

Trends in Legislation for Off-Street Parking

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THE PAST DECADE has witnessed developments in the provision of off-street automobile-parking facilities no less than remarkable. Prior to World War II, state and municipal authorities, supported by an indifferent public opinion, looked askance at ambitious programs concerning parking accommodations. As a result, little was accomplished. Today, however, with motor-vehicle registrations at fantastic levels and automobile use at all-time highs, with the resulting congestion abetted by population increases and new patterns of dispersed urban living, the parking problem now commands an attention more compelling than that perhaps of any other public need.

Nor has this new awakening to an urgent public necessity been confined to an isolated city here or there. Urbanized areas, both large and small, all over the United States, are making parking surveys to ascertain their needs, they are exploring the possibilities of various financial methods; they are setting up parking agencies of many complexions to administer the programs, and they are seeking the appropriate legal tools with which to do the job.

It is this last-mentioned aspect--the matter of parking legislation--that the Bureau of Public Roads has recently undertaken a comprehensive investigation of state parking enabling legislation, general, special, and local in character.¹

¹This investigation constitutes a revision and consolidation of two previous studies of parking legislation. *An Analysis of General State Enabling Legislation Dealing with Automobile Parking Facilities*, 1947, Bulletin No. 2, Revised, and *An Analysis of State Enabling Legislation of Special and Local Character Dealing with Automobile Parking Facilities*, 1947, Bulletin No. 7, both of the Highway Research Board.

The kit of legislative tools relating to the provision of parking facilities is extensive. It contains state authorization and local requirements that designated amounts of parking space be provided in connection with various property uses, under the zoning mechanism.² Another kind of law concerns the regulation of parking at the curb and the use of the parking meter as a regulatory device.³ A third species deals with the public regulation of private commercial off-street-parking accommodations.⁴ Finally, there is a vast body of legislation which authorizes the state, cities, counties, towns, villages, or other subdivisions or agencies to provide parking facilities, to finance them in designated ways, to acquire lands for such accommodations, and to deal with their operation and maintenance as directed. It is only this last-mentioned type of statute with its developing general tendencies discussed in this bulletin.

A review of parking legislation over the last decade reveals at least six major trends. One is the increasing reliance placed upon bond financing of off-street-parking facilities, especially revenue bonds. A second significant development is the emergence of the concept of a "system"

²This type of legislation is dealt with in *Zoning for Parking Facilities, Requirements for Off-street Automobile Parking Facilities in Zoning and Other Local Ordinances*, 1950, Bulletin No. 24, Highway Research Board.

³See *Use of Parking Meter Revenues*, Bulletin No. 33, 1951, Highway Research Board.

⁴For a comprehensive discussion see "Parking Facilities as Public Utilities," *Proceedings of the Thirtieth Annual Meeting, Highway Research Board*, 1951, page 15, at page 23.

of parking facilities--the integration of both curb and off-street accommodations into a single system, functionally and financially. Interrelated also is the increasing dedication of net parking-meter revenues for purposes of alleviating parking difficulties, largely off-street-parking facilities. Another observed tendency is the legal sanction for auxiliary and supplementary commercial uses in connection with parking structures, in order to bolster the financial returns and make possible the establishment of a facility where it might otherwise not be feasible. Then, there has been an almost remarkable development toward the use of parking agencies of various kinds, especially the parking authority. Finally, there has been an increasing willingness to authorize the use of the power of eminent domain in connection with the acquisition of property for off-street-parking facilities.

SCOPE OF INVESTIGATION

Reflecting the urgency of the need for parking facilities everywhere, there has been an astonishing increase in the quantity (and quality as well) of parking legislation enacted during the past decade. In the last five years especially parking enabling statutes have approximately tripled in number.⁵

As of January 1, 1951, there were, in the United States, 266 laws in 43 states and the District of Columbia. Only Colorado, Nebraska, Nevada, New Mexico, and Wyoming were without any specific sanction for the establishment or fostering of off-street parking accommodations. The State of Florida has more statutes, 30, than any other. Massachusetts is next with 27, New York 26, California 18, Georgia 17, Connecticut 16, Virginia 12, and the remainder range from 1 to 9.

