

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2021-2022 Regular Session**

AB 917 (Bloom)  
Version: July 7, 2021  
Hearing Date: July 13, 2021  
Fiscal: No  
Urgency: No  
CK

**SUBJECT**

Vehicles: video imaging of parking violations

**DIGEST**

This bill expands automated enforcement of parking violations in both transit-only lanes and transit stops statewide using forward-facing cameras on transit vehicles.

**EXECUTIVE SUMMARY**

To this point, California has taken an incremental approach at phasing in automated enforcement of certain laws. In 1994, the Legislature authorized automated rail crossing enforcement systems, recognizing the potential fatal consequences of the relevant violations. Over the following years, the trend moved to red-light cameras under a trial basis that was then made permanent. Next, a very limited pilot was authorized in San Francisco to install cameras on public transit vehicles, for the first time explicitly authorizing automated enforcement of parking violations, but limited to transit-only lanes. A similar trial was authorized in connection with the Alameda-Contra Costa Transit District (AC Transit). Both programs came with requirements to report back to the Legislature on the impacts of the programs. Current law also authorizes cameras on street sweeping vehicles.

Automated enforcement can provide more thorough enforcement of certain laws and reduce the need for employees conducting such enforcement, a cost savings. However, with these benefits come serious concerns regarding privacy and equity. Furthering the reach of automated surveillance should arguably be gradual, thoughtful, and done with an understanding of, and countermeasures to prevent, potential unintended consequences. Such enforcement gathers a vast amount of data, may reduce the judicious enforcement of parking laws, and has the ability to create a perverse incentive for governments that stand to financially benefit from increased citations. This bill dramatically expands the law authorizing existing automated enforcement programs operated by San Francisco and AC Transit to permit such programs for any interested

public transit operator indefinitely. It also expands from targeting only violations in transit-only lanes to include parking violations in transit stops.

This bill is sponsored by the California Transit Association, the Los Angeles County Metropolitan Transportation Authority, and AC Transit. It is supported by various transportation entities and local governments. It is opposed by a number of groups including a coalition of civil rights groups primarily serving low-income Californians, including the Lawyers' Committee for Civil Rights, ACLU California Action, Western Center on Law and Poverty, and the East Bay Community Law Center. This bill passed out of the Senate Transportation Committee on a vote of 14 to 3.

### **PROPOSED CHANGES TO THE LAW**

Existing law:

- 1) Provides that a violation of any regulation governing the standing or parking of a vehicle under the Vehicle Code, federal statute or regulation, or local ordinance, is subject to a civil penalty. (Veh. Code § 40200.)
- 2) Authorizes the use of an automated enforcement system for enforcement of red light violations by a governmental agency, subject to specific requirements and limitations. (Veh. Code § 21455.5.)
- 3) Provides that notice of a parking violation must contain certain information, including information stating that unless the parking penalty is paid or contested within 21 calendar days from the issuance of a citation, or 14 calendar days from the mailing of the violation, as specified, the renewal of the vehicle registration shall be contingent upon compliance with the notice. (Veh. Code § 40207.)
- 4) Authorizes the City and County of San Francisco (San Francisco) and AC Transit to install automated forward facing parking control devices on city-owned or district-owned public transit vehicles for the purpose of video imaging parking violations occurring in transit-only traffic lanes. Existing law defines a "transit-only traffic lane" to mean any designated transit-only lane on which use is restricted to mass transit vehicles, or other designated vehicles including taxis and vanpools, during posted times. (Veh. Code § 40240(a), (h).)
- 5) States that citations shall only be issued for violations captured during the posted hours of operation for a transit-only traffic lane. Existing law requires designated employees to review video image recordings for the purpose of determining whether a parking violation occurred in a transit-only traffic lane, and permits alleged violators to review the video image evidence of the alleged violation during normal business hours at no cost. (Veh. Code § 40240(a), (c), (d).)

