
COUNCIL COMMUNICATION

Date: July 6, 2010

To: Honorable Mayor and City Council

From: City Manager

Subject: STREET SWEEPING PARKING RESTRICTION EXEMPTION

RECOMMENDATION

Affirm the Street Sweeping Program and Policies as approved in 2009. Continue enforcement activities utilizing spirit of law principals. Establish a minimum 24-month operational period before consideration of modifications to the current program.

BACKGROUND

In response to ongoing interest in a more effective street sweeping program, last year the City Council approved the institution of an enforcement program to reduce the number of vehicles parked on the street interfering with sweeping operations. In addition to observing vehicles parked on the street during sweeping operations, staff received complaints that, on occasion, the vehicles parked on the street would obstruct sweeping operations in front of neighbor's homes rather than their own. Upon institution of the enforcement program, a few parties have contacted the City Council with requests for exemptions to the program.

As directed by City Council, staff has investigated criteria that might be considered in granting a hardship exemption/parking permit related to the on-street restrictions during street sweeping operations. As discussed at several prior Council meetings, the current

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program has proven effective in our efforts to better sweep Brea streets.

Citation Review

The Police and Public Works Department staff's have observed a consistent trend towards compliance as the public has developed an understanding of the program's intent and operations. From October 2009 through April 2010, the Police Department issued approximately 4748 citations related to the sweeping program. Over this period, approximately 328 citations were submitted for administrative review (appeal), and 114 were subsequently dismissed. Of the citations submitted for administrative review, 15 (or 5%) requested relief based on lack of adequate parking.

Disposition of Tickets:	Dismissed after Hearing	Dismissed upon review of written request	Citation Upheld '09	Citation Upheld '10	TOTAL
REASONS FOR VIOLATION:					
Ignorance of law/Inadequate signs	2	79	87	68	236
Emergency	0	4	0	1	5
Construction on House/Street	3	8	4	0	15
Handicap	0	3	0	1	4
No Space to Park	0	2	8	5	15
Issued in Error	0	3	1	3	7
One-time event (non-emergency)	0	10	30	6	46
TOTAL	5	109	130	84	328

A transition to better understanding and reduced violations as the program matures is consistent with other municipal street sweeping program experiences.

DISCUSSION

Permit/Exemption Criteria

After analyzing elements of the current program and reviewing the information gathered

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through the Police Department citation appeals process, 72% of residents who appealed their citations (236 people), did so stating “Ignorance of the Law” as their reasoning. “No space to park” at a residence was listed as a reason in only 5% of those requesting citation reviews.

One option recently discussed when considering a street sweeping parking exemption is to use overnight parking permits as the basis for relief. The City’s long-standing overnight parking permit program addresses the lack of adequate on-site parking to comply with the citywide street parking prohibition between the hours of 2 a.m. and 5 a.m. If residents meet certain criteria, including using at least part of their garage for parking vehicles, they may be eligible for an overnight parking permit. However, the two programs have very different goals. The basis for granting a permit for overnight parking is the inability for a resident to park a vehicle at an off-site location for an extended period of time—every night. Vehicle security, lack of convenient access and distance to parking locations all support the issuance of the over-night parking permits.

Unlike the overnight restriction, the street sweeping program only requires vehicles be off the street for a very limited time, one day a week. Exemption criteria in this case would be very different than the requirement to park the vehicle each night for an extended period. Developing a fair and effective exemption/permit process for street sweeping would require obtaining very specific and difficult-to-verify information regarding parking demand at each residence at the time sweeping occurs.

Following the procedures of the overnight program, a resident would need to

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demonstrate that on a regular basis they are unable to park their vehicles on-site during the scheduled sweeping period. Because of the dynamic nature of the use of on-site parking during sweeping hours, there will likely be numerous circumstances where the parking exemption (based on over-night permits), is not necessary on any given sweeping day, diminishing the effectiveness of the program at significant administrative cost. This analysis is supported by the information gathered by the Police Department citation records and field observations that confirm that compliance is very high in the Brea community. Thus, unlike overnight permits, which address a predictable, fairly static condition, to be effective street sweeping permits would need to be granted for circumstances that are infrequent and unpredictable.

Another determinant to issuing exemptions or permits is the potential to adversely impact other community members. As was discussed previously in evaluating the over-night permit program, there is no efficient or practical method to require the holder of an exemption permit to park in front of their own residence. There is significant potential for a vehicle to be parked at a location that impacts an adjacent or nearby residence rather than the home of the permit/exemption holder.

All regulatory programs attempt to do the most good for the greatest number in a community. No program can be practically or efficiently implemented without some actual or perceived inconvenience to some people. The current street sweeping program, based on all the data, all of our field observations, and implemented as

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directed by the City Council, is working well. The vast majority of residents are able to comply with the street sweeping restrictions and actually do so in order to achieve the program's goals. Therefore, it is not appropriate or practical for the few seeking relief to impact those complying and wishing to benefit from a thorough, complete sweeping of their streets.

Staff is unable to identify criteria that support the issuance of permits/exemptions from the street sweeping parking restrictions. However, given that 72% of those requesting citation reviews identified "Ignorance of the law" as the basis for their violation, we should continue and enhance our public education efforts about the program.

Green House Gas Emissions

One aspect of the enhanced street sweeping parking enforcement program is the increased use of parking enforcement vehicles. Responding to a request from a member of the public, we have calculated the green house gas (GHG) emissions of the two primary enforcement vehicles utilizing on-line information from the Environmental Protection Agency (EPA) and California Air Resources Board (CARB). The two enforcement vehicles are 2009 Ford Rangers (Low Emission Vehicles, LEV II). Their average annual mileage is estimated to be 10,500 miles. Based on miles traveled, they generate approximately 5.75 tons of GHG annually. While these GHG emissions represent an increase from a no enforcement scenario, they represent only an incremental difference from any partial enforcement program. If the City modified the

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program by sweeping alternate sides of a street, there would be an increase in GHG emissions, as the vehicle mileage would increase due to the vehicles patrolling much of the same area twice as often.

As the Council is aware, we are underway with a number of measures to reduce our overall carbon footprint, with particular emphasis on reducing energy consumption, sustainable energy generation, and vehicle efficiency. As an relevant example, in June, 2009 the Public Works Department retired a 2002 Dodge Dakota that alone was generating 4.33 tons of GHG annually. As we replace fleet vehicles, the newer equipment with enhanced emissions controls reduces GHG emissions. Our fleet includes several hybrid vehicles for use in the Police Department and other departments. In Fiscal Year 2010-2011, both front-line street sweepers will be replaced with equipment fueled by propane, thus significantly reducing the production of GHG emissions. We have just completed a year of participating in an evaluation all-electric Mini-E's, providing real world experience to BMW/Mini as they develop their E vehicle technology.

Like most of our municipal activities, there are environmental implications of the sweeping program. Our direction and goal is to manage our operations to deliver an overall benefit to the community and environment.

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SUMMARY

Review of citation information and field observation of increased compliance indicate the sweeping program has been successfully implemented in the community. The program is providing a high quality and efficient service to the Brea community. The Police Department will continue their efforts to work with residents to address special circumstances through a “spirit of the law” approach to enforcement activities. Given the effectiveness of the program and in recognition of our reduced resources, staff recommends a minimum 24-month operational period prior to considering modifications to the current policies and program.

Respectfully submitted,

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