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OFFICE OF THE CITY MANAGER

NO. LTC # *318-2014*

LETTER TO COMMISSION
CITY CLERK'S OFFICE

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: September 15, 2014

SUBJECT: **FREIGHT LOADING ADJUSTMENTS (FLZ) - UPDATE**

As you may recall, on May 28, 2014, the Mayor and Commission approved Ordinance No. 2014-3873, on second and final public hearing, establishing freight loading regulations. The ordinance was approved with an effective date of July 1, 2014; however, a thirty (30) day grace period was recommended and the Mayor and Commission endorsed commencement of enforcement on August 1, 2014.

On July 30, 2014, the Mayor and Commission discussed Item No. R9G, entitled, "Revisit the Commercial and Freight Loading Zone Ordinance 2014-3873 due to the significant reduction in parking spaces available on Washington Avenue and concerns regarding the loading hours and size of loading zone." The item was discussed and the following actions were endorsed by the Mayor and Commission:

- Follow-up meeting with Michael Grieco, City Commissioner, Saul Gross, Chairman, Mayor's Washington Avenue Blue Ribbon Panel, and Saul Frances, Parking Director.
- Conduct a freight loading zone utilization survey.
- Item C4B, "Referral to the Land Use and Development Committee for a discussion on how to mitigate the impact of the Loading Zone Ordinance on available Washington Avenue parking" - Requested by Commissioner Malakoff.
- Defer enforcement of the ordinance until October 1, 2014.

As a result of the aforementioned directions, the following actions have either taken place or are underway:

FLZ Utilization Survey

A license plate survey of seven (7) freight loading zones (four on Washington Avenue and three on side streets throughout the corridor) for a six (6) day period (conducted on Monday, August 18th to Saturday, August 23rd) during all freight loading hours for each freight loading zone surveyed. The survey classified vehicles into two categories: "Trucks" and "Others". "Trucks" were defined as vehicles over 10,000 lbs. and "Others" were defined as any other motor vehicle under 10,000 lbs. The data reflects "Truck" usage, by hour, was 10% and "Others" usage was 90%. Of course, "truck" usage of the freight loading zones was the focal point of the analysis. The data depicts very high usage by "Others". This is largely attributed to the extended enforcement grace period where "warnings" have been issued in lieu of graduated enforcement (warnings, citations, towing) of the freight loading regulations. Although advance warnings have been issued throughout the corridor since July 14, 2014; and some level of compliance

has been observed. Clearly, the data is not reflective of utilization when comprehensive enforcement efforts are applicable. Additional surveys/data collection will take place upon commencement of enforcement. Recommendations for initiating enforcement efforts are provided below.

FLZ Adjustments

A meeting was held with Michael Grieco, City Commissioner; Saul Gross, Chairman, Mayor's Washington Avenue Blue Ribbon Panel; and Saul Frances, Parking Director. The meeting was fruitful and resulted in the following adjustments to freight loading regulations.

- Removal of FLZ on Washington Avenue:
 - ✓ Removal of the FLZ on the 500 block (east side) with supporting FLZs on the 200 block of 6th Street; and 600 block of Washington Avenue (east side); and
 - ✓ Removal of FLZ on the 900 block (east side) with supporting FLZs on the 400 block of 10th Street; and 200 block of 9th Street.
- Reduction in size, from five (5) spaces to three (3) spaces, at the following FLZ locations:
 - ✓ 800 block (west side) of Washington Avenue
 - ✓ 1100 block (east side) of Washington Avenue
 - ✓ 1400 block (east side) of Washington Avenue
 - ✓ 1600 block (east side) of Washington Avenue
- Reduction of hours, from 7:00 AM - 3:00 PM to 7:00 AM to 11:00 AM, at four (4) freight loading zones on Washington Avenue:
 - ✓ 1100 block - east side
 - ✓ 1200 block - west side
 - ✓ 1300 block - east side
 - ✓ 1400 block - east side
- Periodic monitoring of FLZ utilization. This was identified as a key factor in making future adjustments to account for seasonality when demand fluctuates.

