



MEMORANDUM

TO: HONORABLE MAYOR &
CITY COUNCIL

FROM: Fred Kelley
Director, Oakland
Department of Transportation

SUBJECT: Sidewalk Parking Enforcement
Update

DATE: December 14, 2023

City Administrator Approval

Elizabeth Lake
Elizabeth Lake (Dec 15, 2023 07:48 PST)

Date:

Dec 15, 2023

INFORMATION

The purpose of this memorandum is to provide an update on staff efforts to implement sidewalk parking enforcement since the City of Oakland Public Works and Transportation Committee (PWTC) received an [informational report](#) on the subject at its September 12, 2023 meeting.

That informational report withdrew prior agreements on certain narrow streets and sought to bring the City's policies and procedures around sidewalk parking into conformance with federal, state and local laws. A supplemental report included a schedule with additional community outreach and the anticipated implementation of "active" enforcement of sidewalk parking on January 1, 2024.

After several community meetings at which residents of narrow streets raised questions and concerns, staff worked to clarify how the City interprets "sidewalk" for the purpose of sidewalk parking enforcement and to revise its implementation plans. As the result of community input and explained below, the implementation date and the overall implementation strategy has changed.

How does the City define "sidewalk" for the purpose of sidewalk parking enforcement?

areas in the public right of way including but not limited to "street," "curb," "parkway," and "pedestrian path of travel" (see the image and labels below).

The California Vehicle Code (CVC) and Oakland Municipal Code (OMC) distinguish several



In both state and local law, the term “sidewalk” is sometimes used to designate the general area over or beyond the curb (line **a**) and at other times to designate an area that has been improved as a pedestrian path of travel (line **b**). For the purpose of sidewalk parking enforcement, the City interprets sidewalk as specific to the pedestrian path of travel (line **b**). The practical result of this clarification is that vehicles on narrow streets will be able to park with two wheels over the curb so long as vehicles do not impede into and obstruct the pedestrian path of travel. Doing so assumes the presence of a “parkway”.

What about enforcement of the “parkway” on narrow streets recognizing that drivers often use that area to ensure adequate space is maintained for larger vehicles, especially for emergency vehicles such as fire engines?

The OMC also prohibits the stopping, standing or parking on parkways ([OMC 10.28.020](#)). That the OMC does so is further evidence that the Oakland City Council distinguishes between the “parkway” and the “pedestrian path of travel”. On residential streets, Parking Enforcement staff have not and do not intend to “actively” enforce parkway parking. Rather, staff respond to requests for enforcement of parkway parking violations in much the same way that they do for driveway blocking: responding to requests from the residents impacted and not from the general public. Moreover, in responding to such requests, staff will take into consideration whether and how a given parkway has been improved, e.g., enforcing when the parkway is grass (as is the case in the photo above), but not enforcing when the parkway has been improved with paving or other hard services so as to accommodate two wheels up over the curb (without impeding the

pedestrian path of travel).

What is the new schedule for implementing the *active* enforcement of sidewalk parking?

The original implementation schedule presented in September assumed that staff would have completed additional community outreach, a period of warnings, and adequate staffing levels in Parking Enforcement by the end of the calendar year. It also assumed that active enforcement would begin City-wide.

The new schedule recognizes that active enforcement will need to be rolled out on a street-by-street basis as most narrow streets will require additional parking regulations (as authorized by [OMC 10.28.080](#)). This change of plans is consistent with the City’s guiding Parking Principles ([Resolution No. 84664 CMS](#)) which call for the active management of the parking system (such that “one size” does not fit all and that local conditions should be respected whenever possible) and that the City should work to make “parking easier” (using well designed and maintained paint and signs to promote compliance to parking regulations, minimize the likelihood of citations and help ensure the safe use of public rights of way for everyone and especially for the most vulnerable such as people with disabilities, seniors, and children).

1. December 2023, Update and Planning

Building on the work that went into this update, OakDOT staff will develop and publish a street-by-street schedule (taking advantage of OakDOT’s [Geographical Equity Toolbox](#)).

2. Q1 2024 until completion

For each of the narrow streets identified in the original informational report, staff will:

- a. Assess street conditions and determine necessary and optional improvements with input from various departments (especially Oakland Fire Department and ADA Programs Division);
- b. Facilitate street-specific community meetings, presenting necessary improvements and soliciting input on optional improvements;
- c. Finalize design, generate work orders and schedule installation;
- d. Implement active enforcement of sidewalk parking on newly improved streets, providing one warning per vehicle for a period of at least one month.

It is important to recognize that this revised schedule does not constitute a “moratorium” on sidewalk parking enforcement. Parking Enforcement will continue to respond to dispatch requests reporting sidewalk parking violations on all of Oakland’s streets, including narrow

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streets.

For questions regarding this memorandum, please contact Michael Ford, Parking and Mobility Division, at (510) 238-7670 or email mford@oaklandca.gov.

Respectfully submitted,


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