- 6) Requires automated forward facing parking control devices to be angled and focused so as to capture video images of parking violations and not unnecessarily capture identifying images of other drivers, vehicles, and pedestrians. Existing law requires the devices to record the date and time of the violation at the same time video images are captured, and provides that video image records are confidential and shall not be used or accessed for any purposes not related to the enforcement of parking violations occurring in transit-only traffic lanes. (Veh. Code § 40240(a), (f).)
- 7) Authorizes the retention of video image evidence obtained from an automated forward facing parking control device for up to six months from the date the information was obtained, or 60 days after final disposition of the citation, whichever date is later, and provides that after such time the information shall be destroyed, except as it may be included in court records, as provided. Existing law requires video image evidence from forward facing automated enforcement devices that does not contain evidence of a parking violation occurring in a transit-only traffic lane to be destroyed within 15 days after the information was first obtained. (Veh. Code § 40240(e).)
- 8) States that prior to issuing notices of parking violations pursuant to this authority, San Francisco and AC Transit shall commence a program to issue only warning notices for 30 days, and shall also make a public announcement of the program at least 30 days prior to commencement of issuing notices of parking violations. (Veh. Code Sec. 40240(b).)
- 9) Requires AC Transit, if it implements an automated enforcement system, to provide to the Transportation, Privacy and Consumer Protection, and Judiciary Committees of the Legislature an evaluation report of the enforcement system's effectiveness, impact on privacy, cost to implement, and generation of revenue, no later than January 1, 2021. (Veh. Code § 40240.5.)

This bill:

- 1) Authorizes any public transit operator, as defined, to install automated forward facing parking control devices on city-owned or district-owned public transit vehicles, as defined, for the purpose of video imaging of parking violations occurring in transit-only traffic lanes and at transit stops.
- 2) Provides that citations shall be issued only for violations captured during the posted hours of operation for a transit-only traffic lane or during the scheduled operating hours at transit stops.
- 3) Requires the devices to be angled and focused so as to capture video images of parking violations and not unnecessarily capture identifying images of other

drivers, vehicles, and pedestrians. The devices shall record the date and time of the violation at the same time as the video images are captured.

- 4) Authorizes transit agencies to share the relevant data, video, and images of parking violations collected by automated forward facing parking control devices with the local parking enforcement entity and local agency in the jurisdiction where the violation occurred
- 5) Provides that prior to issuing notices of parking violations, a public transit operator, in partnership with local authorities, shall commence a program to issue only warning notices for 30 days and 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.
- 6) Requires a designated employee of the local agency, who is qualified by that agency 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 or at a transit stop. A violation of a statute, regulation, or ordinance governing vehicle parking under this code, under a federal or state statute or regulation, or under an ordinance enacted by a city, county, city and county, or special transit district occurring in a transit-only traffic lane or at a transit stop observed by the designated employee in the recordings is subject to a civil penalty.
- 7) Provides that the registered owner shall be permitted to review the video image evidence of the alleged violation during normal business hours at no cost.
- 8) Provides that 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, except as follows:
  - a) as it may be included in court records described in Section 68152 of the Government Code; and
  - b) notwithstanding Section 26202.6 of the Government Code, video image evidence from forward facing automated enforcement devices that does not contain evidence of a parking violation occurring in a transit-only traffic lane or at a transit stop shall be destroyed within 15 days after the information was first obtained. Video image data and records collected pursuant to this section shall not be used or processed by an automated license plate recognition system, as defined in Section 1798.90.5 of the Civil Code, unless the public transit operator, city, county, city and

county, or local enforcement authority meets the requirements in this paragraph and paragraph (1), the requirements of subdivision (f), and the requirements of subdivision (e) of Section 40241.

