angeles and vendor Xerox, should be able to do so as well.

There are other operational and customer service challenges associated with the tiered fine structure. Rental cars and fleet vehicles would experience similar challenges as identified above with identifying the correct violator and what tier of violation they would incur. For freight delivery vehicles such as FedEx and UPS, the citation amounts would increase exponentially under this structure.

LADOT staff well knows that tickets to fleet vehicles are handled under the city's fleet vehicle program and the logistics of that program could take into account these issues. Further, the tiered fine structure need not apply to these types of vehicles since they are handled under a special program.

Additional programming is necessary to ensure individuals receive the correct violation amount on their printed citation considering the person may have contested citations or those under investigation. Dismissed citations may result to retroactive manual adjustments in assigning the

correct tier violation. In other words, drivers could not be assessed the higher fine until their first violation is upheld and paid in full.

This is also not necessarily true. The program could be set up in any way the city desires and could take into account any violations currently being contested. LADOT has only presented the worse case scenario without any investigation of how to overcome these obstacles. Perhaps LADOT could contact the City of Claremont to see how they handle this situation.

Currently, the system has a set fine and penalty schedule for the same violation. Having different fine amounts and penalty schedules for the same violation will cause undue confusion for motorists.

On the contrary, motorists would likely welcome this change. Any confusion is likely to occur on the part of LADOT which clearly does not wish to seriously explore this option.

At present, the City has an 86% payment rate on parking citations, one of the highest nationally for large city parking programs. Changes to process a tiered citation will delay the collection process and have a much wider revenue impact than the initial lowered fines. Citation collection for the parking program is best depicted by a bell curve. Revenue may fall if the fine amounts are set too high or too low. For instance, a 100% increase in fine amount for a repeat offender does not necessarily create 100% increase in collection revenue. Instead, payment rates will drop if the new fine amount is set too high.

Then it is also true that payment rates may rise if the new fine amount is lower. The LADOT analysis completely ignores the potential increase in revenue that would occur as more people would likely pay the reduced fine rather than avoid payment of the higher fine or fight the ticket. This would also result in reduced collection costs. LADOT has failed to include any of this analysis in their report and instead focuses only on the potential problems. We believe this shows the bias of LADOT against this proposal.

Geocoding Boundaries for LA Express Park

The complexities described above are multiplied when the City implements the tiered pricing concept in a defined area. The City may need to define specific parking enforcement routes or beats, or perhaps geo-code the locations where tickets are being issued to determine whether or not the tiered structure applies to the citation. Recently, LA Express Park expanded from Downtown Los Angeles to Westwood Village. With the program's continued expansion, the City will need to similarly adjust the geographic scope and consistently modify the parameters for implementing the tiered violation.

While this may be true, it certainly should not be an obstacle that cannot be overcome.

4. Other Options

a. installment Payment Plan (IPP) -

We are please to see that LADOT has begun to implement a program where motorists can enroll in a payment plan without having to attend a hearing. While this recommendation did not appear in our final report because we did not have time to address adjudication issues, it is an issue we discussed at length with LADOT staff. We are happy to see that the proposal is moving forward.

b. Homeless Parking Citation Community Service Pilot Program -

We concur with and welcome this new policy.

c. Community Service Program for Low income Motorists -

We concur with and welcome this new policy. However, it is not a sufficient replacement for the tiered fine structure we have proposed.

d. Relaxed Street Sweeping Enforcement -

We are pleased that this proposal is moving forward and we would like to see the implementation sped up. This idea was proposed over two years ago. It is time to fully implement it. Further, we would like to see movement on our proposal to curtail the hours of enforcement on each street as we continue to maintain that it is not necessary to restrict parking on street sweeping days for a full two hour period.

An Additional Option

We would also like to offer another option for bringing greater equity to the city's punitive parking fine policies. In our initial discussions with Mayor Garcetti on this issue, we suggested that the city could offer a discount to motorists who pay their fines within the first 48 hours of receiving a parking ticket. For example, if a motorist were to pay within the first 48 hours, the fine would be reduced to \$23.00. This would encourage timely payment, reduce challenges and their costs, and increase the payment rate. The Mayor has indicated that he would be in favor of such a program. We believe that in the short term, such a program could be implemented relatively easily.