Two important classes of state enabling legislation are included in this study. One deals with general enabling legislation applicable to all political subdivisions or

specified classes thereof within the state. The other type of statute is of the special and local variety, applicable only to a specific subdivision or a specific project in a specified place. Of the 266 laws investigated, 106 were of general application, while 160 were special or local in character.

BOND FINANCING

Perhaps the most formidable obstacles that now exist with respect to the provision of off-street automobile-parking facilities are those associated with financing. For a proposed program of parking accommodations, no matter how urgent its needs or justifiable its merits, will get nowhere until it has been determined who the beneficiaries are and how the costs will be shared among them. Of the 266 laws investigated, only 14 contain no specific reference to the methods of financing.⁶

Public financing of parking facilities may involve general obligation or revenue bonds, or direct support out of current revenues, or a combination of all of these. Revenue support may be found in any one or more of the following methods authorized in enabling legislation, whether bonds are used or not.⁷

1. General funds
2. Ad-valorem property taxes, the chief source of general funds in most cities
3. Special or benefit assessments
4. Parking fees and special charges derived from the facilities themselves
5. Net parking-meter revenues
6. Miscellaneous

Of the 43 states having laws authorizing parking facilities, 33 states authorize their cities, or designated classes thereof, or specific municipalities to issue bonds, as indicated in table 1. Of these, 29 states permit the use of revenue bonds, while only 20 sanction use of the general obligation bond for this purpose. A sum-

⁶This is not to imply that the financial provisions of the remaining statutes are adequate in every respect.

⁷All of these methods of financing will be analyzed and reported upon in a special bulletin on the subject.

⁵See a paper, *State General, Special, and Local Enabling Legislation Dealing with Automobile Parking Facilities*, presented at the 1946 annual meeting of the Highway Research Board.

many of the detailed provisions of the state statutes, by states, may be found in Appendix A.

TABLE 1

STATES WHEREIN CITIES MAY ISSUE REVENUE OR GENERAL OBLIGATION BONDS FOR OFF-STREET-PARKING FACILITIES

STATE	REVENUE BONDS	GENERAL OBLIGATION BONDS
Arizona	X	
California	X	X
Connecticut		X
Florida	X	X
Georgia	X	
Idaho		X
Illinois	X	
Indiana	X	X
Iowa	X	
Kansas	X	X
Kentucky	X	
Maine	X	
Maryland	X	X
Massachusetts		X
Michigan	X	
Minnesota	X	X
Mississippi		X
Missouri	X	X
New Jersey	X	X
New York	X	
North Dakota	X	X
Ohio	X	
Oklahoma	X	
Oregon	X	X
Pennsylvania	X	
Rhode Island	X	X
South Carolina	X	X
South Dakota	X	X
Tennessee	X	
Texas	X	
Virginia	X	X
West Virginia	X	X
Wisconsin	X	X
Total 33 States	29	20

Use of bonds to finance off-street parking facilities is not confined to cities, of course. In the following 17 states, bonds may be issued by towns, townships, boroughs or villages, with stated restrictions of all sorts:

Connecticut	New York
Florida	North Dakota
Georgia	Ohio
Illinois	Oregon
Iowa	Pennsylvania
Maine	Rhode Island
Michigan	South Carolina
Minnesota	Virginia
Missouri	

Even counties are authorized to bond themselves or their duly constituted agencies in the following 11 states:

California	New Jersey
Florida	Pennsylvania
Georgia	South Carolina
Illinois	Virginia
Maryland	Wisconsin
Michigan	

Metropolitan districts in at least four states, Illinois, Massachusetts, Michigan, and Missouri, may do likewise, for designated purposes. State agencies in the following seven states, may also issue bonds:

California	New Hampshire
Connecticut	New Jersey
Maine	New York
Massachusetts	

Perhaps typical of many of the provisions relating to the issuance of bonds for parking facilities is the following summary of a charter amendment by the City of Sacramento, California, approved in 1949:

The city council may issue revenue bonds and may allocate not to exceed 25 percent or \$50,000 per annum of parking meter revenues, whichever sum is greater, for periods of years, to finance the provision, maintenance and operation of parking facilities. The council may pledge as security for bonds all or any part of the gross revenues of any project, including improvements and extensions thereof and any existing parking projects controlled by the city, and also any parking meter revenues allocated to the bond fund. The council may covenant with bondholders that it will establish and maintain reasonable rates, tolls, and other charges for use of properties, including parking meters, which shall be adequate to meet bond payments and provide sinking fund and depreciation reserves. Revenue bonds shall not constitute a debt of the city. City may not, while bonds are outstanding, establish competing similar project.

The increased reliance on the revenue bond as a means of financing off-street-parking facilities, as evidenced by an increasing number of statutory authorizations for its use, has developed largely because such bonds can be issued outside the legal debt limitation, do not always require the approval of the electorate, and can usually be liquidated successfully without additional ad-valorem taxes, especially when supported by parking meter revenues. This may be especially true if the parking facilities are deemed to constitute a system

TABLE 2

STATE LEGISLATIVE AUTHORIZATIONS FOR PARKING SYSTEMS, INTEGRATING CURB AND OFF-STREET-PARKING FACILITIES

STATE	PROVISIONS
FLORIDA	City of Orlando Parking Commission is created for purpose of conducting necessary research and planning, designing, and locating facilities; for maintaining current data leading to provision of a permanent coordinated system of parking facilities and to efficient operation thereof.
ILLINOIS	The Illinois State Supreme Court recently held that the City of Kankakee (Poole v City of Kankakee, 94 N. W. (2d) 416 1950), under the authority of article 52.1-1 et seq. of the Illinois Rev. Stat. 1949, could conceive of its parking facilities, both on-street and off-street, as a system of parking facilities, for purposes of their financing and establishment.
MARYLAND	To constitute Silver Spring Business District into a special tax area for purpose of levying and collecting a special tax on real and personal property therein and to acquire sites or improvements necessary for providing an adequate system of county-owned off-street parking lots, to maintain and operate such system, to install parking meters, charge parking meter fees, and fees for use of parking lots, and use the revenues therefrom for improvement, maintenance and operation of parking sites; and to issue bonds.
MICHIGAN	According to an important Michigan Supreme Court decision (Parr v. Ladd, 36 N. W. (2d) 157, 1949) the power of the Village of Wayne, Michigan, to acquire, own, establish, and maintain a municipal automobile parking system has both constitutional and statutory authority. The main issue of the case was whether a municipal parking system such as that contemplated, combining all automobile parking facilities, both curb and off-street, was a public improvement within the scope of the Revenue Bond Act of 1933, as amended. The high court said that it was.
PENNSYLVANIA	Parking Authority Law, authorizing cities of first, second, second A, and third classes to establish parking authorities; to empower such authorities to plan, finance, establish and operate a permanent coordinated system of parking facilities; to borrow money and issue bonds therefor.
TENNESSEE	City of Knoxville parking authority is created with power to conduct research and establish a coordinated system of parking facilities, to collect charges for use of facilities; to borrow money, issue bonds, condemn land; enter into contract, and do all other things necessary to carry out powers granted it.
VIRGINIA	Parking lots in sanitary districts After the creation of a sanitary district in any county, board of supervisors are authorized to establish parking lots systems, to provide for their operation and maintenance.
WISCONSIN	PARKING SYSTEMS LAW. To authorize any city or village to purchase, acquire, construct, extend, improve, conduct, and operate a municipal parking system, including parking lots, parking meters, and other parking facilities, upon its public streets or public grounds, and to issue mortgage bonds to finance same.

of facilities, rather than isolated accommodations. This brings us to the second significant trend reflected in parking enabling legislation.