- 9) Provides that the video image records are confidential. Public agencies may use and allow access to these records only for the purposes authorized by this article.
- 10) Repeals Section 40240.5 of the Vehicle Code.
- 11) Requires a designated employee of the local agency to issue a notice of parking violation to the registered owner of a vehicle within 15 calendar days of the date of the violation. A designated employee or contracted law enforcement agency may decline to issue a ticket based on the evidence in the video illustrating hardship.
- 12) Requires the above notice of parking violation to set forth the violation of a statute, regulation, or ordinance governing vehicle parking occurring in a transit-only traffic lane or at a transit stop, 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 Section 40215.
- 13) Requires the notice of parking violation to 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 notice of parking violation, or copy of the notice, shall be considered a record kept in the ordinary course of business of the local agency and shall be prima facie evidence of the facts contained in the notice. The local agency shall send information regarding the process for requesting review of the video image evidence along with the notice of parking violation.
- 14) Requires the notice of parking violation to be served by depositing the notice in the mail to the registered owner's last known address listed with the Department of Motor Vehicles. Proof of mailing shall be maintained by the local agency. 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 violation, the parking penalty shall consist solely of the amount of the original penalty.
- 15) Provides that if, within 21 days after the notice is issued, the local agency determines that, in the interest of justice, the notice of parking violation should be canceled, the local agency shall cancel the notice of parking violation. The reason for the cancellation shall be set forth in writing.

- 16) Authorizes a contestant to seek court review by filing an appeal following an initial review by the local agency, and an administrative hearing.
- 17) Provides that, beginning January 1, 2022, a transit operator may only install forward facing cameras pursuant to this statute if the examiner or issuing agency includes options to reduce or waive the payment of a parking penalty if the examiner or issuing agency determine that the person is an indigent person as defined in Section 40220 of the Vehicle Code.
- 18) Authorizes a local agency or a contracted law enforcement agency, to contract with a private vendor for the processing of notices of parking violations and notices of delinquent violations. The local agency shall maintain overall control and supervision of the program.
- 19) Provides that, beginning January 1, 2022, if a public transit operator implements an automated enforcement system to enforce parking violations occurring in transit-only traffic lanes and at transit stops, the operator shall provide to the Transportation, Privacy and Consumer Protection, and Judiciary Committees of the Legislature an evaluation report of the enforcement system's effectiveness, impact on privacy, impact on traffic outcomes, cost to implement, change in citations issued, and generation of revenue, no later than five years after implementation.

### COMMENTS

#### 1. The history of automated parking enforcement

While some counties may have installed automated traffic enforcement systems at an earlier date, legislative authorization for automated enforcement procedures relating to traffic violations began in 1994 with SB 1802 (Rosenthal, Ch. 1216, Stats. 1994). That bill authorized the use of "automated rail crossing enforcement systems" to enforce prohibitions on drivers from passing around or under rail crossings while the gates are closed. (Veh. Code § 22451.) Those systems functioned by photographing the front license plate and the driver of vehicles who proceeded around closed rail crossing gates in violation of the Vehicle Code provisions. The drivers of photographed vehicles, in turn, received citations for their violations.

In 1995, the Legislature authorized a three-year trial for red light camera enforcement programs. (SB 833, Kopp, Ch. 922, Stats. 1995.) Using similar technology, that program used sensors connected to cameras to take photographs of the front license plate and driver upon entering an intersection on a red light. That program was permanently extended in 1998 by SB 1136 (Kopp, Ch. 54, Stats. 1998).

In 2007, the Legislature authorized a four-year pilot project where San Francisco was authorized to install video cameras on city-owned public transit vehicles for the purpose of video imaging parking violations occurring in transit-only traffic lanes. (AB 101, Ma, Ch. 377, Stats. 2007.) Three years later, the Legislature authorized a five-year statewide pilot project to allow local public agencies to use automated parking enforcement systems for street sweeping-related violations. (AB 2567, Bradford, Ch. 471, Stats. 2010.) In 2011, the Legislature extended San Francisco's automated transit-only lane enforcement program for an additional year, and required the City and County to provide a report to the Transportation and Judiciary Committees of the Legislature no later than March 1, 2015, describing the effectiveness of the pilot program and its impact on privacy. (AB 1041, Ma, Ch. 325, Stats. 2011.) Following the receipt of that report, San Francisco's transit-only lane enforcement program was permanently extended in AB 1287 (Chiu, Ch. 485, Stats. 2015).

