

BILL: AB 917 (Bloom, D-Santa Monica)
Introduced February 17, 2021
Amended April 12, 2021
Amended April 27, 2021
Amended June 18, 2021

SUBJECT: AB 917 would authorize transit agencies to use camera technology to discourage illegal parking in transit-only lanes and at transit stops

STATUS: Pending in the Senate Judiciary Committee
Passed Senate Transportation Committee 14-3
Passed Assembly 72-2
Passed Assembly Privacy and Consumer Protection 10-0
Passed Assembly Transportation Committee 13-0

SUMMARY AS OF JULY 1, 2021:

AB 917 (Bloom, D-Santa Monica) would expand current state law to authorize transit agencies to use camera technology to discourage parking in transit-only lanes and at transit stops, where it is prohibited under existing law. Specifically, AB 917 would authorize transit agencies statewide to install forward-facing cameras on their transit vehicles to obtain images of these parking violations. The transit agency would then contract with a law enforcement agency, city, or county who has authority to write parking tickets to enforce any violations. Currently, such authority is only provided to San Francisco Municipal Transportation Agency and the Alameda-Contra Costa Transit District (AC Transit). AC Transit's authority expires on January 1, 2022, unless reauthorized.

As detailed in the Senate Transportation Committee analysis, AB 917 expands existing law in a few ways:

- Authorizes the authority statewide, rather than just for a select few transit agencies.
- Expands the ability to enforce violations to include bus and transit stops, in addition to transit-only lanes.
- Requires transit agencies to issue only warning notices for the first 30 days of the program and to make a public announcement at least 30 days prior to issuing notices of parking violations.
- Requires that video evidence be destroyed after either six months from the date the information was first obtained or 60 days after the final disposition of the citation, whichever is later. If there is no evidence of a violation, the evidence shall be destroyed within 15 days.
- Authorizes transit agencies to share relevant data with the local parking enforcement entity and local agency in the jurisdiction where the violation occurred.

These parking citations do not negatively impact a driver's record, carry the same fine as a parking ticket, and can be appealed. AB 917 also contains privacy protections and sets

noticing requirements for this new program. As transit agencies within the State explore the implementation of transit only lanes and seek ways to prevent illegal parking at transit stops, AB 917 would provide a deterrent method to prevent the blocking of transit vehicles at these locations. In addition to the service impacts, a partially blocked transit stop creates significant safety concerns. When an operator of a transit vehicle is not able to reach the curb, riders are forced to navigate the street and the gap that is created between the transit vehicle and the curb. This is a potentially dangerous maneuver for riders to undertake, and an impossible one for those with a disability or mobility limitations, including seniors.

EFFECTS ON ORANGE COUNTY:

While the Orange County Transportation Authority (OCTA) does not currently have plans for the development of transit-only lanes, AB 917's authority provides another tool for the OCTA to use and law enforcement to enforce at existing bus stops in its service area. In addition, as potential transit-only lanes proposals are analyzed for future consideration, AB 917's authority could provide a critical tool for the operation of such facilities.

AB 917 is sponsored by the California Transit Association and supported by a variety of stakeholders including AC Transit, Los Angeles County Metropolitan Transportation Authority, San Francisco Bay Area Rapid Transit District, and more. A SUPPORT position is consistent with the OCTA 2021-22 State Legislative Platform's principle to "SUPPORT policies that aim to enhance transit services and the overall safety and security of transit riders, coach operators, and on-road vehicles."

OCTA POSITION:

Staff recommends: SUPPORT (as adopted pursuant to the OCTA 2021-22 State Legislative Platform)

AMENDED IN SENATE JUNE 18, 2021

AMENDED IN ASSEMBLY APRIL 27, 2021

AMENDED IN ASSEMBLY APRIL 12, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 917

Introduced by Assembly Member Bloom

February 17, 2021

An act to amend Sections 40240 and 40241 of, and to repeal Section 40240.5 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL’S DIGEST

AB 917, as amended, Bloom. Vehicles: video imaging of parking violations.

