

LEGAL, ADMINISTRATIVE AND FINANCIAL ASPECTS OF URBAN PARKING SURVEYS

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A commemorative United States postage stamp issued recently in honor of the late Will Rogers provides the occasion for recalling a remark on the parking problem which he made: "If you ever find a place to park your car in New York, don't move it. Leave that car there for parking purposes and buy another one for driving around." This commentary, made in a semi-humorous, semi-philosophical vein, suggests how desperate is the plight of the American motorist in our urban agglomerations.

Public authorities have not been unaware of the need for solution of the vexing parking problem, and not unwilling in many cities to investigate the facts. Parking surveys sponsored by the State highway departments with the financial and technical assistance of the Public Roads Administration, have been completed or are in process in forty-five cities of many different types and sizes, ranging in population from 12,200 (Albert Lea, Minnesota) to 878,300 (Cleveland, Ohio).¹

These studies of automobile parking facilities in central business districts of cities, up until recently, have provided data needed for evaluation of three significant factors in the parking problem, to wit:²

(1) The location and amount of space

¹Parking surveys of varying scope have been undertaken in many other cities under the auspices of planning boards, traffic commissions, city councils, highway or public works departments, and other local bodies.

currently available for parking of vehicles;

(2) The amount of space needed for parking facilities as a function of the present usage, and

(3) The approximate locations of such needed facilities.

The techniques which have been perfected to evaluate these features appear to be entirely adequate for that purpose. It has been estimated that the total costs of conducting and consummating surveys of such scope range from approximately \$3,000 in the smaller places to approximately \$40,000 in the larger ones.

Thus, having developed the means to ascertain the basic facts relating to the supply of and demand for parking facilities and their necessary location, it seems appropriate to expand the surveys to include additional aspects of the parking problem, particularly those dealing with legal, administrative and financial questions. It would seem that little action will be taken to alleviate the situation until these matters are properly dealt with. The proposed expansion of urban parking surveys is designed to offer guidance in this direction.

Let us assume that in a particular city, there are 5,000 off-street and curb parking spaces, and that 4,000 additional spaces are needed in designated locations.

²Perhaps this is over-simplification, since much supplementary information on parking habits is developed simultaneously, but in terms of ultimate objective, these facts are the salient ones.

We need to know a lot more than these facts before any intelligent provision for additional spaces can be made. Are State or city agencies legally authorized to provide off-street parking facilities or to encourage private enterprise to do the job by the judicious use of incentives? Who is going to pay for the cost of the facilities, and will contributions be related to benefits received and ability to pay? What kind of a city agency should be assigned the task of dealing with all phases of the parking problem and does such a creature now exist in the city in question? What are the economic implications of not providing the terminal facilities so urgently needed in our downtown areas? A lot of other queries could be posted.

The general approach here suggested is to obtain an outline of existing laws, present administrative machinery, and existing means of financing parking facilities in a particular city. The adequacy of these will then be measured in light of the ascertained need for parking facilities. Deficiencies in legislation, in administrative implementation, and in finance will then become apparent. Appropriate recommendations for action should follow.

A word about the probable costs of such an expansion of the urban parking surveys, before we proceed with the details: Like that aspect of the survey which is its complement, the costs will vary with the size of the urban area and its complexity. It is conceivable that expenditures might vary from \$200 to \$3,000 or \$4,000, and very probably would not exceed 10 percent of the cost of the regular survey undertaken heretofore. Surely it would be wise to spend an additional \$3,000 in order to safeguard a \$30,000 investment and make it pay handsome dividends. Federal financial participation in all phases of these parking studies is authorized, of course.

What then, more precisely, are the possibilities in connection with each of the suggested expanded phases of urban parking surveys -- legal, administrative, financial and economic?

LEGAL ASPECTS

Basic to a study of the legal aspects of an urban parking survey is an inventory of State laws, local ordinances, and pertinent judicial decisions. The following might be labelled a check-list of types of materials that are involved:

(1) *State general enabling legislation dealing with off-street automobile parking facilities.* There are now at least 79 laws in 27 States and the District of Columbia in this category. This type of statute may be State-wide or area-wide in application. It may, accordingly, constitute an authorization for the specific city surveyed. A copy of the legislation should be obtained and analyzed with respect to its major provisions. This could include the policy declaration, an analysis of the body vested with administrative authority, and those phases dealing with planning, financing, land acquisition, construction, maintenance, and operation. The most recent amendments, if any, should be included³.