The following year, AB 1051 (Hancock, Ch. 427, Stats. 2016) authorized AC Transit to operate an automated transit-only lane enforcement program similar to San Francisco's with a sunset on January 1, 2022. AC Transit was required to provide to the Transportation, Privacy and Consumer Protection, and Judiciary Committees of the Legislature an evaluation report of the enforcement system's effectiveness, impact on privacy, cost to implement, and generation of revenue, no later than January 1, 2021. (Veh. Code § 40240.5.)

This bill extends the authorization to any public transit operator in the state, indefinitely. It extends the authorization from enforcement only in transit-only lanes to also include violations occurring at transit stops.

## 2. Stated intent of the bill

According to the author:

Bus only lanes are important transit infrastructure. Lanes are clearly identified with pavement markings and signage, yet still frequently ignored. Unfortunately, bus lane violations and parked cars negatively affect the reliability of public transit and pose safety issues to riders. For example, LA Metro observed one violation every four minutes in their bus only lanes on congested Wilshire Boulevard. Alameda-Contra Costa Transit (AC Transit) tracked over 500 citations before the implementation of their automatic enforcement program.

Camera enforcement is cost-effective and ideal for busy streets where parking enforcement is not realistic. Camera enforcement works. In San Francisco, camera enforcement resulted in a nearly 20% reduction in delays. In Alameda and Contra Costa Counties, a new program has seen a significant reduction in citations.

AB 917 will deter drivers from violating bus only lane designations, ensure the reliability of public transit, and help transit remain competitive in our efforts to reduce congestion.

AC Transit, a co-sponsor of the bill, writes in support:

Current law (SB 1051) allows AC Transit to use camera technology to discourage illegal parking in the transit-only lanes of our new bus rapid transit system, "Tempo." The cameras mounted on Tempo coaches have played an important role in discouraging illegal parking in the system's transit only lanes. As a result, safety for drivers and riders has improved along the route and our service is attaining a consistent on-time performance of over 80 percent. Moreover, AC Transit has not received any privacy-related complaints or requests for video imaging. The camera system has proven its value in our transit-only lanes and we are convinced that extending this authority to bus stops will provide significant benefits to our riders.

The safety and reliability of our regular service is frequently compromised when personal vehicles, moving vans, delivery trucks, and corporate rideshare services like Uber and Lyft park in bus stops. When a bus operator is not able to reach the curb, riders are forced to load/unload in the street or negotiate the large gap that is created between the bus and the curb. This is a potentially dangerous maneuver for riders to make, and an impossible one for those with a disability or mobility limitations, including seniors.

Writing in support Los Angeles Mayor Eric Garcetti asserts:

Under AB 917, transit agencies would be authorized to install forward-facing cameras on their transit vehicles to collect images of parking violations that occur in transit-only lanes and at transit stops. The parking citations do not negatively impact a driver's record, carry the same fine as a parking ticket, and can be appealed. The bill contains privacy protections and sets noticing requirements for a newly enacted program.

### 3. Right to Privacy

The California Constitution provides that all people have inalienable rights, including the right to pursue and obtain privacy. (Cal. Const., art. I, Sec. 1.) The California Supreme Court writes:

The right of privacy is vitally important. It derives, in this state, not only from the protections against unreasonable searches and seizures



guaranteed by the Fourth Amendment and article I, section 13, but also from article I, section 1, of our State Constitution. Homage to personhood is the foundation for individual rights protected by our state and national Constitutions.

