

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



STAFF REPORT

MEETING DATE: 11/10/2021

Staff Report No. 21-474

TO: AC Transit Board of Directors
FROM: Michael A. Hursh, General Manager
SUBJECT: Bus Lane and Bus Stop Violation Enforcement

BRIEFING ITEM

RECOMMENDED ACTION(S):

Consider receiving a report on bus only lane and bus stop violation enforcement. [Requested by Director Walsh - 8/11/21]

STRATEGIC IMPORTANCE:

Goal - Safe and Secure Operations
Initiative - Service Quality

This report will provide insight into bus only lane and bus stop enforcement which support and are aligned with the following Strategic Plan Goals and Initiatives: Safe and Secure Operations, Convenient and Reliable Service, and Service Quality.

BUDGETARY/FISCAL IMPACT:

There is no budgetary or fiscal impact other than staff hours contributing to this effort.

BACKGROUND/RATIONALE:

There are distinct differences between enforcing bus only lane violations and bus stop violations. In 2016, Senate Bill 1051 (Hancock) was signed into law, authorizing AC Transit to use an automated enforcement system (i.e. forward-facing cameras) to enforce parking violations using video imaging in transit-only traffic lanes.

The legislation mandated that AC Transit make public notifications to the community at least 30 days prior to implementing the automated enforcement program. The District was also required to issue **warning** citations for 30 days prior to the start of ticketing. On August 1, 2020, following the required notification and warning periods, the District began issuing tickets to vehicles illegally parked in the Bus Rapid Transit (BRT) Tempo Line 1T bus only lanes. Per District Ordinance No. 18 (Use of forward-facing cameras on Alameda-Contra Costa Transit District-owned public transit vehicles to issue citations and establish civil penalties for parking violations in transit-only traffic lanes), the fine for illegally parking in the bus only lane is \$110 when cited via the forward-facing cameras mounted on District coaches.

Enforcement Using Forward Facing Cameras of Vehicles Parked In Bus Only Lane

Upon recognition of a vehicle parked in the bus only lane, the bus operator should immediately push the event marker to activate the forward-facing camera. This will protect data from being overwritten. The recording system will mark the video frames to be saved for a certain amount of time just prior to and just after the marked event.

Incidents that are marked, reported and/or validated are then downloaded for review by Sheriff's office personnel. If the parking violation is deemed to be valid, a citation is written and mailed to the registered owner of the vehicle. The process is outlined below:

- Sheriff's office personnel runs the license plate from the image to obtain the registered owner's information. A citation is generated and sent to a third-party processing agency to be processed. The processing agency mails a "Notice of Parking Violation" to the Registered Owner of the vehicle.
- Citations for vehicles parked in a bus only lane are written using District Ordinance No. 18. An appeals process is available for those who wish to contest the citation and must be filed with the Sheriff's office within 21 days of receipt of the citation.

Moving Violations in Bus Only Lane

Enforcement of vehicles traveling in the bus only lane is considered a moving violation per California Vehicle Code 21655.1(a) and must be observed by law enforcement. Deputies or local law enforcement must complete a traffic stop to identify the driver of the vehicle and issue a citation. Deputies may use their discretion of whether a citation is warranted. If they deem the violation did in fact occur and a citation is warranted, a citation is written on the spot and a "Notice to Appear" is issued to the driver. By law, forward facing cameras cannot be used for the purpose of ticketing vehicles driving in the bus only lane, or for any other moving violation or purpose other than parking enforcement.

Bus Stop Violations

Illegally parking in a bus stop is a violation of California Vehicle Code 22500(i), and carries a fine of \$260.00. Enforcement is pursued when law enforcement or parking enforcement staff observes a violation in the field. Deputies, local law enforcement, or parking enforcement may issue a citation to the registered owner of a vehicle that is parked in a bus stop. Citations are placed on the windshield of the vehicle and a Notice of Parking Violation is mailed to the registered owner. If the owner of the vehicle disagrees with the citation, an appeals process is in place to provide due process to those citizens who were issued a citation.

New Legislation - AB 917: Video Imaging of Parking Violations

On October 8, 2021, Governor Gavin Newsom signed Assembly Bill 917 (AB 917) into law, authored by Assembly Member Richard Bloom (D-Santa Monica). AB 917 expands existing state law, until January 2027, to allow all California transit agencies to use cameras mounted on transit vehicles to discourage illegal parking in transit-only lanes and at transit stops. Currently, only AC Transit and the San Francisco Municipal Transportation Agency (SFMTA) have this authority and as noted above, it is limited to transit only lanes.

The District co-sponsored AB 917 in partnership with the California Transportation Association (CTA) and the Los Angeles County Metropolitan Transportation Authority (LA Metro). AB 917 does not create any new

violations and establishes important data protection standards for agencies wishing to use this technology. Additionally, the statute ensures certain protocols are in place to assist low-income violators.

Specifically, AB 917 requires the administrative hearing process to include an option to reduce or eliminate fines if the recipient is found to be indigent. This is currently not allowed for any other parking ticket.

AB 917 allows the entity issuing the ticket to decline to issue a ticket for an illegally parked vehicle if there is evidence in the video illustrating hardship, such as a vehicle with a mechanical issue or evidence that the person is homeless. This is something the Alameda County Sheriff's Department currently does, but AB 917 clarifies and authorizes this practice.

When AC Transit expands its video enforcement program to include bus stops, AB 917 requires the District to conduct a 60-day public education campaign that includes information about payment options available to low-income persons and that only warning tickets be issued during this time.

AB 917 maintains the existing requirement of destroying all video images that do not contain a violation within 15 days and 60 days after a ticket is resolved. AB 917 also further clarifies and expands privacy protections by limiting any use of the video evidence to parking enforcement only.

Finally, AC Transit and any other operator that implements a program to use video cameras to support parking enforcement must submit a report to the legislature on its activities by January 1, 2025.

The passage of AB 917 into law is an important first step towards making sure transit riders across the state have the transportation system they deserve. Staff will now focus their efforts on securing the funding needed to implement the legislation, including the purchase of hardware, software, and related materials. By reducing the disruptions and delays caused by non-transit vehicles illegally parked in transit zones, AB 917 will improve transit system accessibility, safety, and reliability while advancing equity for transit riders.

ADVANTAGES/DISADVANTAGES:

Ticketing vehicles that illegally occupy bus only lanes and bus stops improve the transit system's accessibility, safety, and reliability while advancing equity for transit riders. It also serves as an important tool to discourage future behavior. Staff did not identify any disadvantages to enforcing illegal driving or parking in transit only lanes and bus stops.

ALTERNATIVES ANALYSIS:

None

PRIOR RELEVANT BOARD ACTION/POLICIES:

Staff Report 20-219a: Adoption of Ordinance No. 18

ATTACHMENTS:

None

Prepared by:

Kerry Jackson, Protective Services Manager

In Collaboration with:

Steven C. Jones, External Affairs Representative

Approved/Reviewed by:

Beverly Greene, Executive Director of External Affairs, Marketing & Communications

Claudia Burgos, Director of Legislative Affairs & Community Relations

Salvador Llamas, Chief Operating Officer

Jill A. Sprague, General Counsel