



CLEAN AIR: City enforces parking laws to improve air quality

August 2009

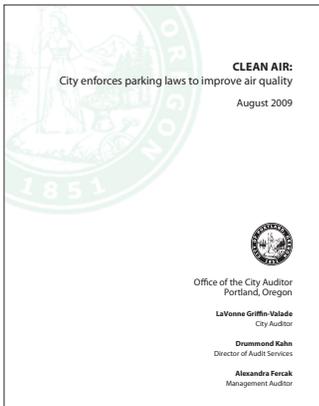


Office of the City Auditor
Portland, Oregon

LaVonne Griffin-Valade
City Auditor

Drummond Kahn
Director of Audit Services

Alexandra Fercak
Management Auditor



Production / Design
Robert Cowan
Public Information Specialist



CITY OF
PORTLAND, OREGON

OFFICE OF THE CITY AUDITOR
Audit Services Division

LaVonne Griffin-Valade, City Auditor
Drummond Kahn, Director of Audit Services
1221 S.W. 4th Avenue, Room 310
Portland, Oregon 97204

(503) 823-4005 FAX (503) 823-4459
www.portlandonline.com/auditor/auditservices

August 27, 2009

TO: Sam Adams, Mayor
Nick Fish, Commissioner
Amanda Fritz, Commissioner
Randy Leonard, Commissioner
Dan Saltzman, Commissioner
Susan Keil, Bureau of Transportation Director
Lavinia Gordon, Transportation Systems Group Manager
Nolan Mackrill, Parking Enforcement Manager

SUBJECT: Audit – Clean Air: City enforces parking laws to improve air quality
(Report #381)

The objective of the attached audit report was to determine whether the City of Portland is enforcing vehicle registration laws for vehicles parked on city streets. We found that parking code enforcement officers are consistently enforcing those laws which contributes to a reduction in air pollution and boosts parking enforcement revenues.

We also learned that the fine for vehicle registration parking violation is low relative to the total cost of registration. This creates an incentive to violate the code and to view such noncompliance as low risk. Multnomah County Circuit Court is the local agency that sets the fines for City of Portland parking violations. According to the Bureau of Transportation, the City is currently working with the Circuit Court to raise parking violation fines.

We appreciate the cooperation and assistance we received from the Bureau of Transportation staff as we conducted this audit. The report includes responses from Mayor Sam Adams and Bureau of Transportation Director Susan Keil.

LaVonne Griffin-Valade
City Auditor

Audit Team: Drummond Kahn
Alexandra Fercak

Attachment

CLEAN AIR:

City enforces parking laws to improve air quality

Summary The City of Portland's parking enforcement plays an important role in protecting air quality. Because motor vehicles are a major source of air pollution in the Portland area, the Oregon Department of Environmental Quality (DEQ) inspects vehicles as part of its clean air vehicle inspection program.

One of the ways the City of Portland's Bureau of Transportation contributes to reducing air pollution is by enforcing vehicle registration laws. Since Portland area vehicles must pass vehicle emissions tests to be registered, the City's enforcement of unregistered vehicles can directly reduce the number of polluting vehicles on Portland streets. An unregistered vehicle (for example, a car with expired license plate stickers) can be cited for failing to display current registration, even if the vehicle is otherwise parked properly.