In conclusion, we wish to point out that there will always be challenges to change. Instead of compiling a list of arguments against change, LADOT should have spend their time offering ideas about how the recommendations could be implemented, overcoming the challenges, or offering relevant alternative approaches. Unfortunately, there does not seem to be any real attempt to contemplate substantive reform here. Only a weak attempt at defending an antiquated, ineffective system that serves only the purpose of revenue generation.

We would like to thank the members of the Transportation Committee for their leadership on this issue and would encourage some movement forward on this proposal. We would be happy to work with committee staff and LADOT to find solutions to their concerns regarding implementing a tiered fine structure.

Sincerely,

Co-Chairs of the Los Angeles Parking Reform Working Group

Jay Beeber
Steven Vincent
Barry Weiss
Sherri Franklin

Note: Co-Chair Juan Matute declined to participate in this response. We were unable to reach Co-Chair Mott Smith.

Graduated Parking Fines

BY DONALD SHOUP

CITIES OFTEN INCREASE THEIR PARKING FINES WHEN they need more money. Los Angeles, for example, is facing a major budget crisis and increased its fines for all parking tickets by \$5, regardless of the violation. This across-the-board hike suggests that the higher fines are more about raising money than about enforcing the law. But a few cities have discovered how to enforce the law and raise money without costing most drivers anything. Cities can achieve these three goals by using graduated parking fines.

Fines are necessary to enforce parking regulations, and enforcement is important because violations have victims. If a driver stays over the time limit, others have a harder time finding a space and businesses can suffer from low turnover. Double parking can block a whole lane of traffic. Illegal parking in a disabled space makes life even more difficult for people with disabilities.

Setting the right fine for each parking violation is complicated because a few repeat violators often account for a large share of all violations. In Los Angeles, for example, 8% of all the license plates that received tickets in 2009 accounted for 29% of all the tickets in that year. In Beverly Hills, 5% of license plates accounted for 24% of all tickets. Californians are not the only serial offenders. In Manchester, NH, 5% of the plates accounted for 22% of all tickets and in Winnipeg, Canada, 14% of the plates accounted for 47% of all tickets.

Most drivers rarely or never receive a parking ticket, and for these drivers modest fines are a sufficient deterrent. But the many tickets for a few repeat offenders suggest that modest fines will not deter drivers who view parking violations as an acceptable gamble or just another cost of doing business. However, if cities raise parking fines high enough to deter the few chronic violators, they unfairly penalize many more drivers for occasional (and often inadvertent) violations.

Graduated parking fines are a way to deter chronic violators without unfairly punishing anyone else. Graduated fines are lenient for the many cars with only a few tickets but punitive for the few cars with many tickets. In Claremont, CA, for example, the first ticket for

overtime parking in a calendar year is \$35, the second \$70, and the third \$105. For illegally using a disabled parking space, the first ticket is \$325, the second \$650, and the third \$975.

For minor violations like overtime parking, some cities issue a warning for the first offense and graduated fines for subsequent offenses. The warnings show citizens that the city aims to encourage compliance rather than to raise revenue. Because parking tickets create hostility toward both the enforcement officers and City Hall, a warnings-first policy for minor offenses can reduce political opposition to enforcement. Repeat offenders will pay more but everyone else will pay less.

Until recently, graduated parking fines were impossible because enforcement officers had no way of knowing how many previous tickets a car had received. Now, however, officers carry handheld ticket-writing devices that wirelessly connect to the city's ticket database. These devices can automatically assign the proper fine for each violation according to the number of previous tickets for the license plate.

A driver who receives many tickets for the same offense is probably either careless, unlucky, or a scofflaw. Risking a ticket may thus be a rational choice. A study by the Boston Transportation Department, for example, found that the price of a ticket multiplied by the probability of citation for illegal curb parking was often less than the price of off-street parking for three or more hours, so the temptation to risk a ticket is strong. Scofflaws can do a simple cost-benefit calculation; they may get a ticket for one in 10 violations, but the conventional fines never increase. Higher fines for serial violators can reduce the total number of violations without harshly penalizing anyone else. Graduated fines are therefore fairer and more effective than flat-rate fines.

Most cities will no doubt continue to rely on parking fines to help balance the budget, but the next time they need more money from this source, cities should increase the fines for chronic offenders without unfairly penalizing everyone else.

This article was originally published in the *Los Angeles Times*.