

Boston Parking Problems

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● **BOSTON**, like many of the older large cities, particularly in the downtown area, is a maze of winding and tortuous streets, many of which are only 35 ft wide. Washington Street, the main street of the retail area, narrows at one point—near State Street—to a roadway width of less than 20 ft. Although Washington Street is one-way going north, you can visualize the bottleneck created by an illegal parker at this point, especially when a fairly large trailer truck parks directly opposite to load or unload.

Boston, with a nighttime population of slightly less than 800,000, has a daytime population of over 2½ millions. Not only is it the Capitol city of the Commonwealth of Massachusetts, but it is also the commercial and financial center of the whole of New England. It has rightly earned the name of the "Hub". The core of the Hub is scarcely 1 sq mi, and is peculiarly bounded by the Mystic River on the north, the Charles River on the west, a twilight dwelling zone on the south, and the Atlantic Ocean on the east. Into this vastly congested downtown district there poured daily, over meandering, expanded lanes, a minimum of 135,000 pleasure vehicles and 35,000 commercial vehicles of all sizes and types. However, since the advent of the Southeast Expressway, the Fitzgerald Expressway, the Mystic River Bridge, the Sumner Tunnel, and Storrow Drive—all limited-access, beautifully paved, divided, 6- and 8-lane highways—driving has become so popular that more than 4 million automobiles find their way into the heart of the retail area to add to the continuous confusion caused by pedestrians who have never been trained to use sidewalks. This daily hubbub continued on a pace until, in desperation, and as a defense measure to slow the march of decentralization, the State Legislature enacted Chapter 474 of the Acts of 1946. This Bill empowered the Real Property Department of the City of Boston to study the parking problem, select sites for off-street parking installations, take land by eminent domain (condemnation proceedings), pay damages, retain architects and engineers to draw plans and specifications, advertise for general contractors to construct and award contracts for such construction, advertise for lessees to operate these parking structures and execute leases, and finance the program through a 20-yr bond issue, pledging the credit of the City. The first authorization granted by the Legislature was for \$5,000,000, revenue to be derived by the Board through leasehold rentals to go directly into the City's General Funds, inasmuch as the City retires the bonds when due.

The Statute is loaded with safeguards for the City. Approvals of areas, requiring off-street parking, after determination of the Real Property Board, are required of both the City Planning Board and the Boston Traffic Commission. Specific sites selected must be advertised in at least two daily newspapers in the city for two consecutive weeks before public hearings are held. Each "Order of Taking" requires the written approval of the Mayor before condemnation proceedings are begun. All requests for proposals must comply with the General Laws pertaining to the awarding of contracts, with contracts to be awarded only to the lowest responsible bidder, and leases only to be awarded to the highest responsible bidder, after publicly advertising for lessees who are by law divided into two distinct categories: (a) lease for not more than three years; and (b) lease for over three years, but not more than forty years.

In the former situation, should the city construct an off-street parking facility at its own expense, no lease can be awarded for more than three years.

In the latter case, where a lease for more than three, but not more than 40 years is entered into, the lessee is required to construct a facility—at no expense to the City—in accordance with plans and specifications prepared by the Real Property Board. On the completion of the structure, title passes to the municipality, and the lessee has thereafter the balance of the leasehold provided for in the document.

Annual rent provided for in the instrument of leasing, which is the bid of the highest

responsible bidder, can in no case be less than 4 percent of the cost of acquisition of the land to the City plus all improvements which the City made thereon. Thus, the City is repaid for its taking costs within a maximum of 25 years. Rent, of course, begins with the commencement of the lease. The question could be raised at this point: Why not postpone the operation of the lease until the lessee completes the construction of the facility? The answer is one of financing, because the principal security for any construction or permanent load is the assignment of the lease. Then, this question may be asked: Why not waive payment of rent until the parking facility is completed and earning, in order to make the entire proposition more attractive to prospective bidders? The answer is statutory. Annual rent must be charged at the rate of the highest eligible bid, but in no case, less than 4 percent of the cost of acquisition, etc. As a matter of fact, the law makes the lease even less attractive, inasmuch as it provides that the successful bidder must reimburse the Board for the full expense of architectural and engineering services, which in the case of a 1½ million dollar building, would amount to more than \$80,000, in accordance with the schedule of suggested fees provided in the AIA bluebook. Even though the provisions of the statute are stringent, and hence not too attractive to prospective investors inasmuch as maximum rates to be charged the general public are established in the proposed leases, which leases may not be modified or altered, once entered into, the Board has, nevertheless, to date, awarded three 40-yr leaseholds.