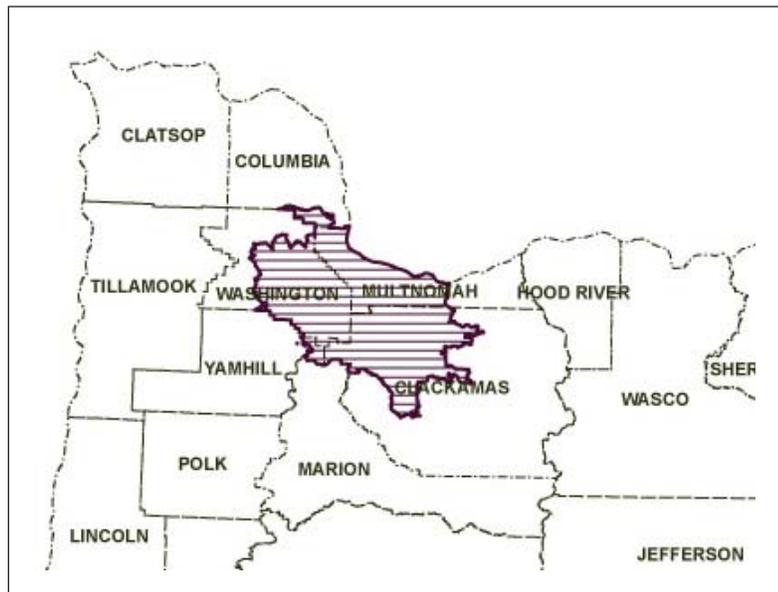
Our objective was to determine whether the City of Portland is enforcing vehicle registration laws for vehicles parked on city streets. We found that parking code enforcement officers are consistently enforcing vehicle registration laws. However, the fine for vehicle registration parking violation is low. Parking violation fines are set by the Multnomah County Circuit Court, and according to the Bureau of Transportation, the City, together with the Circuit Court, is currently reviewing all parking enforcement fines.

Background **Vehicle Registration Impacts the City's Air Quality**

The federal Clean Air Act requires that areas with air pollution problems run vehicle inspection and maintenance programs. Oregon implemented the Vehicle Inspection Program, operated by the DEQ, to help stay within federal air quality guidelines and reduce air

pollution. Most passenger vehicles in the Portland area are required to go through an emissions test before obtaining or renewing the vehicle's registration with the Oregon Department of Transportation's Driver and Motor Vehicle Services Division (DMV) (see Figure 1 for emissions testing boundary).

Figure 1 Portland area vehicle emissions testing boundary

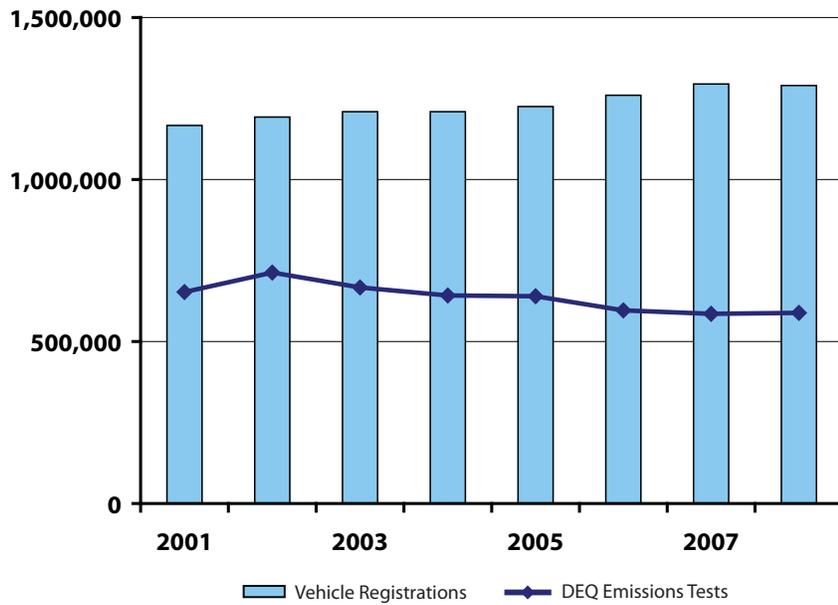


Source: Oregon Department of Environmental Quality

The DEQ inspects exhaust emissions in order to ensure that a vehicle's emissions control system is functioning and to identify vehicles that produce more air pollution than expected. According to the DEQ, vehicles that fail emissions tests produce on average up to four times the amount of air pollution than those that pass. Motor vehicle emissions contribute to high carbon monoxide levels in the air, which can have a variety of negative effects on the public's health and the environment. Emissions of carbon monoxide have improved in Portland. The DEQ reports that in the early 1970's, downtown Portland violated the national carbon monoxide health standard an average of once every three days, but since 1985 there have been no violations.