THE SYSTEM CONCEPT

Very evident in parking legislation is the recent emergence of the concept of a system of parking facilities in a given city or area, under which both curb and off-street accommodations are integrated

into a single chain of facilities. This system idea is authorized in at least 8 states, in a manner outlined in Table 2. The concept seems to have made progress in at least three states, namely, Illinois, Michigan and Wisconsin. In two states, Illinois and Michigan, the legislation has been vigorously upheld by the supreme courts of these respective states in litigation on the matter.⁸

⁸Citations to the court cases are given in Table 2.

TABLE 3

STATES WHICH, BY LEGAL IMPLICATION, MAY BE AUTHORIZED TO ESTABLISH SYSTEMS OF
AUTOMOBILE-PARKING FACILITIES, CURB AND OFF-STREET

STATE	PROVISIONS
	(Each listing represents a separate state statute)
ARKANSAS	Parking authority act for cities and towns.
CALIFORNIA	Vehicle Parking District Act of 1943. Parking Law of 1949. City of Fresno charter amendment for parking facilities. City of Sacramento charter amendment for parking facilities.
CONNECTICUT	City of Bristol charter amendment for off-street parking facilities. Town of Greenwich - public parking areas. Town of Stamford parking facilities. City of Waterbury - off-street parking facilities.
DISTRICT OF COLUMBIA	D. C. Motor Vehicle Parking Facility Act of 1942
FLORIDA	City of Coral Gables - off-street-parking facilities. City of Dania, charter authorization for parking facilities. City of Jacksonville, parking facilities. City of Miami Beach - charter amendment for parking facilities. City of St Petersburg - parking facilities. City of Tallahassee - charter amendment for parking facilities. City of West Palm Beach - municipal facility authorized.
ILLINOIS	Establishment of parking facilities by any municipality.
INDIANA	Parking facilities for first-class cities. Parking facilities for second-class cities.
IOWA	Municipal parking lots.
KANSAS	Off-street-parking facilities in cities of first and second class
MAINE	Use of parking-meter revenue to establish parking facilities in city or town. City of Augusta - Augusta Parking District.
MASSACHUSETTS	Use of parking-meter receipts to provide parking facilities. City of Springfield - use of lands for parking.
MINNESOTA	Parking facilities for certain home-rule cities of first class.
NEW HAMPSHIRE	Cities and towns authorized to use parking-meter revenues to estab- lish parking facilities. Town of Exeter - can use parking meters to establish parking facilities.
NEW YORK	Binghamton Parking Authority Act. Elmire Parking Authority Act New York City Parking Authority Act City of Syracuse Parking Authority Act
OREGON	Parking facilities for any city or town.
SOUTH DAKOTA	Municipal parking facilities for any municipality.

A milestone in legislative concept and judicial thinking related to the parking problem is the Michigan case of *Parr v. Ladd*, one of the two cases referred to above. Following the Ann Arbor Plan, the Village of Wayne determined, by appropriate legislation, to meet its parking needs by the establishment of a complete municipal parking system, to include parking meters,

parking lots and other facilities. Revenue bonds, secured by the combined revenues of parking meters and parking lots, were to be issued to finance the cost of acquiring all such facilities. In a decision that is bound to have widespread ramifications in the coming years, the Michigan Supreme Court fully establishes the power of Michigan cities and villages to foster a complete,

unified system of parking facilities, including parking meters and off-street accommodations, financed by self-liquidating bonds secured by a lien on the combined revenues of all facilities.

It may well be that this system concept is already implied by legal implication in the state statutes of at least 15 other jurisdictions, outlined in Table 3. This may follow from authorizations to establish off-street-parking facilities and to finance them in designated ways, and to use net parking-meter revenues for off-street accommodations. Certainly in these states, judicial contests on the subject are likely to be more favorably resolved, following the precedents already established, than in other states.