(2) *State enabling legislation of special and local character dealing with off-street automobile parking facilities.* Some states utilize special rather than general enabling legislation to authorize the establishment of parking facilities. Some 56 laws in 15 States and the District of Columbia of this character are applicable only to specific places or to special projects within a specified place. A review of the State laws of this type will reveal whether the city being surveyed is covered by any special enabling act. Copies of any pertinent enactments should be obtained and adequately analyzed, in a manner similar to that suggested under (1) above⁴.

³A monograph entitled AN ANALYSIS OF GENERAL STATE ENABLING LEGISLATION DEALING WITH AUTOMOBILE PARKING FACILITIES, revised 1947, *Bulletin No. 2*, Highway Research Board, may be helpful in this connection.

⁴It may be helpful to examine, in this connection, a study entitled AN ANALYSIS OF STATE ENABLING LEGISLATION OF SPECIAL AND LOCAL CHARACTER DEALING WITH AUTOMOBILE PARKING FACILITIES, 1947, *Bulletin No. 7*, Highway Research Board.

(3) *Zoning or other local ordinances regulating land use in relation to parking facilities.* Requirements for the provision of off-street parking facilities in connection with various property uses are frequently contained in zoning ordinances, building codes or other local laws controlling land use. At least 167 local governments in 29 States and the District of Columbia have ordinances of this kind. Classification by population groups indicates that approximately two-thirds of the localities have populations of 50,000 or less. Twenty-nine places have over 100,000 persons, and four, over 1,000,000. Apparently local governments of all sizes and complexions have been concerned with the problem of off-street parking facilities, and have sought some relief through the police power.

It is significant that 56 of the 167 localities referred to above also have comparable provisions requiring off-street truck loading and unloading facilities.

Any existing laws in this class should be analyzed with respect to the body vested with regulatory or enforcement authority, the termination of non-conforming uses, the extent of parking facilities required for specific property uses and for general uses by districts, designated size of parking space required, location and design features, provisions relating to maintenance and operation, and related matters.

(4) *Public regulation or licensing of commercial off-street parking facilities.* At least 15 municipalities including some of the largest cities in the United States, have enacted local ordinances regulating the licensing parking facilities that are operated by private enterprise for profit.

Any such regulatory laws for the city surveyed should be obtained and analyzed with respect to the prescribed method of administration, scope of the regulation, licensing procedure, license fees involved, rate regulation, design and maintenance standards, safety rules, claim check practice and damage liability, penalty provisions, and related items. Frequently, administrative regulations are issued pursuant to such local ordinances and these

should be analyzed in like fashion.

The concept of parking as a "public utility" and as "affected with a public interest" might well be explored, particularly as it would apply to standards of service, rate regulation, safety requirements, and related matters.

(5) *General authorizations.* Sometimes municipalities are authorized to establish, finance, and construct off-street parking facilities under an authorization concerning "public improvements" or "local improvements" generally. This may be the result of judicial decision or ordinance definition. In either case, the city could proceed with the establishment of parking facilities without specific legislation.

For example, a Wisconsin statute⁵ provided that the governing body of any city might acquire property, real or personal, within or without the city, by gift, purchase, or condemnation, for public purposes; may improve the same, may construct, own, lease and maintain buildings thereon for public purposes; and may sell and convey such property.

(6) *Curb parking restrictions and police regulations.* Legislative and administrative regulations with respect to curb parking exist in practically every city in the United States. If parking meters are utilized, it is pertinent to know what their legal authorization consists of, and what regulations have been issued pursuant thereto. Since curb parking constitutes an element of the parking problem, it becomes important to know what curb parking restrictions exist, how

⁵Section 62.22, Wisconsin Statutes, 1943. This statute has been construed to authorize the condemnation of property for municipal parking lots. See THE MUNICIPALITY, March, 1946, page 62, "Land May Be Condemned for Parking Areas," by Robert J. Cunningham, League of Wisconsin Municipalities. Notwithstanding, Wisconsin authorities saw fit in 1947 to amend this section, substituting the specific phrase "vehicle parking areas" for the more general phrase "public purposes."

well they are enforced, and the extent of the violations.

