



*City of Arts & Innovation*

# Commission on Disabilities Memorandum

TO: HONORABLE COMMISSIONERS DATE: SEPTEMBER 19, 2016

FROM: PUBLIC WORKS DEPARTMENT

SUBJECT: REVIEW PROPOSED AMENDMENT - \$250 FINE FOR VIOLATIONS OF CALIFORNIA VEHICLE CODE 22500(I)

## **ISSUE:**

The issue for Commission on Disabilities consideration is review and endorsement of the proposed \$250 fine for parking violations of California Vehicle Code 22500(I) described as Parked Blocking Sidewalk Wheelchair Access.

## **RECOMMENDATION:**

That the Commission on Disabilities review and endorse the proposed fine of \$250 for violations of California Vehicle Code 22500(I).

## **COUNCIL AND COMMITTEE ACTIONS:**

On October 8, 2015, the Transportation Committee recommended that City Council adopt a resolution to amend the bail schedule for parking violations reducing the fine for violation of California Vehicle Code (CVC) 22500(I) from \$341 to \$41.

On December 15, 2015, City Council approved Resolution No. 22941 to amend the bail schedule to reduce the violation of CVC 22500(I) from \$341 to \$41. City Council also recommended that this information be brought before the Commission on Disabilities for review.

## **BACKGROUND:**

On September 25, 2012, City Council approved Resolution No. 22463 to amend the bail schedule to add CVC violations which included CVC 22500(I) described as Parked Blocking Sidewalk Wheelchair Access in the amount of \$341. This fine amount was the same as the fine for unlawfully blocking a disabled space or parking in a disabled space without a valid placard. This violation fine was added to the bail schedule to allow enforcement of vehicles blocking any curb access ramps, also referred to as curb cuts.

In the last few years, additional curb ramps have been installed at T-intersections to comply with Title II of the Americans with Disabilities Act (ADA). The curb access ramps have been installed at T-intersections in residential neighborhoods where the public is not yet accustomed to parking restrictions that come with these new sidewalk ramps. The City received a few complaints regarding the issuance of citations for parking in front of the newly installed access ramps. In an effort to address these complaints, the fine amount was reduced from \$341 to \$41.

While preparing for implementation of the new bail amount, a review by staff identified an inconsistency between the proposed reduction in the fine and CVC section 42001.5(a). Although the statute allows cities to set a higher fine amount for violations of CVC 22500(l), Blocking Sidewalk Wheelchair Access, it also dictates a minimum fine of \$250. The only exception to this is CVC 42001.5(b) which states the court may suspend a portion of the fine above \$100.

It is recommended that the Commission on Disabilities review and endorse the proposal to amend the bail schedule for violation of CVC 22500(l) to set it at the statutory statewide minimum fine of \$250.

**FISCAL IMPACT:**

On average, approximately 57 citations are issued per year for this violation. Increasing the citation amount from \$41 to \$250 will increase annual revenue by approximately \$12,000.

Prepared by: Kris Martinez, Public Works Director  
Certified as to  
availability of funds: Scott G. Miller, Interim Finance Director/Treasurer  
Approved by: Al Zelinka, FAICP, Assistant City Manager  
Approved as to form: Gary G. Geuss, City Attorney

**Attachment:**

1. City Council Report, December 15, 2015