The system idea seems to make good sense, functionally and financially. Parking surveys in countless cities reveal that curb and off-street-parking spaces are inter-related, both in their location and operational characteristics, with respect to parking generators. If more or less space is available at the curb, less or more space will be needed off-street, and so on. Moreover, they are also related from an economic point of view. For example, it appears incongruous that a motorist-parker should be able to park for 5 cents an hour at a metered space at the curb right at his destination, while another motorist-parker, not quite as fortunate, is forced to pay ten times as much to park that hour in a commercial off-street facility not far removed. Moreover, investment bankers are pretty well agreed now that revenue bonds are far more saleable if secured by the combined revenues of curb parking meters and off-street accommodations, than if confined to the latter alone.⁹

Additionally, a municipality needs to formulate a master plan for automobile-parking facilities, both curb and off-street, as a guide for the future provision

of accommodations, properly integrated with present and proposed traffic facilities. In other words, from many different points of view, the integrated system idea seems to be a logical one.

The system concept may be important from another point of view. Frequently, one or two or more off-street facilities may be completely self-liquidating, while one or two of their weak sisters may not be so. Yet it is important that the latter accommodations be supplied, as well as the former. If all of these facilities are bound together on a system basis, the chain of facilities as a whole may be self-liquidating, and thus its financial soundness enhanced. This system concept has its counterpart in the highway field, where the system idea is now firmly entrenched and has been ever since the very beginning of the federal-aid highway program. We have a federal-aid highway system, the National System of Interstate Highways, state highway systems, county highway systems, and so on and on. In fact, it has been frequently asserted that the substantial progress achieved as a result of federal-aid highway expenditures is due in large part to the insistence that such expenditures be made on a system basis.

PARKING-METER REVENUES

Closely associated, of course, with both of these foregoing matters, bond financing and the system concept, is the use of net curb parking-meter revenues (i.e., gross revenues less the costs of amortization, maintenance, administration, enforcement, etc.) for off-street-parking facilities. Legal authorization, though not legal compulsion, for this procedure for cities¹⁰ is found in the laws of 14 states and the District of Columbia, indicated in table 4.

In addition, on June 6, 1950, the electorate of California approved a state constitutional amendment authorizing the pledging of future parking meter revenues for off-street-parking facilities, probably the first of its kind in the United States:

¹⁰Other subdivisions of the State are also authorized to make use of this device. Detailed data on this and other aspects of parking legislation will be included in the full report on this investigation.

⁹Some students of the law have timidly questioned the legal capacity of a municipality to pledge its future curb parking-meter revenues in this manner, and also whether this procedure is thoroughly consistent with the legal character of a revenue bond. While these and other legal doubts may have some foundation in law, it would seem that they had very little practical significance, up until now at least.

Whenever under the laws of this state or under its charter any city, county, city and county, parking authority, district, or other public body is authorized to acquire or construct public parking lots, garages, or other automotive parking facilities, and for the payment of the cost of any thereof, to issue any bonds or other securities payable in whole or in part from revenues of any such parking facilities, such public body, and any other public body within the territorial area of which such public parking facilities are or will be situated, is also authorized to pledge, place a charge upon, or otherwise make available, as additional security for the payment of such securities, any or all revenues from any or all street parking meters then owned or controlled or to be acquired or controlled by it.

The legal and financial wisdom involved in using net parking-meter revenues for off-street parking facilities, in pursuance of the purpose for which the parking-meter fee is levied in the first instance, has been discussed in great detail in a recent bulletin of the Highway Research Board.¹¹

COMMERCIAL USES OF PARKING FACILITIES

Because off-street-parking accommodations are often built on high priced land, it frequently becomes necessary to supplement the income possibilities from parking motor vehicles with revenues derived from some other, perhaps more lucrative, sources. In fact, financial advisers will, more often than not, refuse to recommend the establishment of a facility unless its revenue-producing capacity is bolstered by returns from other activities.

It is not surprising, therefore, to note from an analysis of parking enabling legislation that a pronounced trend is discernible authorizing the commercial use of a portion of an off-street-parking facility. At least 13 state laws, referred to in Table 5, sanction such activities, though not without limitation, in connection with parking facilities in cities. Some laws, as in California, Indiana, and Michigan, restrict the use of space for this purpose to a designated portion of the total. Others prohibit the municipal operation of authorized commercial undertakings. Still others require competitive bidding for the privileges.