In response to concerns raised by Ocean Drive Association (ODA) and observations of usage of FLZs on the side streets between Ocean Drive and Washington, there is underutilization after 4:00 PM. Therefore, freight loading zone hours will be adjusted as follows:

- FLZ hours will be reduced from 7:00 AM - 8:00 PM (13 hours) to 7:00 AM - 4:00 PM (9 hours) or 7:00 AM - 6:00 PM (11 hours), contingent upon demand.
- Reduction in size, from five (5) spaces to three (3) spaces, at five (5) strategic FLZ locations on side streets (between Washington Avenue and Ocean Drive).

The aforementioned adjustments result in the return of 4,344 (34%) of the 12,620 weekly parking hours initially allocated for FLZ use. We are confident these adjustments will increase parking availability through the corridor, including Washington Avenue and adjacent side streets; maximize efficiencies of parking space use by patrons and purveyors, with little to no impact to freight loading operations.

FLZ Enforcement

Extended warning periods have diluted the effectiveness of the program, purveyors have made good faith efforts to comply with the program requirements. In fact, 310 (253 FLZ and 57 AL) permits have been sold. Purveyors are utilizing freight loading zones when available. Unfortunately, unauthorized vehicles are utilizing freight loading zones through the extended warning period since enforcement efforts have been deferred on multiple occasions with the most recent extension to October 1, 2014.

On August 20, 2014, the Land Use and Development Committee (LUDC) held a discussion on this item and a motion was approved to continue with a commencement date of October 1, 2014, for enforcement of double parking (moving violations) by Police; and commence with enforcement of freight loading parking regulations (non-moving violations) by Parking Enforcement as soon as practicable.

The Mayor and Commission approved a thirty (30) day warning period, immediately after the ordinance effective date which would have been August 1, 2014. As previously mentioned, on July 30, 2014, the Mayor and Commission deferred the commencement of enforcement of the ordinance to October 1, 2014. However, I am initiating enforcement of the ordinance pertaining to parking regulations (non-moving violations) by Parking Enforcement only on Monday, September 22, 2014, and enforcement of double parking (moving violations) by Police on October 1, 2014. This authority is established under the inherent police powers of the City Manager. If you should have any concerns or questions regarding my direction to these enforcement agencies, please contact me.

Lastly, I have attached an article entitled, "Paying the Freight" from the International Parking Institute (IPI) Parking Professional (trade magazine), dated July 2014. The article describes comparable freight loading and enforcement challenges in other cities with a focus on parking fines being simply a "cost of doing business" with little recourse other than to manage parking fine collections through fleet management programs.