(7) *Judicial decisions, and attorney general and city attorney opinions.* One or more of the laws contained in the above categories may have been challenged in court or may have been made the subject of an opinion by the city attorney or the State attorney general. A recent decision of the Court of Appeals in Kentucky, for example, would be of considerable significance to most cities in that State, and should be analyzed in connection with any city survey undertaken in Kentucky. In construing specific enactments of the legislature concerning the provision of off-street parking facilities, the court held that the provision of public parking lots for automobiles constitutes a legitimate municipal purpose.⁶

(8) *Use of power of eminent domain.* Sincere efforts to assist private enterprise in the provision of off-street parking facilities are being made in some cities in the United States. In this connection, possibilities should be examined as to whether the power of eminent domain can be utilized by the municipality in the acquisition of the necessary sites and properties for needed off-street facilities, and their subsequent lease or sale to private individuals or corporations, with appropriate restrictions to ensure their permanent use, etc.

Illustrative of action along these lines is a 1948 amendment to the District of Columbia Motor Vehicle Parking Facility Act of 1942, authorizing the Commissioners of the District to lease on competitive bids for terms not exceeding fifty years, property acquired pursuant to the act, subject to such terms and conditions as the Commissioners shall deem proper.⁷

⁶See *Miller et al. v. City of Georgetown; United Corporation, Inc., v. same*, 191 S.W. (2d) 403, 301 Ky. 241, (1945).

⁷For the amendment in full, see Section 3 of the Act as amended by Public Law 728, Chapter 559, 80th Congress, 2d Session (S.2642), approved June 19, 1948.

(9) *Tax and other public concessions to private operators.* In furtherance of the objective of assisting private enterprise to the maximum in the provision of needed parking facilities, the legal and administrative possibilities should also be explored as to the granting of tax and other special public concessions to private operators of off-street parking facilities, present and future. Any existing concessions, whatever their form should be noted fully. This might take the form of real estate tax exemptions, in whole or in part, public construction of entrances or exits or other auxiliary facilities, favorable leasing arrangements involving public lands or properties, etc.

A 50-year lease arrangement between the Union Square Garage Corporation and the city and county of San Francisco, through its Board of Park Commissioners, for example, stipulates among other things that the Corporation shall pay an annual rental of only \$5,000 to the municipality, a sum that represents but a small fraction of the rental that Union Square could command on the open market.

ADMINISTRATION

An insight into the administrative aspects of existing parking facilities seems essential to an urban parking survey. This will reveal that governmental agencies or private operators are responsible for the planning, location, financing, establishment, construction, operation or maintenance of off-street parking facilities, and what their duties and responsibilities are.

The various types of parking facilities should be carefully distinguished, and the entire analysis should be made in light of the differences involved. The broad general classes of facilities might be grouped as follows: (1) *Curb parking facilities*, defined as accommodations provided by public authority for the parking of automobiles on the street, open to public use, with or without charge. (2) *Public off-street automobile parking facilities*, defined as accommodations provided

by public authority for the parking of automobiles off the street or highway, and open to the public, with or without charge. Such facilities may be publicly owned and publicly operated, or they may be publicly owned and privately operated. (3) *Commercial off-street automobile parking facilities*, defined as accommodations provided by private enterprise for the parking of automobiles off the street or highway, open to public use for a fee. (4) *Special-purpose off-street automobile parking facilities*, defined as accommodations provided by public authorities, private groups, or individuals, for restricted use in connection with public facilities, particular businesses, theaters, hotels and other private enterprises, or combinations thereof, or as adjuncts to housing developments or private residences. Such facilities may or may not be jointly established and operated. (5) *Cooperative off-street automobile parking facilities*, defined as accommodations provided by joint action of public and private interests.

Parking facilities may consist of lots, garages, or other structures and accessories; they may be surface facilities or facilities above or under the ground.

The following might well constitute lines of inquiry with respect to the mechanism of administration:

(1) Study should determine which State and local agencies are responsible, in whole or in part, for the planning, location, financing, construction, operation and maintenance of parking facilities in the particular city surveyed. It may not be at all unusual to find, upon inquiry, that ten or fifteen or more different agencies of government are responsible for some phase of the administration of parking facilities.

For example, in a given city, the police may have the responsibility, as they usually do, of enforcing curbside parking restrictions; the traffic commission may have such responsibility with respect to the formulation of curbside parking regulations including meter parking; the zoning commission, with respect to the provision of parking facilities for various property uses, under the zoning laws; the

mayor and city clerk, with respect to the licensing and regulation of commercial parking facilities of designated capacities; the highway or public works departments, with respect to parking surveys and other aspects of parking or the provision of facilities; and so on down the line.

Additionally, it would be significant to know what efforts have been made to coordinate the activities of merchants, business groups, property owners, and commercial facility operators.

(2) If a special parking agency exists, it should be determined whether it is a special authority or an adjunct to some other larger department of government; what its powers and responsibilities are; how it is constituted; and what its accomplishments have been.