A Portland area vehicle with current license plate stickers indicates the vehicle is registered in the State of Oregon. One reason that a Portland area vehicle may not display current registration is the vehicle did not pass emissions testing required by the DEQ. Over the last several years, the DMV has seen an increase in the number of vehicles registered in the Portland area. The number of emissions tests conducted is lower than the number of vehicle registrations, because not all vehicles registered in the Portland area are required to pass emissions testing. In addition, the DMV recently changed the registration of new vehicles to a period of four years, while older vehicles are registered for two years (see Figure 2).

Figure 2 Portland area vehicle registrations and vehicle emissions tests 2001-2008



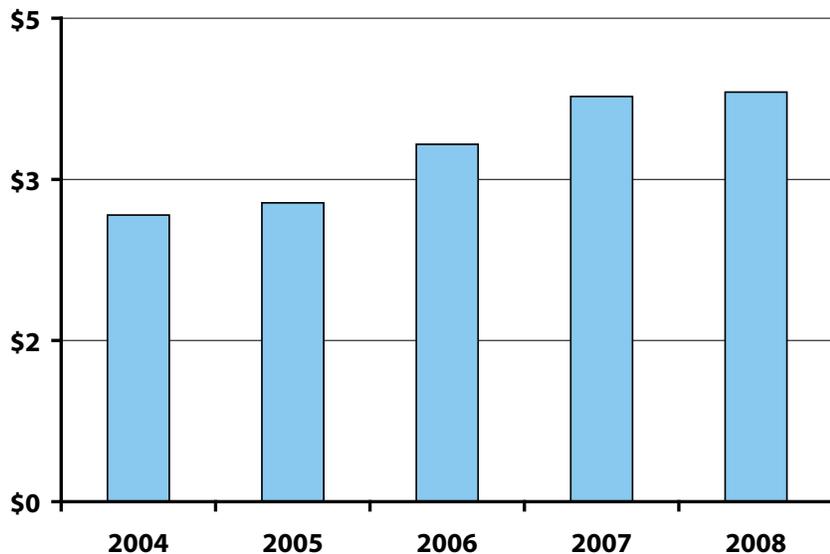
Source: Oregon Department of Transportation, Driver and Motor Vehicle Services Division, and Oregon Department of Environmental Quality, Vehicle Inspection Program

Note: Vehicles include passenger cars and trucks. Vehicle registration data are vehicles registered in Multnomah, Clackamas, and Washington Counties. DEQ emissions tests include tests conducted at testing stations in Multnomah, Clackamas, Washington and Columbia Counties.

The City of Portland is Responsible for Enforcement of Vehicle Registration Law

Parking enforcement in the City of Portland is managed by the City's Bureau of Transportation. The Parking Enforcement Division enforces parking rules and regulations in order to maintain safe and continuous traffic flow, support retail and commercial businesses, and help ensure neighborhood livability. Revenue from parking fines increased over the last four years. During fiscal year 2008, the City's share of fine revenue was over \$3.8 million (see Figure 3), which represents 3 percent of the City of Portland transportation operating fund's total revenue.

Figure 3 City of Portland parking fines revenue
FY 2004-2008 (in millions)



Source: City of Portland Comprehensive Annual Financial Report

The Bureau of Transportation's vision for the City of Portland is to have a sustainable transportation system that balances social, economic, and environmental values. The work of parking code enforcement officers is important in supporting this vision, because in addition to enforcing parking rules and regulations, parking

enforcement affects the City's air quality. For example, officers can cite drivers for leaving the engine running in a parked vehicle, and the City's high turnover of parking spaces helps to decrease vehicle emissions since the public is not driving around looking for parking. In addition, the enforcement of expired and unregistered vehicles affects Portland's air quality by ensuring vehicles have current registration and, where applicable, have passed emissions testing.

