

## Summary of BL2019-1616

What this legislation does:

1. Approves the Parking Agreement with Preston Hollow Capital, LLC, and authorizes the execution thereof. See separate summary of this agreement for details.
2. Amends the portions of the Metro Code that set penalty amounts for parking violations, by increasing amounts that were formerly \$10 or \$15 to \$25
3. The amendment to Section 2.44.070 updates the section formerly entitled “Meter Maid Patrol” and re-titles it “Parking Enforcement Patrol.”
  - a. It further updates this old Code section to conform more closely to current practices.
  - b. It allows the Parking Enforcement Patrol (PEP) to use contractors to:
    - i. Assist in the investigation of potential parking violations, including by collecting and transmitting evidence of such violations, including images, to PEP;
    - ii. Deliver notice of the citation to the owners of the vehicle in violation.

Note: PEP officers (who are Metro employees) review the evidence, determine if a violation occurred, and if so, issue or cause issuance of a citation. No citation will be issued unless a PEP officer determines that there is probable cause to believe that a violation of the parking provisions of the Metropolitan Code has occurred.

4. Amends the section of the Code regarding the Traffic Violations Bureau (TVB) to:
  - a. provide that the PEP’s contractor can also assist the TVB with the performance of its duties involving parking enforcement violations.
  - b. Allows the use of electronic forms to notify traffic violators to appear in answer to charges
5. Amends the definition of “parking meter” to include a parking pay station that may service multiple spaces
6. Makes a similar amendment to the definition of “parking meter space”
7. Amends the section of the Code regarding towing and booting vehicles parked on Metro streets, as follows:
  - a. Replaces the word “booting” with the word “immobilizing” and defines it as to “attach[] a device to a vehicle that prevents the vehicle from being legally driven”
  - b. Provides that in addition to MNP and the PEP, the PEP’s contractors may also have authority to impound or immobilize a vehicle, under certain specified circumstances when impounding or immobilization is determined to be justified.

NOTE: there is no amendment to the circumstances when impounding or immobilizing a vehicle is determined to be justified. These circumstances remain the same as they are under current law.
  - c. Requires MNP, the PEP or the PEP’s contractor to keep careful and thorough records from wreckers in the event of an impoundment
  - d. Replaces the word “booting” with the word “immobilization” throughout the remainder of this provision, but provides that owners of vehicles will retain all the same due

process rights to contest the immobilization or impoundment that they have now, regardless of who immobilizes or impounds their vehicle

8. The chapters of the Metro Code regarding residential permit parking and valet parking are amended to allow the Department of Public Works to utilize contractors to perform the administrative functions of these programs. Also, an article creating a downtown area residential permit parking program, which is not used, is deleted.
9. A provision that there will be no parking regulation on Sundays is deleted.
10. Amends the provisions about how meters work to allow payment for parking by credit card pay station and by web-based application, subject to the control of the Traffic and Parking Commission. This is subject to the requirements that:
  - a. The customer must be provided with an electronic or paper receipt, so as to be able to prove they paid for parking when they did;
  - b. The customer must be able to be provided with notice of the imminent expiration of the period for which they have paid to park, either on the face of the meter or electronically.
  - c. A prohibition on parking for longer than the designated period allowed for parking in a particular space shall apply no matter how payment was made to park in the space, but notice of the expiration of this time period shall be provided to the customer, either on the face of the meter or electronically
11. Provides that the exception that allows disabled persons to park at meters for free does not entitle a disabled parker to park for a period of time exceeding any parking time limit applicable to the space in question, and providing that if this limit is exceeded, such disabled parker would be subject to the applicable penalty for parking for a period of time in excess of the applicable parking time limit. NOTE: disabled drivers will still be able to park for free. They will just not be immune from penalties for violating applicable parking time limits. This is not really a change from existing law, it just makes it more clear. However, enforcing this penalty in such cases will be a change from current practice.
12. Adds a “hard” or final sunset date to the green parking permit program, of June 30, 2021, by deleting the provision allowing further extension of this term by resolution.
13. Deletes the carbon offset parking permit program.
14. Adds an exception to the section of the Metropolitan Code regarding deployment of surveillance or electronic data gathering devices onto public rights-of-way, for the Metropolitan Government’s on-street parking program, whether administered by the department of public works or a contractor.
15. Waives the collection of the processing fees for payments made for on-street parking by customers of the Parking Company in an amount that is equal to the amount paid by the third party processor for processing the payment (this is a standard and required provision).
16. Allows amendments to the agreement to be made by resolution.