

Response to Questions on the FY 2011 Budget

Request By: Supervisor McKay

Question: How much revenue would be generated if fees for parking violations were raised from the current \$50 to \$75?

Response: In FY 2010, County fines that were either \$25 or \$40 were raised to \$50 except for parking certain commercial vehicles in residential areas which was raised to \$100. The fine for handicapped accessible parking violations was raised in FY 2009 from \$250 to \$500. In addition, there is a late fee of \$25 that is imposed on persons who do not pay within 21 days from the date of the issuance of the notice of the parking violation.

The FY 2010 fine increase was projected to generate approximately \$0.6 million in additional revenue. However based on current receipts, total parking ticket revenue in FY 2010 is expected to be approximately \$3.1 million, an increase of just \$0.3 million over the level collected in FY 2009. Revenue collections are a function of the number and types of tickets written and potentially rising compliance due to the increase in fines. Based on current revenue and the types of tickets being written, an increase from \$50 to \$75 would be expected to generate approximately \$0.5 million in additional revenue.

It should be noted that all parking offenses are classified by state law as traffic infractions and the maximum penalty for traffic infractions is set at \$250 per violation by Virginia Code §§46.2-100 and 46.2-113. However, while in theory the County could impose fines of up to \$250 for parking violations, there is a lower practical limit, because Virginia law gives persons the option of going to court to contest a parking offense and the fine could potentially be set lower by the court. The Virginia Supreme Court has established a payment schedule for fines for parking violations that generally calls for payment of a parking fine of just \$20 and a court processing fee of \$51 for a total amount of \$71. Thus, if a parking violation was contested and the court followed Rule 3B.2 (4) of the Rules of the Supreme Court of Virginia, a fine of \$71 would be imposed. If the County were to raise fines from \$50 to \$75, the fine would remain low enough to encourage most violators to prepay the parking ticket using the County's administrative procedure in lieu of pursuing a court appeal that would consume additional staff time and could result in lower fines and County revenue.

A change in the Code of Fairfax is required in order to increase parking fines. The Board of Supervisors must advertise the proposed rate increase for two successive weeks prior to holding a public hearing on the issue.