(*In re William G.* (1985) 40 Cal.3d 550, 563.)

This Committee has previously expressed concern about the privacy implications of equipping large numbers of transit vehicles with forward-facing video cameras that record not only other vehicles, but also individuals on sidewalks and commercial and residential property adjacent to the roadway. When San Francisco's automated transit-only lane enforcement (TOLE) pilot program was reauthorized by AB 1041 (Ma, Ch. 325, Stats. 2011), the Legislature directed San Francisco to evaluate the privacy impacts of the program as part of a larger report on the TOLE program. That report was submitted in March 2015 and stated in relevant part:

The TOLE images and recordings are dedicated to the TOLE program and can only be used for the TOLE program. The images and footage are not used for general surveillance. Video for the TOLE program is recorded onto a special, dedicated hard drive for professional parking control officers to review for violations. After reviewing footage, hard drives are installed back onto Muni buses where they are overwritten with new data. Each hard drive can hold approximately 72 hours of video footage. There have been no recorded privacy complaints related to the TOLE program since the program began.

The Committee's analysis of that report, in the context of AB 1287 (Chiu, Ch. 485, Stats. 2015) which extended San Francisco's TOLE program indefinitely, noted:

The lack of privacy-related complaints concerning this program may be attributable to specific requirements built in to the statute authorizing San Francisco's automation of transit-only lane parking enforcement. Pursuant to this statute, San Francisco's automated forward facing parking control devices must be angled and focused so as to capture video images of parking violations and not unnecessarily capture identifying images of other drivers, vehicles, and pedestrians. Existing law specifies that these video records are confidential and may not be used or accessed for any purposes not related to the enforcement of parking violations occurring in transit-only traffic lanes. Video recordings collected by the automated enforcement system must be destroyed no later than six months after the date of collection, or 60 days after the final disposition of a citation issued on the basis of a recorded image, whichever is later. Video recordings not containing evidence of a parking violation in a transit-only traffic lane must be destroyed within 15 days after collection.

Together, these statutory restrictions and the experience gained through the pilot program suggest that this automated enforcement program is not having a negative impact on Californian's fundamental right to privacy. However, . . . it is unclear

whether the proposed expansion of transit-only corridors to other areas of the city over the next ten years will have a negative impact on privacy interests, particularly if this expansion reaches into residential districts or other areas where individuals have a heightened expectation of privacy.

Importantly, the Committee's analysis stated that "statutory restrictions *and the experience gained through the pilot program*" suggest that the program was not having a negative impact on the right to privacy, but the analysis reserved judgment as to whether the expansion of the program into other areas would negatively impact this fundamental right. In response to the expansion to AC Transit, this Committee again stressed incremental expansion with thoughtful reporting requirements. AC Transit submitted their report in December 2020. However, AC Transit did not begin to use cameras to enforce parking violations until October 2020. Therefore, the report only covers several months, all of which occurred during an atypical period, given the ongoing pandemic.

Recent amendments taken in the Senate Transportation Committee require any entity implementing a program to provide a report to the relevant committees of the Legislature, again including an assessment of the program's impact on privacy.

#### 4. Equity, due process, and revenue generation

This Committee has also previously expressed concern over the use of automated traffic enforcement programs not as a means to promote roadway safety, but as a mechanism for revenue generation and how that might affect the fairness and equity of the program. The Committee's analysis of AB 101 (Ma, Ch. 377, Stats. 2007), which created San Francisco's automated transit-only lane enforcement program noted:

While previously allowing citations based upon photographic evidence for dangerous rail crossings and red light violations appeared to be mainly supported by the lives that would be saved by increased enforcement, and deterrence of reckless conduct, parking violations do not rise to that level.

. . . Thus, the program proposed by this bill represents a fundamental shift in the justification required in order to implement an automatic enforcement system. If cost savings are considered sufficient justification for such automation, many additional types of violations could be modified pursuant to the precedent set by [AB 101].