Parking code enforcement officers have the authority to issue citations for parking violations defined in City Code Title 16, which includes violations of Oregon vehicle registration laws. City Code states that vehicles parked on the public right of way must be registered and must display current registration or a current vehicle trip permit. The vehicle registration violations are identified as Expired Registration or Failure to Display Current Registration. The officers can cite a vehicle without license plates or a current trip permit, or a vehicle with license plates but with expired registration stickers. In both cases, the vehicle's owner can be cited for failing to display current registration, even if the vehicle was properly parked and the driver did not violate another parking regulation.

Audit Results

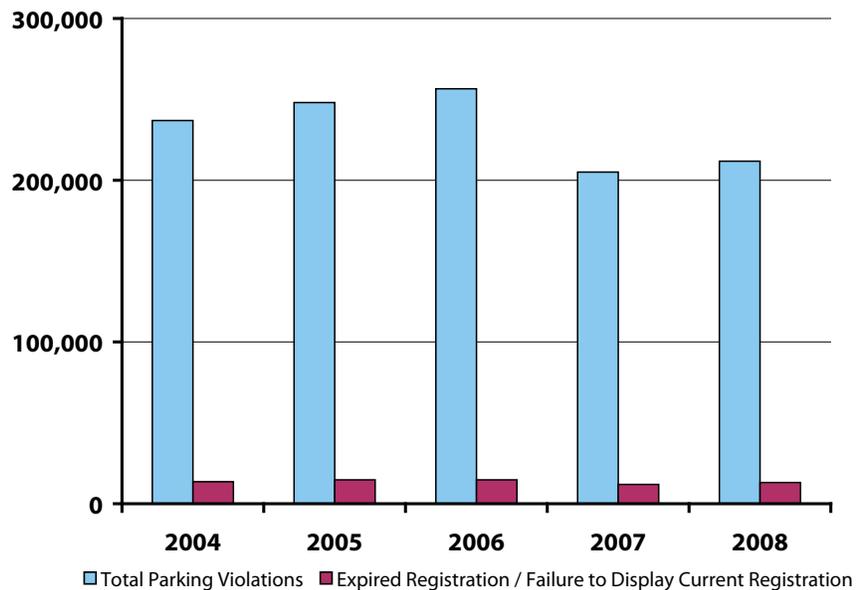
The objective of the audit was to determine whether the City of Portland is enforcing vehicle registration of vehicles parked on city streets. We found that parking code enforcement officers are consistently enforcing vehicle registration laws. However, the fine for vehicle registration parking violation is low.

The City Consistently Enforces Vehicle Registration Law

We determined that parking code enforcement officers consistently enforce vehicle registration laws by issuing citations for failure to display current vehicle registration or having expired registration. During our observations of parking enforcement patrols, we noted that officers actively check registration tags on all parked vehicles and issue vehicle registration citations, regardless of whether the vehicle is violating other parking codes. The total number of citations issued for vehicle registration violations has been stable over the last four years (see Figure 4). We also found that in 2007 and 2008

the majority (about 74 percent) of vehicle registration citations were issued independent of other citations issued for the same vehicle. In other words, officers issued most citations for registration violations in cases where the vehicle was otherwise parked legally. The citation data for the past several years is consistent with our observations of parking enforcement practices.

Figure 4 Parking violations in 2004-2008



Source: Bureau of Technology Services, City of Portland

City Code lists 91 different parking violations. The majority of parking citations issued by the parking code enforcement officers are for vehicles parked overtime. Vehicle registration violations consistently represent approximately 6 percent of total parking violations. However, we found that vehicle registration citations were the second most frequent parking citations issued in 2008 (see Figure 5), and among the five most frequent citations issued by parking enforcement officers between 2004 and 2007.

Figure 5 Most frequent parking citations in 2008

Rank	Violation	# issued
1	Overtime Meter	118,180
2	Failure to Display Current Registration/ Expired Registration	13,140
3	Loading Zone	12,761
4	Overtime Parking	11,266
5	No Front or Rear Plate	9,689

Source: Bureau of Technology Services, City of Portland

We also found that officers are enforcing vehicle registrations on out-of-state vehicles parked in the City by verifying the vehicle clearly displays current registration stickers. For vehicles with license plates from states which do not issue registration stickers, the parking enforcement policy directs officers to call the parking office dispatch to check on the other state's practice.