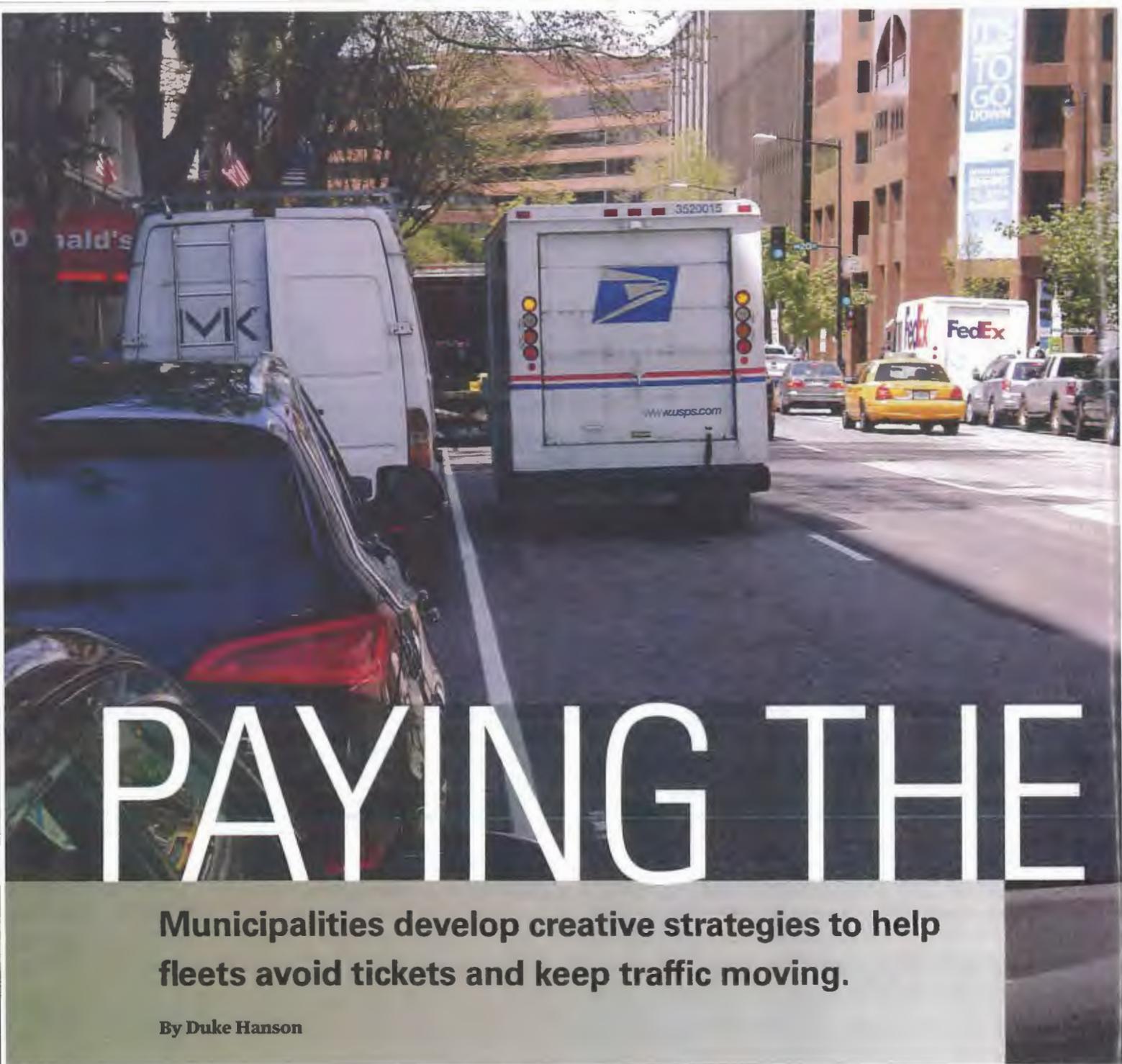
In speaking to the author of the article, Duke Hanson, Duncan Solutions, regarding freight loading enforcement and compliance, he applauded Miami Beach's approach to enforce double parking through the issuance of moving violations by Police, as he had not encountered this approach in other jurisdictions. "This would make for a great follow-up article", he added. The enforcement of double parking by issuing moving violations to the vehicle operator holds the vehicle operator accountable and closes the "cost of doing business" loophole.

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If you should have any other questions, please contact Saul Frances, Parking Director via email or at extension 6483.

c: Kathie Brooks, Assistant City Manager
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PAYING THE

Municipalities develop creative strategies to help fleets avoid tickets and keep traffic moving.

By Duke Hanson

WHETHER YOU LIVE IN, WORK IN, OR JUST VISIT dense urban centers, it is likely that you've had to run the on-street gauntlet of double-parked delivery vehicles. Certainly, the Federal Highway Administration (FHWA) has noticed, as that agency attributes a significant amount of city gridlock to restrictions on freight movement, including a lack of adequate parking space for these types of vehicles. It has been estimated that delivery trucks parked curbside in downtown areas cause 947,000 hours of vehicle delay annually.

PHOTOS BY DUKE HANSON

We know trucks operated by FedEx, UPS, the U.S. Postal Service, and others are essential to urban commerce; businesses and commercial establishments depend on the delivery of goods and services. And with the rise of Internet shopping, courier and delivery services are more important to urban commerce than ever.

Given the dependency on their services, operators of large and small commercial vehicle fleets are important stakeholders in the parking community. And, as with all stakeholders, policies and mechanisms must be put in place to support their interests. For example, some

first three months of 2013, FedEx amassed \$1.8 million worth of NYC parking violations. Similarly, UPS reports that it pays NYC more than \$1 million in parking fines each quarter.