Existing law authorizes the City and County of San Francisco (San Francisco) and, until January 1, 2022, the Alameda-Contra Transit District, to enforce parking violations in specified transit-only traffic lanes through the use of video imaging and to install automated forward facing parking control devices on city-owned public transit vehicles for the purpose of video imaging parking violations occurring in transit-only traffic lanes, as specified. Existing law requires a designated employee, who is qualified by San Francisco, or a contracted law enforcement agency for the Alameda-Contra Costa Transit District, who is qualified by the city and county or the district to issue parking citations, to review video image recordings for the purpose of determining whether a parking violation occurred in a transit-only traffic lane and to issue a notice of violation to the registered owner of a vehicle within 15 calendar days, as specified. Existing laws makes these video image records confidential, and provides that these records are available only to public agencies to

enforce parking violations. Existing law provides that if the Alameda-Contra Costa Transit District implements an automated enforcement system as described above, the district is required to submit a report to specified committees of the Legislature by no later than January 1, 2021.

This bill would extend the authorization described above to any public transit operator in the state indefinitely. The bill would expand the authorization to enforce parking violations to include violations occurring at transit stops. The bill would repeal the obsolete reporting requirement of the Alameda-Contra Costa Transit District.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings regarding the need to make certain video image records confidential.

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

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

1 SECTION 1. Section 40240 of the Vehicle Code is amended
2 to read:
3 40240. (a) A public transit operator, as defined in Section
4 99210 of the Public Utilities Code, may install automated forward
5 facing parking control devices on city-owned or district-owned
6 public transit vehicles, as defined by Section 99211 of the Public
7 Utilities Code, for the purpose of video imaging of parking
8 violations occurring in transit-only traffic lanes and at transit stops.
9 Citations shall be issued only for violations captured during the
10 posted hours of operation for a transit-only traffic lane or during
11 the scheduled operating hours at transit stops. The devices shall
12 be angled and focused so as to capture video images of parking
13 violations and not unnecessarily capture identifying images of
14 other drivers, vehicles, and pedestrians. The devices shall record
15 the date and time of the violation at the same time as the video
16 images are captured. Transit agencies may share the relevant data,
17 video, and images of parking violations collected by automated
18 forward facing parking control devices with the local parking

1 enforcement entity and local agency in the jurisdiction where the
2 violation occurred.

3 (b) Prior to issuing notices of parking violations pursuant to
4 subdivision (a) of Section 40241, a public transit operator, in
5 partnership with a city, county, city and county, or local
6 enforcement authority, shall commence a program to issue only
7 warning notices for 30 days and shall also make a public
8 announcement of the program at least 30 days prior to
9 commencement of issuing notices of parking violations.

10 (c) A designated employee of a city, county, city and county,
11 or a contracted law enforcement agency for a special transit district,
12 who is qualified by a city, county, city and county, or district to
13 issue parking citations, shall review video image recordings for
14 the purpose of determining whether a parking violation occurred
15 in a transit-only traffic lane or at a transit stop. A violation of a
16 statute, regulation, or ordinance governing vehicle parking under
17 this code, under a federal or state statute or regulation, or under
18 an ordinance enacted by a city, county, city and county, or special
19 transit district occurring in a transit-only traffic lane or at a transit
20 stop observed by the designated employee in the recordings is
21 subject to a civil penalty.

22 (d) The registered owner shall be permitted to review the video
23 image evidence of the alleged violation during normal business
24 hours at no cost.

25 (e) (1) Except as it may be included in court records described
26 in Section 68152 of the Government Code, or as provided in
27 paragraph (2), the video image evidence may be retained for up
28 to six months from the date the information was first obtained, or
29 60 days after final disposition of the citation, whichever date is
30 later, after which time the information shall be destroyed.

31 (2) Notwithstanding Section 26202.6 of the Government Code,
32 video image evidence from forward facing automated enforcement
33 devices that does not contain evidence of a parking violation
34 occurring in a transit-only traffic lane or at a transit stop shall be
35 destroyed within 15 days after the information was first obtained.
36 Video image data and records collected pursuant to this section
37 shall not be used or processed by an automated license plate
38 recognition system, as defined in Section 1798.90.5 of the Civil
39 ~~Code~~. *Code, unless the public transit operator, city, county, city*
40 *and county, or local enforcement authority meets the requirements*

1 *in this paragraph and paragraph (1), the requirements of*
2 *subdivision (f), and the requirements of subdivision (e) of Section*
3 *40241.*

4 (f) Notwithstanding Section 6253 of the Government Code, or
5 any other law, the video image records are confidential. Public
6 agencies shall use and allow access to these records only for the
7 purposes authorized by this article.