Similarly, the Committee's analysis of AB 2567 (Bradford, Ch. 471, Stats. 2010), which authorized local public agencies to install and operate automated parking enforcement systems on street sweepers, noted:

[AB 2567] would rely upon the precedent set by AB 101 (Ma, 2007) to allow street sweepers throughout the state to capture digital photographs for purposes of

issuing parking citations. That precedent – authorizing the use of cameras to save on costs – represents a fundamental change in how California has historically used cameras to enforce violations. This legislation represents another step away from the rationale previously used to justify the use of cameras for automated enforcement. Although this bill could arguably result in reduced employee costs for local governments (and increased revenue from citations), part of that cost reduction could also come in the form of fewer employees needed to patrol for those violations.

In response to the concern that these automated enforcement programs could be used more for revenue generation than for roadway safety, the reauthorization of San Francisco’s automated enforcement program in 2011 included a requirement that San Francisco prepare a report for the Legislature evaluating the effectiveness of the program, including an analysis of the program’s implementation costs against its revenue generation. That report was submitted in March of 2015 and showed that San Francisco’s automated enforcement program for transit-only lanes at the time operated at a sustained loss. A similar study was also attached to the authorization of AC Transit’s automated enforcement program. The reporting required by this bill includes an evaluation of the change in citations issued and the generation of revenue.

Ultimately, there is concern that those paying for whatever revenue generation there is will be disproportionately low-income communities. The coalition in opposition writes:

Use of cameras is intended to reduce the number of people parked unlawfully and to increase the efficiency of public transit. While we share the author’s belief in the value of public transportation, we cannot support this bill because it will undoubtedly impose a heavy burden on low-income drivers, including vulnerable gig workers who already face severe financial and legal risks in carrying out their job duties with little protection. Women of color, particularly Black and Latinx women, are especially likely to suffer under AB 917 because they tend to bear the brunt of the cost of citations, regardless of whether or not they incurred the citations. By relying on a dramatic increase in the number of parking citations issued, AB 917 threatens to cause great financial consequence to the lowest-income among us, and particularly to low-income women of color and their families.

Unlike the existing automated transit-only lane enforcement programs, this bill expands automated enforcement to parking violations occurring at transit stops. Such a change represents a significant expansion to automated transit vehicle enforcement authority, and raises new concerns not previously at issue. Depending on how authorized entities administer this new power, it could lead to an unreasonable or inflexible mode of enforcement that would not necessarily be the case with enforcement by traffic officers present to witness a violation.

Videographic evidence necessarily limits the field of view of an observer, and prevents consideration of relevant facts that would otherwise be available to an officer who sees an event transpire in person. In addition, the holistic assessment that can be performed by an actual person on the ground allows for more thoughtful and judicious enforcement of parking violations. Will a transit vehicle's camera system be able to clearly distinguish between a vehicle slowing to park adjacent to a transit stop versus a vehicle parked in a designated transit stop? Would the angle of a transit vehicle's camera obscure critical facts that explain a would-be violator's actions, such as the presence of a small child in a vehicle's path of travel, or a disabled vehicle obstructing the normal flow of traffic?

Writing in opposition, Safer Streets expresses concerns with this enforcement scheme:

In our experience, the use of photo enforcement has consistently devolved into programs targeting minor violations rather than the more serious violations the programs were initially designed to address. This is of particular concern with regards to violations of stopping or parking in a bus zone. For example, in highly congested areas such as San Francisco and downtown Los Angeles, etc. there is often no place for drivers to pull to the curb to pick up or drop off passengers. Motorists are often faced with the necessity of temporarily pulling to the curb in a location where they are not legally permitted to do so, such as a transit only lane or bus stop. The latter is often the safer choice both for passengers and other motorists. We are concerned that these minor, temporary violations will be targeted and citations issued even if the vehicle moves out of the bus lane or bus zone as the bus arrives. Also, we have concerns that violations where a vehicle is parked at the end of a bus zone might be issued a citation in error or when only a small fraction of the vehicle extends into the bus zone.