(3) With respect to private or commercial parking facilities, it is desirable to ascertain whether chains of parking facilities or independent establishments predominate; whether such facilities are established and operated by private individuals, partnerships or corporations; the accessory relationship of private parking facilities to individual businesses or activities, even though operated for profit; and other related facts.

(4) It is, of course, important to know all the facts concerning parking meters, i.e., their installation, regulation, enforcement of regulations, etc.

(5) Investigation should also be made of the provision, if any, for parking facilities in master or city plans, as such, and through the zoning mechanism. Any special conditions, restrictions, or related items, should be noted.

(6) Special charts or maps that designate the locations of existing parking facilities, rates charged, and so on, should be obtained, and their sponsorship explained.

(7) The present status of zoning restrictions should be noted, insofar as they permit or prohibit the establishment of off-street parking facilities, of whatever character, in the zones where they are likely to be needed. If prohibited, the report may want to recommend the relaxing of restriction sufficiently to

permit the establishment of needed facilities.

(8) Public relations are as important in solving the parking problem as in any other public improvement program. Whatever aspects of marshalling public opinion on the parking question have been dealt with in the particular city under survey should be recorded.

(9) Finally, the analysis should include a liberal number of photographs of present conditions in the city studied, and additional sketches and charts as well, illustrative of the facts. The financial analysis, suggestions for which follow, will also lend itself to this type of visual presentation.

FINANCING AND ECONOMIC ASPECTS

All phases of the financing and the economics of the provision of parking facilities should be investigated and reported upon, in any adequate survey for a particular city.

Parking meters. One of the most obvious first tasks concerns parking meters. In terms of the number and types of meters, it is important to know what the aggregate revenue is from this source, and its legal and administrative disposition. This information would be desirable on an annual basis, for every year of operation since original installation of the meters. In addition to original cost, it would be helpful to know the installation expense, if any; the maintenance costs, estimated or actual costs of enforcement; and costs of administration generally.

Beneficiary approach to assignment of cost responsibility. There is reason to believe that the unwillingness or inability perhaps of the appropriate authorities to assign cost responsibility for the provision of off-street parking facilities according to benefits received and ability to pay accounts for much of the present failure to provide facilities on a scale commensurate with the need.

With respect to off-street parking facilities, there are at least five major classes of beneficiaries that profit from the provision of such facilities, namely;

- (1) Property owners, particularly in the immediately affected areas;
- (2) business establishments, especially within reasonable walking distance of the parking facilities;
- (3) motorists or users of the parking accommodations;
- (4) the general community, because of its interest in the well-being of the central business district in its relation to the rest of the community;
- (5) the municipality itself, because of the public investment in public improvements of all kinds.

More precisely, how does each of these beneficiary classes profit from the provision of off-street parking facilities? With respect to property, it is elementary that accessibility constitutes one of the principal characteristics of value. The provision of parking facilities restores, stabilizes, or enhances accessibility. Conclusion: Parking facilities benefit property.

A striking illustration of the current market value placed upon accessibility factors is to be found in the vicinity of the Crenshaw Boulevard shopping development, in suburban Los Angeles. Two areas, one across the street from the other, were studied. One, the Crenshaw Boulevard shopping development, has adequate outer highway and parking facilities, and the current rental value of the land is \$40 minimum per front foot, plus an additional one quarter of one percent of annual gross income, specifically charged for the parking facilities. The other area, directly across the street, and without outer highway or terminal facilities, lies idle at an asking rental of \$25 per front foot⁸. Rental figures in the first block south of Santa Barbara Avenue (in the vicinity) to the Leimert Park shopping district range from \$10.00 to \$15.00 per front foot without outer highways or parking facilities. According to the investigation, the implication is strong that this differential in rentals, to a considerable

⁸For an excellent discussion of the matter see CALIFORNIA HIGHWAYS AND PUBLIC WORKS, May-June 1948, page 1 et seq., "Outer Highways" by Frank F. Marshall and Dexter MacBride.

extent at least, may be due to the lack of comparable access facilities.

Property ownership and business enterprise are frequently coexistent, and in such instances at least, it is difficult to separate benefits accruing as a result of the two different activities. Business enterprise, especially in the downtown area of a city, most certainly thrives on accessibility by pedestrian traffic. A substantial portion of pedestrian traffic is facilitated by motor vehicles, and the relative amount is increasing constantly. Accordingly, the provision of parking facilities by and for the benefit of business enterprise is obviously "good business."

