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**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: County Counsel

SUBMITTAL DATE:
April 5, 2012

SUBJECT: Free Disabled Parking in County Garages

RECOMMENDED MOTION: The Board of Supervisors receive and file report from County Counsel on Free Disabled Parking in County Parking Garages

BACKGROUND: During the meeting on March 29, 2012, the Board of Supervisors asked County Counsel to review whether the County is legally required to provide free parking in its parking garages to persons displaying a handicap placard or license. Currently, the County charges for parking in its parking garages, including disabled parking. There is no charge for parking in the County parking lot directly in front of the County Administration Center and there are four spaces reserved for disabled parking in this parking lot.

Section 22511.5 of the California Vehicle Code provides that a disabled person displaying a disabled placard or license plates may park for free in any street metered parking space and for an unlimited time on the street in the following locations: next to a green limited time curb,

(continued next page)

PAMELA J. WALLS, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$	In Current Year Budget:
	Current F.Y. Net County Cost:	\$	Budget Adjustment:
	Annual Net County Cost:	\$	For Fiscal Year:

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

Denise C. Hayden

- Policy
- Policy
- Consent
- Consent

Dept's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: | District: | Agenda Number:

3.4

Departmental Concurrence

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blue handicap curb, where time limit zones are posted and where a resident or merchant permit would otherwise be required. Metered parking is available on Tenth and Twelfth Streets. The Vehicle Code, however, does not require that parking in public parking garages be made available free of charge to the disabled. (See *Spicer v. City of Camarillo* (2011) 195 Cal. App.4th 1423, 1427) the expression of some things in section 22511.5 necessarily means the exclusion of other things that are not specifically expressed.) Off street parking in either public or private garages is not included amongst the parking privileges afforded to disabled persons in Vehicle Code section 22511.5.

A small sampling of other jurisdictions confirm that the City of Riverside and other cities do not offer free parking to the disabled in their off-street parking garages (Sacramento [www.cityofsacramento.org/transportation/parking/onstreetplacard]; Redondo Beach [http://www.redondo.org/depts/police/our_services/parking_enforcement].

Some cities offer a discount or limited free parking to the disabled in certain parking lots: Monterey-50% discount for disabled parking [www.monterey.org/en-us/departments/parking/disabledpersonsar]; Berkeley-four free disabled parking spaces in Oxford Garage [www.ci.berkeley.ca.us/content/Display.aspx?id=8268]; Seal Beach-free disabled parking in three beach parking lots: [www.sealbeachca.gov/safety/traffic/parking]; Los Angeles County-Beaches and Harbors limited free disabled parking in beach parking lots [beaches.lacounty.gov/wps/portal/dbh/lut/p/c4/04-SB8k8xLLM9MS]; Oakland airport-reduced parking rate for disabled [www.flyoakland.com/parking-about.aspx].

While the County is not required to offer free parking to the disabled in its parking garages, it is not prohibited from doing so. Under Proposition 26 (California Constitution article XIII C, section 1, subdivision (e)(2)), however, fees charged for public parking cannot be used to subsidize free or reduced cost parking for the disabled. The fees charged for providing a service such as parking cannot exceed the actual cost of providing the service. Such subsidy would need to be paid from the general fund.