In the bus lane camera program implemented in New York City, the program appears to recognize that there are some reasonable instances where a driver can be in a bus lane, including:

- the motorist is about to enter a driveway or make a right turn at the nearest intersection. You must make the turn within 200 feet of entering the bus lane;
- the motorist temporarily stops to expeditiously pick up or drop off a passenger at the curbside; or
- the motorist is attempting to access a parking spot next to the bus lane.<sup>1</sup>

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<sup>1</sup> *Bus Lane Camera Violations*, NYC Department of Finance, <https://www1.nyc.gov/site/finance/vehicles/bus-lane-camera-violations.page>.

The website for the program also specifically lists out possible defenses:

- your evidence shows that you did not travel in the bus lane for more than 200 feet, or the evidence against you does not establish that you were in the bus lane for more than 200 feet;
- your evidence shows that some condition on the roadway prevented you from making an immediate right turn—for example, it was not safe or legal to do so;
- the conditions existing on the roadway left you with no other option but to enter and stay in the bus lane for more than 200 feet;
- you were complying with the direction of law enforcement personnel; or
- you have evidence of a sudden mechanical breakdown or medical emergency that necessitated your parking in the bus lane.

The Committee may wish to consider whether additional parameters should be included for what videographic evidence is sufficient for establishing a violation and what defenses are available, particular to these programs.

The coalition in opposition touches on related concerns:

Using video imaging to enforce transit-only lanes is still a novel practice. As such, the technology and process will sometimes lead to errors. Yet, unlike in felony cases, the overwhelming portion of people receiving parking citations are unrepresented. They also receive far fewer procedural protections than do those in traffic or criminal court. For these reasons, they are less likely to identify errors in the technology or process that led to their citation. Thus, under AB 917, many drivers may end up erroneously receiving punishments for lawful behavior.

The bill also does not limit the fines and fees, nor the potential penalties for inability to pay such as inability to renew registration. A violation for parking in a bus zone will cost an individual \$250 in Los Angeles and \$357 in San Francisco. While recent amendments require some form of payment options be available for low-income persons and only a warning is issued for violations during the first 30 days of the program, even one ticket at a transit stop could be financially disastrous for an individual, as pointed out by the coalition in opposition:

Fines for parking enforcement are the same for everyone. A person making a six-figure income pays the same as a person living on CalWORKs. Yet, these drivers' ability to pay the costs of the violation are not the same. A low-income person who pays a parking citation can quickly fall behind on other bills such as rent, utilities or insurance and have their lights turned off, be evicted or be cited as an uninsured motorist. And failure to pay the ticket can lead to further consequences, like the inability to register one's vehicle.

For millions of Californians, their ability to register their vehicle is the difference between getting to work or losing their job. Nearly 80% of Californians regularly drive to work.<sup>6</sup> Additionally, if people cannot register their cars, their loved ones may not be able to get to school. In California, more than half of school children aged 5-17 travel to school in a private vehicle.<sup>7</sup> By causing the issuance of more parking citations, AB 917 will all but guarantee that low-income Californians face new barriers to registering their vehicles. While the author's intent to enhance public transportation is laudable, it does not justify a policy that will disproportionately inhibit low-income Californians from getting to work or school.

As pointed out in the Senate Transportation Committee Analysis, there are other options to improved transit ridership and reduced violations of traffic laws: "Specific to this bill, there are alternatives to automated video enforcement which are less punitive, such as painting transit-only lanes distinctively, better signage, a strong and ongoing public information campaign, and enhanced human enforcement." The author asserts that the "goal of the enforcement program is not to ticket more people but to deter drivers from blocking transit service." Given this goal and the issues discussed above, a warning before any financial penalties are assessed provides direct notice to drivers that camera enforcement is in effect and that any further violations will result in financial penalties. The author has agreed to an amendment extending from 30 days to 60 days the period during which a program must issue only warning notices prior to issuing notices of parking violations.