The foregoing illustration of the Crenshaw Boulevard shopping development likewise applies in this instance. The persistent policy of such huge business concerns as Sears, Roebuck and Company, Kroger's, Safeway Stores, Ralphs Grocery Company, and many others, in providing substantial parking areas for their customers is further evidence of the value of such facilities as sales generators.

The benefits accruing to motorists or users of parking accommodations are obvious enough.

While gains are perhaps not as clear as in other cases, the general community also shares the advantages of adequate off-street parking facilities. This becomes apparent when we consider that

--the aggregate property valuation in downtown areas, particularly in the larger urban areas, has been decreasing in recent years;

--while variations exist, of course, the average central district, though but 5 to 10 percent of the total city area, generally contributes as much as 25 to 35 percent of the total city revenues;

--assuming a constant level and standard of municipal services rendered to the city as a whole, a decreasing tax base, due to a diminishing contribution of the central business district, will mean more tax dollars will need to be contributed by every taxpayer, especially those residing outside the central district;

--though the exact mathematical relationship between the decreasing assessability and the decreasing tax base in the central areas, is unknown, the lack of adequate parking facilities, appropriately located and attractive in user cost, of necessity has an important influence on property values;

--and accordingly, every individual, within or without the central business district, whether a motorist or not, has a financial stake in the welfare of the downtown area. It might even be said that it would be more expedient for that individual to make a small contribution in general revenues, toward the establishment of parking facilities for the downtown area, to avoid making a relatively larger contribution later on, in order to sustain dwindling municipal revenues.

Finally, the municipality itself, in its governmental capacity, is a beneficiary of the increased accessibility resulting from parking facilities.

But what is the significance of such a beneficiary approach? In financing the provision of municipal off-street parking facilities, an ideal solution would assess costs in proportion to benefits to be received and ability to pay. Unfortunately, however, it is not a simple task to devise a satisfactory method of appraising such benefits. In the absence of a general guide, an acceptable solution may perhaps be found by assigning financial responsibility on the basis of such findings as may be made regarding the effective demand for parking relief on the part of the several beneficiary groups.

It may be found, for example, that land acquisition and other costs are so high that payment of the entire cost out of parking charges levied upon the individual vehicle would require fees so high as to discourage motorists from conducting their shopping and other business in the downtown area. Faced with such a contingency, the property and business interests in that area would find it to their advantage to participate in financing parking facilities in some proportion to the parking demand generated by the various business properties. Similarly,

the interest of the community at large in the preservation of the downtown area as a business, governmental, and cultural center may be evidenced by a strong public sentiment toward the appropriation of municipal funds for the purpose.

In working out such a solution, the optimum rates of parking charges to be assessed against the user would be determined by a study of both the local experience and that of other cities. Assignment of their respective shares of the remaining cost to the municipality and to the property and business interests, and determination of the method of assessment in the latter case, would have to be developed by negotiation and perhaps public hearings. Following the evolution of a generally acceptable plan by these means, action to put it into effect would be taken by the city government.

Such an approach to the problem of financing public parking projects requires, in addition to the analysis of data, the ability to gauge public sentiment and to lead conflicting interests toward an effective compromise. The solution will not necessarily be as complex as that indicated above. The more acute the situation, however, the greater the urgency for devising a plan which will draw support from all interested groups.

The divisions of the costs of establishing and operating parking facilities in this manner presumes a master plan and system of facilities.

To provide an insight into the possibilities of applying this approach on a scientific basis, let us consider, for the moment, some average figures derived from factual data of a number of municipalities. For example, it appears from studies of Public Roads Administration that shopper-parkers constitute approximately 27 percent in number and 16 percent in space-hours with respect to their use of parking facilities. Would not similar scientifically-derived data for a given city provide an equitable basis, among others, for assignment of costs to business establishments that benefit directly from this type of parking? The aggregate cost assigned this beneficiary class could then be apportioned in proportion

to the amount of parking generated by each of the respective businesses or enterprises constituting the group, if such parking information were available.

Admittedly, the matter of assignment of costs on a benefit-received and ability-to-pay basis is very complex. But unless this approach is further explored and utilized, some believe that there can be little hope for an equitable solution to the financial aspects of the parking problem in urban areas.

Methods of financing. An analysis should be made of all existing methods of financing with respect to off-street automobile parking facilities in the city surveyed. For this purpose, it will be necessary, of course, to separate the various types of parking facilities, and particularly the public and commercial categories.

This should be followed by study of alternate financing methods in designing a plan for relieving the existing condition of inadequacy.