Since the commencement of this parking program, the State Legislature has twice increased the City's authorization to borrow beyond its debt limit for off-street parking purposes so that the total authorized is now \$20,000,000. Of this amount, only 13 plus millions have been borrowed and allocated for projects.

One of the great difficulties of getting the show on the road was the selection of sites. Although it has been previously mentioned that the downtown area comprised 1 sq mi, it must be explained that the retail district, of paramount importance to the economy of the City, is actually squeezed into ½ sq mi, because the Boston Common, North Station area, waterfront, and residential district of Beacon Hill were included in the original boundary. If as much property as was needed for off-street parking were condemned, it would necessitate the demolition of so many taxable buildings, the tax base would be somewhat diminished, and the original generators of motor vehicles into the area would be so dissipated, that there would be no pressing need for the parking facilities. What to do about it? Keep well in mind that two-thirds of the City's taxable income emanates from this area—truly a dilemma.

As a starting point, downtown Boston was divided into the following component districts: wholesale shoe and leather district; wholesale woolen district; retail stores district; insurance district; financial district; retail and wholesale food and produce district; and State House district. Beacon Hill, a maze of Colonial-patterned streets just beyond the State House district, is a thickly congested residential area, and therefore, not of great initial concern.

Through engineers working with the City Planning Board, it was determined that the off-street parking goal would be the removal of approximately 12,000 cars from the crowded streets to provide for the smoother flow of traffic in and through Boston. The surveyors also indicated that the average person would not walk a distance greater than 800 ft from his car to his first visiting point. An effort was made to measure the number of cars that all present and future generators of vehicles would bring into specific areas. From this it was concluded that if off-street parking facilities could be established in each of the aforementioned districts, but within 800 ft of the next closest facility, a substantial dent in the parking problem could be made.

The Real Property Board, vested by law with ample funds and sufficient authority, determined where off-street parking was necessary, with the assent of the Mayor. The areas designated were submitted to the City Planning Board and the Traffic Commission for concurrence. They acted with alacrity. Public hearings were held and fortunately, the Chamber of Commerce, Retail Trade Board, and Boston Real Estate Board took positive stands for fast action, and the daily newspapers editorialized in favor of the proposed takings. Token opposition, understandable in view of the fact that the cons were being divested of their places of business, was summarily dealt

with. Architects and engineers went to work and shortly thereafter, plans and specifications evolved. Advertisements for general contractors and prospective 40-yr lessees were placed in the press on a national scale, and the program was on its way.

Then came arguments before the National Production Authority and its Appeals Board in Washington for permission to purchase steel, and before the Federal Reserve Board for favorable interpretation of its Regulation X, so that a 40-yr lessee could borrow over 50 percent of the cost of construction without being guilty of violation. All agencies cooperated to save Boston from motor vehicle strangulation, and 11 off-street parking facilities were established in Boston's vital area between September 1950 and December 1959.

During that period of time, motor vehicles, in ever-increasing numbers, found their way to the various facilities. In districts where the land costs were not prohibitive, large areas were taken for ramp structures and metered lots. In the highest assessed retail district, small areas of less than 20,000 ft were taken, and high-rise, 10-14 story mechanical facilities were created. In that manner, land areas which would normally accommodate 60 cars, by the use of vertical-horizontal elevator equipment, were made to accommodate 700 cars, with a consequent reduction in per-car land cost. In this period, over 8½ million motor vehicles were parked off-street, accomplished through the creation of almost 7,000 new off-street spaces in the critical ½-sq mi area. These same facilities now take from the streets annually almost 3,000,000 cars.