Given all the issues raised above and the lack of adequate data outside of San Francisco, and only then for transit-lane enforcement, arguably the best approach is for the state to continue its pattern of incremental roll out informed by quality data by limiting this expansion of automated enforcement. The author has agreed to amendments that place a five-year sunset on the extended authority provided by this bill, except for the authority granted to the City and County of San Francisco and its program. Given the January 1, 2027, sunset date, the amendments will also move the required evaluation report deadline to January 1, 2025.

### SUPPORT

Alameda-Contra Costa Transit District (co-sponsor)

California Transit Association (co-sponsor)

Los Angeles County Metropolitan Transportation Authority (co-sponsor)

ActiveSGV

Alameda Chamber of Commerce

Alameda County Transportation Commission

Center for Independent Living

Central City Association of Los Angeles

City of Culver City  
City of Santa Monica  
City of Santa Monica Department of Transportation  
Disability Rights Education & Defense Fund  
East Bay Transit Riders Union  
Fast Link DTLA  
Foothill Transit  
Long Beach Public Transportation Company  
Los Angeles County Municipal Operators Association  
Mayor Eric Garcetti  
Metropolitan Transportation Commission  
Montebello Bus Lines  
Natural Resources Defense Council  
Oakland African American Chamber of Commerce  
Oakland Chamber of Commerce  
Orange County Transportation Authority  
Peninsula for Everyone  
Sacramento Area Council of Governments  
San Diego Metropolitan Transit System  
San Francisco Bay Area Rapid Transit District (BART)  
San Francisco County Transportation Authority  
San Francisco Municipal Transportation Agency (SFMTA)  
San Mateo County Transit District (SAMTRANS)  
Santa Monica Forward  
South Pasadena Residents for Responsible Growth  
Southern California Transit Advocates  
Spur  
Streets for All  
Streets for People Bay Area  
UCLA Luskin Center for Innovation  
United Seniors of Oakland and Alameda County  
One individual

**OPPOSITION**

ACLU California Action  
East Bay Community Law Center  
Electronic Frontier Foundation  
Lawyers' Committee for Civil Rights of the San Francisco Bay Area  
Safer Streets LA  
Western Center on Law & Poverty  
Western States Trucking Association

## RELATED LEGISLATION

### Pending Legislation:

AB 550 (Chiu, 2021) authorizes a pilot program for automated speed enforcement in several cities in California. This bill was held in the Assembly Appropriations Committee.

SB 111 (Newman, 2021) authorizes school districts to use automated enforcement on school bus stop signs. This bill is in the Senate Transportation Committee.

### Prior Legislation:

AB 1051 (Hancock, Ch. 427, Stats. 2016) *See* Comment 1

AB 1287 (Chiu, Ch. 485, Stats. 2015) *See* Comment 1 and 3.

AB 1041 (Ma, Ch. 325, Stats. 2011) *See* Comment 1 and 3.

AB 2567 (Bradford, Ch. 471, Stats. 2010) *See* Comment 1 and 3.

AB 101 (Ma, Ch. 377, Stats. 2007) *See* Comment 1 and 4.

SB 1136 (Kopp, Ch. 54, Stats. 1998) *See* Comment 1.

SB 833 (Kopp, Ch. 922, Stats. 1995) *See* Comment 1.

SB 1802 (Rosenthal, Ch. 1216, Stats. 1994) *See* Comment 1.

### PRIOR VOTES:

Senate Transportation Committee (Ayes 14, Noes 3)

Assembly Floor (Ayes 72, Noes 2)

Assembly Privacy and Consumer Protection Committee (Ayes 10, Noes 0)

Assembly Transportation Committee (Ayes 13, Noes 0)

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