While financing by private capital has in the past accounted for a substantial portion of urban off-street parking facilities, there are apparent limitations to this method of providing funds on a scale commensurate with present need.

Public financing could employ bond issues (revenue or general obligation), or direct support out of current revenues, or a combination of both. Whether bond issues are used or not, revenue support may be found from one or more of the following sources: (1) General funds; (2) *ad valorem* property taxes, which in most cities are the chief source of general funds; (3) special or benefit assessments; (4) parking fees and charges derived from the facilities themselves; (5) *excess* parking meter revenues; (6) State aids; and (7) miscellaneous forms of public support, such as concessions or incentives to private enterprise in the form of reduced property taxes, assessments or license fees; or donations of real or personal property by private individuals or by government.

The choice of any of these revenue sources for supplying public off-street parking facilities would inevitably be

affected by the findings with respect to allocation of benefits, previously discussed.

An interesting cost comparison can sometimes be made of the costs of typical curb and off-street parking spaces in a downtown street in the city surveyed. Such a comparison may be made between the probable costs of widening a designated street to provide curb parking space and serve traffic movement, and the estimated costs of off-street facilities of similar capacity, etc. The necessity for the widening, is of course, assumed, and the facts must support this assumption for the comparison to be a valid one. The costs referred to are the annual costs, including amortization of the capital investment in right-of-way, other property, construction, maintenance, operating, and other costs. In most cases it will be found that the annual costs of off-street parking facilities of comparable character are substantially less than for curb parking accommodations.

The economics of parking facilities of various types should be studied, in terms of the city surveyed. Relative costs for land, improvements, maintenance and operation can be analyzed. The rate structures can be compared. Turnover and income studies might be made, and the probable effects of subsidies might be indicated.

Economic studies ought to take cognizance of the capacity factors of various types of parking facilities; of self vs. attendant parking; of public vs. commercial parking facilities; parking garages (of varying levels and designs) vs. parking lots; underground parking; merchant-operated facilities; fringe or perimeter parking plans; interior block parking; short- vs. long-time parking; and other similar matters.

In a recent inquiry on the matter⁹, four financial alternative plans have been offered to the City of Vancouver for solution of the parking problem in the

⁹REPORT ON THE DOWNTOWN PARKING PROBLEM, City of Vancouver, British Columbia, March 1948, Office of City Engineer.

downtown area of that city, and their possibilities explored, as follows:

Plan A - Motorist pays full cost of the service.

Plan B - Motorist pays 5 cents per hour, municipality pays balance of cost out of general revenue.

Plan C - Motorist pays 5 cents per hour, downtown business interests pay balance of cost as a local improvement tax.

Plan D - Motorist pays 5 cents per hour, municipality pays balance of cost out of parking meter revenues.

A brief economic analysis of the downtown area is desirable in connection with a study of the parking problem. Present and past assessed valuations of the downtown areas, and decreases in such valuations ought to be noted, and related perhaps to the absence of accessibility. Decentralization of business in the last decade or so should be commented upon. Over-all tax significance of these facts should be noted. Perhaps the relation of mass transportation to the parking problem ought to be dealt with too. The problem of the great traffic generating capacity of the sky-scraper and the resulting parking difficulties, might be dealt with.

DEFICIENCIES AND RECOMMENDATIONS

The foregoing sections suggest the thorough assembly of the existing facts with respect to the legal, administrative, economic, and financial phases. In light of existing parking facilities, and present and anticipated demand therefor as evolved from the regular parking surveys, appropriate recommendations may be attempted. Determination as to the need for additional legal authority to deal adequately with the parking problem, proper administrative machinery, and possibilities for financing may also be made.

Some insight into such an approach to

betterment is indicated as follows:

Legislation. Examination of existing general or special State enabling legislation may reveal that the city surveyed is not authorized to undertake the provision and fostering of off-street automobile parking facilities. Recommendations for such legislation would seem to be entirely appropriate.

The precise form of such legislation could be indicated. Comprehensive studies¹⁰ of enabling legislation dealing with parking facilities indicate that general enactments, broadly applicable to all cities, counties, and other local units within the state are to be preferred over special or local acts that are enabling only for a particular city or special project.

Desirable local ordinances, for the city surveyed, could also be suggested -- ordinances that are necessary to further implement the State enabling act, perhaps spelling out some of the detail, especially those relating to finance.

Depending upon the local mores and other local factors, appropriate amendments to the zoning ordinance of the city surveyed could be recommended, specifically directed to the provision of off-street parking facilities (and truck loading and unloading facilities, for that matter) of varying amounts for the various property uses. Suggested legislative language could be included.