8 (g) The following definitions shall apply for purposes of this
9 article:

10 (1) "Local agency" means a public transit operator as defined
11 in Section 99210 of the Public Utilities Code or a local city, county,
12 or city and county parking enforcement authority.

13 (2) "Transit-only traffic lane" means any designated transit-only
14 lane on which use is restricted to mass transit vehicles, or other
15 designated vehicles including taxis and vanpools, during posted
16 times.

17 SEC. 2. Section 40240.5 of the Vehicle Code is repealed.

18 SEC. 3. Section 40241 of the Vehicle Code is amended to read:

19 40241. (a) A designated employee of the local agency,
20 including a contracted law enforcement agency, shall issue a notice
21 of parking violation to the registered owner of a vehicle within 15
22 calendar days of the date of the violation. The notice of parking
23 violation shall set forth the violation of a statute, regulation, or
24 ordinance governing vehicle parking under this code, under a
25 federal or state statute or regulation, or under an ordinance enacted
26 by the local agency occurring in a transit-only traffic lane or at a
27 transit stop, a statement indicating that payment is required within
28 21 calendar days from the date of citation issuance, and the
29 procedure for the registered owner, lessee, or rentee to deposit the
30 parking penalty or contest the citation pursuant to Section 40215.
31 The notice of parking violation shall also set forth the date, time,
32 and location of the violation, the vehicle license number,
33 registration expiration date, if visible, the color of the vehicle, and,
34 if possible, the make of the vehicle. The notice of parking violation,
35 or copy of the notice, shall be considered a record kept in the
36 ordinary course of business of the local agency and shall be prima
37 facie evidence of the facts contained in the notice. The local agency
38 shall send information regarding the process for requesting review
39 of the video image evidence along with the notice of parking
40 violation.

1 (b) The notice of parking violation shall be served by depositing
2 the notice in the United States mail to the registered owner's last
3 known address listed with the Department of Motor Vehicles.
4 Proof of mailing demonstrating that the notice of parking violation
5 was mailed to that address shall be maintained by the local agency.
6 If the registered owner, by appearance or by mail, makes payment
7 to the processing agency or contests the violation within either 21
8 calendar days from the date of mailing of the citation, or 14
9 calendar days after the mailing of the notice of delinquent parking
10 violation, the parking penalty shall consist solely of the amount
11 of the original penalty.

12 (c) If, within 21 days after the notice of parking violation is
13 issued, the local agency determines that, in the interest of justice,
14 the notice of parking violation should be canceled, the local agency
15 shall cancel the notice of parking violation pursuant to subdivision
16 (a) of Section 40215. The reason for the cancellation shall be set
17 forth in writing.

18 (d) Following an initial review by the local agency, and an
19 administrative hearing, pursuant to Section 40215, a contestant
20 may seek court review by filing an appeal pursuant to Section
21 40230.

22 (e) A local agency or a contracted law enforcement agency,
23 may contract with a private vendor for the processing of notices
24 of parking violations and notices of delinquent violations. The
25 local agency shall maintain overall control and supervision of the
26 program.

27 SEC. 4. The Legislature finds and declares that Section 1 of
28 this act, which amends Section 40240 of the Vehicle Code, imposes
29 a limitation on the public's right of access to the meetings of public
30 bodies or the writings of public officials and agencies within the
31 meaning of Section 3 of Article I of the California Constitution.
32 Pursuant to that constitutional provision, the Legislature makes
33 the following findings to demonstrate the interest protected by this
34 limitation and the need for protecting that interest:

35 In order to protect the individual privacy rights of those
36 individuals depicted in video camera footage relating to parking
37 violations, it is necessary that this act limit the public's right of
38 access to the images captured by an automated parking control

- 1 device installed on public transit vehicles owned by a city, county,
- 2 city and county, or transit district.

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