The Fine for Vehicle Registration Violations is Low

Failure to register a vehicle and failure to properly display current vehicle registration stickers is classified by Oregon Revised Statute as a Class D traffic violation. Class D traffic violations carry a not-to-exceed \$90 fine. Oregon law gives local agencies the authority to set the specific violation fine and classification, as long as they are less than the maximum fine and classification defined by statute. Multnomah County Circuit Court is the local agency that sets the fines for City of Portland parking violations.

The current fine for violating City Code Failure to Display Current Registration or City Code Expired Registration is \$40 and \$35 respectively. The Parking Enforcement Division recently compared the City's vehicle registration parking fine to fines in six other cities, and found that Portland's vehicle registration parking fine is lower than the average fine for the six cities. In addition, the 2009 Oregon Legislature increased the two-year vehicle registration fee from \$54 to \$86, which is more than double the fine for violating the City's

parking code for vehicle registration. This means that it costs less to pay the fine for not registering a vehicle than the cost of registering the vehicle. Moreover, in order to register a Portland area vehicle, the DMV requires proof of vehicle insurance and proof that the vehicle passed DEQ emissions test. Consequently, the total cost to register a vehicle includes the registration fee, vehicle insurance, and may include repair costs if the vehicle does not pass emissions tests.

When the fine for violating vehicle registration parking code is low relative to the total cost to register a vehicle, it creates an incentive to violate the code and to view noncompliance as low risk. Studies, including a 2004 study by the Arizona Department of Transportation, show that both strong punitive action and consistent enforcement are needed to increase the incentive to comply with the law.

According to Parking Enforcement management, the City, together with Multnomah County Circuit Court, is currently reviewing all parking enforcement fines.

Conclusion

During our review, we found the City of Portland parking code enforcement officers consistently enforce vehicle registrations, but the fine for violating vehicle registration parking code is low. We learned that the City, together with Multnomah County Circuit Court, is currently reviewing parking violation fines. In order to motivate the public to comply with the City's vehicle registration parking code, we encourage the City to work with Multnomah County Circuit Court to consider increasing the fine for violating the code.

Audit Objective, Scope and Methodology

The objective of this audit was to determine whether the City of Portland is enforcing vehicle registration of vehicles parked on city streets. To accomplish our objective, we reviewed parking enforcement City Code and policies, interviewed parking enforcement management, and reviewed Bureau of Transportation annual financial statements. In order to assess the parking enforcement of vehicle registrations in the City, we interviewed parking code enforcement

officers and directly observed parking enforcement operations. We also interviewed Portland Police to learn about their vehicle registration enforcement practices.

To determine the frequency and type of vehicle registration parking violations, we analyzed parking violations data from 2004 through 2008. Our review also included a sample of selected parking vehicle registration violations from January and February of 2009. We reviewed the source of parking violations data and determined the data is sufficiently reliable to answer our objective.

In order to assess the fine for violating the City's vehicle registration parking code, we compared the maximum fine for violating vehicle registration law set by Oregon statute to the City's parking enforcement and police enforcement fines, and to other cities' parking enforcement fines. We also compared the City's vehicle registration fine to the Oregon vehicle registration fee charged by the Oregon DMV.

We gained an understanding of the vehicle registration and emissions testing process, and we reviewed Oregon Revised Statute and Administrative Rules and recent vehicle registrations changes passed by the Oregon Legislature. To obtain input on improving vehicle registration enforcement by the City, we met with managers from DMV and DEQ Inspection Program. In order to review vehicle registration and emissions testing trends in the Portland area, we reviewed vehicle registration and trip permit data, and DEQ vehicle emissions testing data for the years 2001 through 2008. For the purpose of this audit, we did not independently verify the reliability of the DMV and DEQ data. We studied the 2009 Central Portland Transportation Plan, and the federal Clean Air Act to gain an understanding of how transportation management affects the City's air quality and livability. We also reviewed other cities' audits on parking enforcement and vehicle registration enforcement.