Because of the magnitude of the parking problem, every generator of parking demand should now make some contribution toward the provision of parking facilities.

If commercial parking facilities are

not now licensed or regulated in the city surveyed, and if such public control seems desirable in the public interest and for the protection of the motorist, legislative implementation in that direction may be suggested.

Other legal phases may be explored and commented upon.

Administration. If the city surveyed does not now possess an adequate mechanism for the administration of a needed parking program, the essentials of such a parking facilities organization may be outlined. Unwarranted division of public responsibility for the various phases of the parking program may exist, and a consolidation of functions in a centralized body, whether it be a special authority, or a special branch of an existing government agency, may be desirable. Recommendations in this field should be quite specific, if that were deemed expedient. The various types of parking facilities should be taken into consideration, of course, in the formulation of any recommendations in the field of administration.

A public relations program, if one is needed, can be suggested.

Finance and economics. This phase of the study offers the greatest promise for the exercise of ingenuity and original thinking. All possibilities for financing the parking facilities needed should be explored boldly and imaginatively, yet with a calculating sense of realities.

For example, the issuance of identification tags for a designated annual sum, admitting the motorist desiring to park to any or to designated parking facilities, is one possibility still largely unexplored. The possible revenue to be derived from such fees might be estimated and capitalized, in terms of the parking facilities they would provide. Funds derived from this source might be added to contributions from general fund sources and from benefitting business enterprises, together constituting a formidable means with which to provide off-street parking facilities.

Moreover, there are a number of devices that the city surveyed might wish to recommend if it desired to assist private enterprise in the provision of needed facilities. These might include the fur-

¹⁰For a detailed discussion of the many advantages of general over special enabling acts, see "Administrative Authority and Jurisdiction," page 18, AN ANALYSIS OF GENERAL STATE ENABLING LEGISLATION DEALING WITH AUTOMOBILE PARKING FACILITIES, *Bulletin No. 2*, Revised 1947, Highway Research Board, and "Undesirability of State Legislation of Special and Local Character," page 2, AN ANALYSIS OF STATE ENABLING LEGISLATION OF SPECIAL AND LOCAL CHARACTER DEALING WITH AUTOMOBILE PARKING FACILITIES, *Bulletin No. 7*, Highway Research Board, 1947.

nishing of adequate street approaches, the enforcing of curb parking restrictions, the leasing of publicly-owned lands to private operators upon favorable terms, the public determination of the most desirable locations and designs for future parking facilities, and the acquisition and assembly, by government, of the properties needed for such facilities. Concessions in property taxes, assessments, or license fees might serve as partial incentives also.

Desirable methods of financing should be specifically recommended. The city surveyed may find it possible to allocate benefit-percentages to the various classes of beneficiaries of off-street parking facilities, and to allocate costs of providing the needed facilities to these classes in that ratio.

If parking meters exist in the city surveyed and if the revenues therefrom, over and above the costs of administration, are diverted to some use other than the provision of parking facilities, it may be desirable to recommend that hereafter, such net parking meter revenues should be devoted exclusively to the further alleviation of the parking problem by the application of such funds to off-street parking facilities.

POLICY CONSIDERATIONS

In the course of urban parking surveys, there are a few policy considerations that sponsors of the survey may hesitate to attempt to determine with finality. It may be felt that such matters should more properly be left to the local law-making bodies for adjudication. This attitude is a proper one.

But, even in such instances, it would seem desirable that the possibilities for action along several different courses might be sketched in the report, particularly in terms of the experiences of other places, leaving the final choice for those whose proper function it is to make one.

APPLICATION OF EXPANDED TECHNIQUE

At least four recent urban parking studies, undertaken by State highway de-

partments with the cooperation of the Public Roads Administration, have included or are now including in varying degrees, legal, administrative and economic aspects of parking as suggested in this paper. The cities are Albert Lea, Minnesota, Toledo, Ohio, Seattle and Spokane, Washington.

Seattle, Washington. In addition to the regular survey data relating to the supply of and demand for parking facilities, and parking habits generally, the Seattle report¹¹ contains a discussion of certain economic aspects of a parking rate structure, as well as the advantages of a separate parking authority as a means of administration. The provision of parking facilities and truck loading and unloading facilities through the zoning mechanism is strongly recommended. Interim relief and long range improvement measures are indicated.