For large package and freight shipping companies, the dollars spent paying parking tickets are just another operating cost, but that cost is significant. As referenced in *Crain's New York Business* in May, "The cost to businesses is steep, but the windfall for the city is huge: an expected \$550 million this year from parking violations, compared with \$197 million from parking meters." In



cities have urged delivery fleets to shift their deliveries to off-peak times. Restricting on-street parking meter use to delivery vehicles only during periods of low demand is another strategy that has been well-received by this constituency. Regardless of the measures put in place, it is safe to assume that delivery vehicles will continue to park in an illegal manner—double parked, in crosswalks, in front of fire hydrants, etc.—and continue to get parking tickets in mass quantities.

Doing Business

In New York City (NYC), 20 to 30 percent of the approximately 10 million parking tickets write each year are issued to commercial/delivery companies. During the

most cases, the larger fleet operators consider this a cost of doing business—a cost that is surely passed along to their customers.

Usually, the operator of a cited delivery vehicle does not own it, meaning that if a citation is received during the course of business, the driver is not legally responsible for payment—the vehicle owner is. However, the vehicle owner may never know a citation was issued. With these conditions in place, it's critical that a city's on-street parking management program have a working relationship with the owners of vehicle fleets to provide a systematic, fair process for ensuring these citations are paid. To accomplish this, many large-city parking management agencies have established fleet programs



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for companies that operate a large number of vehicles to track and pay for the tickets issued to their fleets on an individual, ticket-by-ticket basis. One of the benefits to the fleet operators is that they can pay citations on a monthly basis in response to invoices that itemize each ticket assigned to each vehicle in the fleet.

Municipal Programs

The fleet program established by the Los Angeles Department of Transportation's (LADOT) Office of Parking Management comprises more than 250 fleet companies (including rental car agencies), with more than 1.2 million fleet or rental vehicles enrolled. To ensure there is adequate organizational focus, LADOT's Parking Violations Bureau staff includes a collections manager and collections analyst who have responsibility for fleet program administration.

While not as large as New York or Los Angeles, the City of New Haven, Conn., has a significant population of vehicle fleets, including that of Yale University, which is a prominent local constituent. The New Haven Department of Finance, which is responsible for citation processing-related services, relies on its parking management information system to administer its fleet program and help fleet operators better manage the citations they receive. This fleet management system module

tracks all events pertaining to fleet account activation/termination, plate additions/terminations, and invoice generations. Noticing and invoicing for citations issued to vehicles in the program are consolidated to increase efficiency, reduce program noticing costs, and provide participants with a simplified method for responding to the citations. And more importantly, when payments are not received in a timely manner, sanctions can be imposed for noncompliance, including termination from the fleet program. When that happens, the system automatically reinstates all normal sanctions and enforcement actions (i.e., booting, towing, registration hold, etc.) for the vehicles in that fleet.

Ideally, a fleet management system also should provide authorized fleet operators with credential-based secure online access to their own accounts to relieve city staff of ongoing administrative tasks such as:

- Updating account contact information.
- Adding plates, with activation dates, belonging to the fleet account.
- Terminating plates, with termination dates, belonging to the fleet account.
- Updating plate information.
- Viewing and printing current invoices.

Cities thrive when their transportation systems support user-supplier relationships, such as the in-



terdependency between businesses and those that deliver their goods and services. Clearly, delivery vehicle drivers often have little choice but to violate parking regulations as they make their rounds. So many cities, with help from their systems and services providers, have instituted programs and business rules to accommodate a group of stakeholders that is the lifeblood of a thriving business community.

While some will contend that these accommodations undermine enforcement and violate sound parking, transportation mobility, and sustainability principles, more comprehensive congestion and mobility management strategies have yet to emerge. Seattle's Department of Transportation (SDOT) is currently evaluating new strategies for managing downtown commercial vehicle load zones (CVLZs). Through a pilot program funded by a grant from the FHWA, SDOT will assess the merits and effectiveness using technology and pricing strategies for the more efficient use of downtown CVLZs. While measures such as this are in the incubator, it is safe to assume that in the near term delivery vehicles will continue to park in an illegal manner and will continue to get parking tickets in mass quantities. Parking administrators in municipalities with pockets of urban density can look to their peers in New York City, Los Angeles, New Haven, and other municipalities for strategies that address the needs of this important parking stakeholder and optimize parking citation revenue. 



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