We focused the scope of this audit on the enforcement of vehicle registration violations by parking code enforcement officers, and did not review the enforcement of other parking violations.

We conducted this performance audit in accordance with generally accepted government auditing standards. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

RESPONSES TO THE AUDIT



OFFICE OF MAYOR SAM ADAMS
CITY OF PORTLAND

August 21, 2009

LaVonne Griffin-Valade
City Auditor
1221 SW 4th Avenue, Room 140
Portland, Oregon 97204

Dear Auditor Griffin-Valade,

I would like to express my agreement with your audit report concerning effective enforcement of vehicle registration requirements by the Parking Enforcement Division. Thank you for your thorough evaluation of this process.

Enforcement of vehicle registration laws helps support cleaner air through mandatory vehicle testing and improved safety through inspections. Safety, improving air quality and reducing greenhouse gas emissions are causes I have championed in the work of the Portland Bureau of Transportation. They are also objectives of the State of Oregon and are important for commerce and livability. By working to increase compliance with vehicle registration laws jointly, we will make significant improvement.

Again, I want to thank you for acknowledging our efforts to help maintain the excellent quality of our city's air standards.

Best Regards,

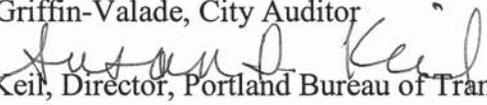
Sam Adams
Mayor
City of Portland



Sam
Adams
Mayor

August 24, 2009

Susan D.
Keil
Director

To: LaVonne Griffin-Valade, City Auditor
From: 
Susan D. Keil, Director, Portland Bureau of Transportation
Subject: Final Draft of Audit Report – Parking Enforcement

I appreciate your review and findings on Parking Enforcement's role in protecting air quality through enforcement of vehicle registration laws. Providing a sustainable transportation system that supports clean air policies is extremely important to the Bureau of Transportation.

The Bureau of Transportation supports vehicle inspection and maintenance programs as managed by the Oregon Department of Environmental Quality. Regular enforcement of the vehicle registration laws helps the region meet Federal Clean Air Act air quality standards.

Transportation's role in the enforcement of the vehicle registration law is one way that the City can support the State's vehicle testing. The proper registration of vehicles helps provide better data for identification of vehicle owners and compliance with state insurance standards. Enforcement of vehicle registration is also beneficial for traffic safety in the event that a vehicle is involved in an accident or a routine traffic stop.

The City of Portland issues citations for failure to display current registration. A comparison of other cities that issue a similar violation indicates that the fine for this violation is lower in Portland than in other cities. We agree that this parking violation is low. The level of the fine is set by Multnomah County Circuit Court.

The City is working with the Presiding Judge at the Multnomah County Circuit Court, who has authority to set the level of this fine, to increase the violation for this offense. We expect the Court to issue an order increasing the fine for this violation within several months thereby increasing compliance with vehicle registration laws and helping to reduce air pollution in our region.

Thank you for your evaluation of this important subject. Your staff thoroughly reviewed the matter in a professional and collaborative manner.

**Audit Services Division
Office of the City Auditor
1221 SW 4th Avenue, Room 310
Portland, Oregon 97204
503-823-4005
www.portlandonline.com/auditor/auditservices**

Clean Air: City enforces parking laws to improve air quality

Report #381, August 2009

Audit Team Members: Alexandra Fercak

LaVonne Griffin-Valade, City Auditor
Drummond Kahn, Director of Audit Services

Other recent audit reports:

PDC Contracting Follow-up: Contracting concerns addressed through a centralized procurement structure (#377, June 2009)

Public Works Supervisor Overtime: Most recommendations implemented but confusion about revised rule persists (#369B, June 2009)

Utility and Franchise Revenue: Equitable tax and consistent approach needed to improve collections (#375, May 2009)

This report is intended to promote the best possible management of public resources. This and other audit reports produced by the Audit Services Division are available for viewing on the web at: www.portlandonline.com/auditor/auditservices. Printed copies can be obtained by contacting the Audit Services Division.

