

**ALAMEDA-CONTRA COSTA TRANSIT DISTRICT
ORDINANCE NO. 19**

AN ORDINANCE ESTABLISHING 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 AND TRANSIT STOPS

WHEREAS, the Alameda-Contra Costa Transit District (District) has a substantial interest in enforcing parking violations occurring in transit-only traffic lanes and transit stops to ensure efficient and on-time performance of its buses;

WHEREAS, California Vehicle Code Section 40240 subdivision (a) provided that the District may install automated forward-facing parking control devices (cameras) on district-owned public transit vehicles for the purpose of video imaging of parking violations occurring in transit-only traffic lanes;

WHEREAS, California Vehicle Code Section 40240 subdivision (c) permitted the District Board of Directors to enact an ordinance to impose a civil penalty for parking violations occurring in a transit-only traffic lane;

WHEREAS, the District enacted Ordinance 18 to implement the provisions of California Vehicle Code Section 40240 to enable the use of forward-facing cameras to enforce parking violations in transit-only lanes;

WHEREAS, California Vehicle Code Section 40240 was amended by AB 917 to include parking violations occurring at transit stops as well as transit-only lanes, and made other changes as provided in the statute;

WHEREAS, California Vehicle Code Section 40240 subdivision (c) permits the District Board of Directors to enact an ordinance to impose a civil penalty for parking violations occurring in a transit-only traffic lane or transit stop;

WHEREAS, the District will implement a forward-facing camera system to validate video image recordings for the purpose of determining whether a parking violation occurred in a transit-only traffic lane or transit stop and issue citations;

WHEREAS, Ordinance 18 must be repealed and replaced with Ordinance 19 to enable the enforcement of parking violations at transit stops; and

WHEREAS, Ordinance No. 19 was introduced at a regular meeting of the Board of Directors on June 28, 2023.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE ALAMEDA-CONTRA COSTA TRANSIT DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. STATEMENT OF PURPOSE

The District Board of Directors finds that there is a need to enforce parking violations in transit-only lanes and transit stops and that enacting civil penalties as authorized by California Vehicle Code Section 40240 subdivision (c) will deter the public from parking in transit-only lanes and transit stops, allowing for efficient and on-time performance.

SECTION 2. DEFINITIONS

- (a) **Transit-only traffic lane** means any designated transit-only lane on which use is restricted to mass transit vehicles, during posted times.
- (b) **Transit stop** means curb space authorized for the loading and unloading of passengers of a District bus engaged as a common carrier in local transportation, as indicated by a sign or red paint on the curb.
- (c) **Processing Agency** means the third-party agency used to process parking citations.
- (d) **Law Enforcement Agency** means contracted law enforcement agency reviewing parking violation evidence packages and issuing citations for parking violations.

SECTION 3. PARKING VIOLATION

3.1 Warning Notices and Public Outreach. Prior to issuing notices of parking violations pursuant to subdivision (a) of Section 40241, the District shall issue warning notices for 60 days. The District shall also make a public announcement of the program and provide the public with information about the enforcement program, existing parking regulations, and the payment options available for low-income persons at least 60 days prior to commencement of issuing notices of parking violations.

3.2 Violation. It shall be a violation of this ordinance, pursuant to Section 40240, to park in a transit-only traffic lane or transit stop. A violation of this ordinance captured in the video recordings from the forward facing cameras installed on District buses is subject to a civil penalty.

SECTION 4. ENFORCEMENT

- 4.1 Citation.** Pursuant to subdivision (a) of Section 40241, a notice of parking violation will be issued to the registered owner of a vehicle within 15 calendar days of the date of the violation. The registered owner shall be permitted to review the video image evidence of the alleged violation during normal business hours at no cost.
- 4.2 Notice of Violation.** The notice of parking violation shall set forth the violation of this Ordinance governing vehicle parking under the California Vehicle Code 40241, a

statement indicating that payment is required within 21 calendar days from the date of citation issuance, and the procedure for the registered owner, lessee, or rentee to deposit the parking penalty or contest the citation pursuant to 40215 of the California Vehicle Code. The notice of violation shall also set forth the date, time, and location of the violation, the vehicle license number, registration expiration date, if visible, the color of the vehicle, and, if possible, the make of the vehicle. The District shall send information regarding the process for requesting review of the video image evidence along with the notice of parking violation.

- 4.3 Service of Notice.** The notice of parking violation shall be served by depositing the notice in the United States mail to the registered owner's last known address listed with the Department of Motor Vehicles. Proof of mailing demonstrating that the notice of parking violation was mailed to that address shall be maintained by the District.
- 4.4 Civil Penalty for Violation.** Any citation issued for a violation of this ordinance is subject to a fine amount of \$110. If the registered owner, by appearance or by mail, makes payment to the Processing Agency or contests the violation within either 21 calendar days from the date of mailing of the citation, or 14 calendar days after the mailing of the notice of delinquent parking citation, the parking penalty shall consist solely of the amount of the original penalty.
- 4.5 Review of Notice and Administrative Hearing.** The registered owner, lessee, or rentee may contest the citation pursuant to Section 40215 of the California Vehicle Code. The request may be made by telephone, in writing, or in person.
- 4.6 Cancellation of Notice of Parking Violation.** If, within 21 days after the notice of parking violation is issued, the District determines that, in the interest of justice, the notice of parking violation should be canceled, the District shall cancel the notice of parking violation pursuant to subdivision (a) of Section 40215 of the California Vehicle Code. The reason for the cancellation shall be set forth in writing.
- 4.7 Appeal.** Following an initial review by the District, and an administrative hearing, pursuant to Section 40215, a contestant may seek court review by filing an appeal pursuant to Section 40230 of the California Vehicle Code.

SECTION 5. RETENTION AND USE OF VIDEO IMAGES

- 5.1** Except as it may be included in court records described in Section 68152 of the Government Code, or as provided in 5.2, the video image evidence may be retained for up to six months from the date the information was first obtained, or 60 days after final disposition of the citation, whichever date is later, after which time the information shall be destroyed.
- 5.2** Notwithstanding Section 26202.6 of the Government Code, video image evidence that does not contain evidence of a parking violation in a transit-only traffic lane or at a transit stop shall be destroyed within 15 days after the information was first obtained.

5.3 Video image records maintained pursuant to this ordinance are confidential and shall be used and accessed only for the purposes authorized by this ordinance.

SECTION 6. REPORTING

The District shall provide to the transportation, privacy, and judiciary committees of the Legislature an evaluation report pursuant to Section 40240.5 of the California Vehicle Code, no later than January 1, 2025.

SECTION 7. EFFECTIVE DATE.

This ordinance shall become effective thirty (30) days after its adoption and shall be published once a week for two consecutive weeks following its passage in a newspaper of general circulation within the District. This ordinance is effective until January 1, 2027, or until the designated expiration date set forth in Section 40240.

SECTION 8. REPEAL OF ORDINANCE 18.

This ordinance supersedes, replaces and repeals Ordinance No. 18.

Joel Young
President

Attest:

Linda A. Nemeroff
Board Administrative Officer/District Secretary

I, Linda A. Nemeroff, Board Administrativ Officer/District Secretary for the Alameda-Contra Costa Transit District, do hereby certify that this ordinance was introduced at a regular meeting of the Board of Directors on June 18, 2023 and adopted at a regular meeting of the Board of Directors held on July 12, 2023, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Linda A. Nemeroff
Board Administrative Officer/District Secretary

Approved as to Form and Content:

Jill A. Sprague
General Counsel/Chief Legal Officer