Not only is the program meeting with great public approval, but it has proved a self-liquidating venture. Although the investment of the City has been only \$13,000,000 at the end of the year 1959, the City finds itself the owner of parking facilities valued at more than \$25,000,000 and the Real Property Board has been able to turn over \$6,000,000 in collected rents into the General Funds of Boston.

It may be of interest to note at this point that, as a matter of law, the municipality cannot operate these facilities. This rule stems from the original concept that cities should not compete with private enterprise. Inasmuch as private investors could not acquire the essential sites, the City, through its power of "eminent domain", was able to take and then lease to them these properties for off-street parking purposes only. Thus, exigency, through the use of the municipal authority as its conduit, enabled private capital to enter a field from which, under normal conditions, it was barred. Spurred on by the City's progress in this field, three large garages were constructed privately in crucial areas, adding an additional 1,000 car spaces to the government's total. Each of these became an immediate financial success.

The Commonwealth of Massachusetts, owner of the Fitzgerald Expressway—an elevated highway which cuts through the heart of the downtown area—recently added to the ever growing number of off-street spaces by leasing out to private operators large paved areas under the expressway for pay-parking. The goal of 12,000 was nearing fruition.

But an important segment of the City was, as yet, without sufficient accommodations (namely, the State House area) which could simultaneously service the "carriage trade" district of Tremont and Boylston Streets and also Beacon Hill.

Since 1946 many efforts were made to construct a large parking facility under the Boston Common, an internationally known historical landmark. Enabling legislation was passed on several occasions, but each act fell short of its goal. The essential ingredient was lacking. Financing seemed impossible and the possibility of such a facility became more and more remote. Petitioners against the project appealed each element of each act to the Supreme Judicial Court. The results were most discouraging to the City planners.

Finally, in October of 1958, the Legislature enacted Chapter 606 of the Acts of 1958, which was "an act providing for the construction, maintenance, repair, operation or leasing of a garage for the parking of motor vehicles under the Boston Common in the City of Boston and creating the Massachusetts Parking Authority, defining its powers and duties, and providing for the financing of such garage." This piece of legislation was drawn in the light of previous failures and judicial interpretations. The garage was to be created "for the health, safety and general welfare of the public, whether residing in said city or traveling to, through or from said city in the course of lawful pursuits."

The Massachusetts Parking Authority was empowered to take portions of the Common from the City of Boston by "eminent domain". The Authority was loaned \$200,000 by the Commonwealth—little enough to get started on its project—but could not in any way pledge the State's credit. In accordance with statutory provisions, the Governor appointed two members and the Mayor of Boston, one, who were to serve without compensation.

True to form, the petitioners attempted to restrain the project after the Authority made its taking. But the Supreme Judicial Court, in a history-making decision, stated: "The duty is ours to discover the legislative intent. Giving due weight to the history of this legislation and to the strong and repeated declarations as to public necessity, we are of the opinion that the introduction of Section 5 (k) (power of eminent domain) expressed in such very broad terms, must be taken as a manifestation that the Legislature intended that the city no longer should have a veto power over the commencement of this long delayed project. . . . In response to the prayers in the answer, declaration is to be made that the two orders of taking of interests in Boston Common are valid, and that the respondent Authority is the owner of the right and easement, and of the fee. . . ."

The Parking Authority then, in rapid order, retained the services of an outstanding firm of engineers to write an economic feasibility report; an underwriter to perfect a bond issue of 9½ million dollars, payable in 40 years at 5¼ percent interest; and then gave a contracting company a turnkey contract to design and build a garage to contain 1,500 car spaces.

Having received a good feasibility report, the underwriters turned over to the Authority the necessary finances and construction started in March 1960, with a completion date set for September 1961. The Commonwealth's loan has been repaid and the Authority is now on its own. When the bonds have been fully retired, by law, the garage shall be turned over to the Real Property Board of the City of Boston.

With the completion of this garage under the Common, the goal of 12,000 parking spaces will have been reached. Because each parking facility serves as a new generator, the saturation point will never be reached. Therefore, the decision to terminate the program on the completion of a definite number of spaces must be made.