Spokane, Washington. The Spokane report now in the process of being published will contain some interesting materials related to the special aspects we are here dealing with. It contains discussions of the possibilities of a parking commission to develop private parking enterprise, municipal regulation of private enterprise, merchant parking corporations, municipal cooperation with merchants and property owners, municipal facilities, and a parking authority. An entire chapter deals with the economics of construction of parking facilities. Another section is concerned with the legal aspects, and suggestions for legislative action are made.

Albert Lea, Minnesota. The Albert Lea, Minnesota, survey will stress many of the same matters that have been dealt with in previous reports. The initial report on parking will also outline some legal problems specifically applicable to the city.

¹¹A LOOK INTO SEATTLE'S PARKING NEEDS, Central Business District, 1947, reported in 1948, conducted by the Washington Department of Highways in cooperation with Seattle Governmental Agencies and the Public Roads Administration.

Toledo, Ohio. The legal, administrative and economic phases of the Toledo, Ohio, parking study are still being investigated and formulated.

WAYS AND MEANS -- PERSONNEL

One of the vexing obstacles that confront all surveys or research projects of this character is the lack of trained personnel to do the job. With respect to the legal, administrative and economic phases of urban parking surveys, no extensive staff of interviewers is necessary. In fact, a properly trained individual could adequately complete the assignment in two or perhaps three months, in the average city.

In Toledo, Ohio, the parking studies are being undertaken largely by the staff of the Toledo-Lucas County Plan Commissions. Where local planning bodies are not made active participants in these studies, it may be possible to effectuate the loan of technical services. Frequently, city and county attorneys or the office of the State attorney general will be helpful, particularly with respect to the legal phases of the studies. College professors in the field of economics or related fields can sometimes be interested in research of this type, particularly during the summer months. And, perhaps most desirable of all, the regular State or local highway department staff may be equipped sometimes to handle these aspects without any assistance from outside sources.

A willingness presumed, it would seem that the limited personnel needed to investigate and report upon these allied phases of parking surveys can be obtained.

CONCLUSION

The necessity for investigating the legal, administrative, and economic phases of the parking problem in connection with urban parking surveys is being increasingly recognized. A few cities that have sought to include these matters in their studies of the problem are finding that their ultimate objective of providing more parking facilities can be envisioned much

more clearly than would otherwise be possible.

The conclusion seems clearly indicated: Those fostering and undertaking urban parking surveys should now bend every effort to promote a comprehensive study of the parking problem, extending their previous fact-finding effort to include the essential legal, administrative and economic aspects, thus assuring a well-balanced approach.

DISCUSSION

Mr. Jennings: Many downtown business men are reluctant to increase their cost of doing business by standing the expense or a portion of the expense of providing off-street facilities. If it resulted in a reduction in the cost of packaging, delivering or similar services they might be more favorable to the development of an off-street program.

Mr. Levin: If sales are increased by the usage of such parking facilities, it would appear reasonable to assume that the business men would be willing to pay a portion of the cost as "insurance" for the life of the business.

Mr. Marsh: Business men must believe that it pays to aid in development of parking facilities, otherwise they would not have made the financial outlays they have in many cities.

Mr. Lovejoy: Regardless of who finances the building of parking facilities, the city should be responsible for the development of the program for providing parking relief, otherwise no planned development will result.

Mr. Cherniak: Should parking meters be used as a means of producing revenue, and should the parker be allowed to stay in the space as long as he desires by simply putting enough coins in the meter to cover the length of time parked?

Mr. Levin: At least two court decisions (Albert Lea, Minnesota and Massachusetts) ruled that parking revenue could be used only for enforcement and administration and not as a revenue producing measure. Revenues in excess of those necessary for administration can be obtain-

ed if authority is specifically set forth by statute. This assumes that the city has the organic right to obtain revenue at the curb in excess of that needed for regulatory purposes. Multiple coin meters are on the market and if the curb area in question is not regulated to obtain turnover in the use of the space, then it should be possible to permit multiple coin operation within whatever time limit regulations are in effect.

Mr. Jennings: Can parking meter revenues legally be used for providing off-street facilities?

Mr. Marsh: Generally speaking parking meters bring in more revenue than is spent in the administration of the parking regulations. Some tolerance is permitted in

exceeding costs and usually all meter revenues are turned over to the same fund. Proper legislative action should be taken to authorize the use of these excess revenues for financing off-street parking.

Mr. Matson: There are several points which have been developed in this discussion which deserve more complete treatment than we have been able to give them at this time. I should like to suggest, therefore, that the Committee consider them as part of their program for 1949.

1. Use of curb meter revenues for the financing of off-street parking facilities.
2. Authority of the city to regulate curb parking.