¹¹Use of Parking Meter Revenues, Bulletin No. 33, 1951, Highway Research Board.

Authorizations for commercial enterprises supplementary to the principal activity of parking motor vehicles is desirable for other reasons, in addition to its financial aspects. The utilization of ground-floor areas for such auxiliary commercial uses will frequently vitiate objections from adjacent enterprisers and public authorities who are concerned with the appearance of a commercial district, and its substantial continuity and integrity for commercial and tax purposes.

While the legality of this particular aspect of the provision of off-street-parking facilities has yet to be firmly established, a few judicial pronouncements on the subject are favorable,¹² and some precedent in other fields is available. The reasonableness of the scheme is certainly in its favor, and little judicial recalcitrance should be forthcoming.

SPECIAL PARKING AGENCIES

Some investigators of the parking problem have felt that the task of providing and fostering off-street-parking facilities, especially in the larger cities, must, of necessity, be the responsibility of special parking agencies. Among the circumstances that may make such an administrative development desirable are the need to circumvent debt limitations and make use of revenue-bond financing, the need to concentrate all significant efforts related to parking in a single organization, the capacity to get a specific job done quickly and efficiently, and related advantages.

Whether or not the use of special organizations to do special tasks is condoned, it is easy to understand, because of the advantages indicated above, why a strong tendency in this direction has become evident recently. The statutes of at least twelve states and the District of Columbia now authorize city parking agencies of one kind or another, as shown in Table 6.

The legislative authorization in only six of these states and the District of Columbia is state-wide or general in its

¹²See *McSorley v Fitzgerald*, 59 Atl. (2d) 142 (1948).

TABLE 4

FINANCING OF PARKING FACILITIES IN CITIES BY USE OF PARKING METER REVENUES

STATE	PROVISIONS
ARKANSAS	Any city may pledge parking-meter revenues for land for off-street-parking facilities.
CALIFORNIA	Legislative body of city may pledge parking-meter revenues for periods of years for financing or operating any project of parking authority.
	City Commission of Fresno may allocate all or any part of net parking-meter revenues for periods of years to finance provision, maintenance, and operation of parking facilities; may also pledge any parking-meter revenues allocated to bond fund in connection with issuance of revenue bonds.
	City Council of Sacramento may allocate not to exceed 25 percent or \$50,000 per annum of parking-meter revenues, whichever is greater, for periods of years to finance provision, maintenance, and operation of parking facilities, may also pledge as security for revenue bonds, any parking-meter revenues allocated to bond fund; city council may covenant with bondholders that it will establish and maintain reasonable rates for parking meters, adequate, among other revenues, to meet bond payments and provide sinking fund and depreciation reserve.
CONNECTICUT	City Council of Bristol authorized to finance parking facilities by means of parking-meter revenues.
	City of Waterbury authorized to finance parking facilities by use of parking-meter revenues.
DISTRICT OF COLUMBIA	Commissioners of District of Columbia authorized to install parking meters, in addition to those previously authorized, and to prescribe fees for parking. Revenues from meters, among other sources, shall be deposited in a special account and used solely for purposes of the act.
FLORIDA	City Commission of Coral Gables authorized to finance parking facilities by means of parking-meter revenues, among other methods.
	City Commission of Coral Gables given the right to pledge parking-meter revenues.
	City of Dania may install and maintain parking meters in or on such parking facilities and regulate use thereof, and may prohibit curb parking in vicinity of off-street-parking facilities, as desired.
	City of Jacksonville authorized to use parking-meter revenues for parking facilities.
	City of St. Petersburg may use parking meter revenues to finance off-street-parking facilities.
	City of Tallahassee authorized to use parking-meter revenues as a pledge for borrowed funds, authorized to regulate parking on streets and to collect charges therefor through use of parking meters.
ILLINOIS	Any municipality may pledge parking-meter revenues for revenue bonds for parking facilities.
IOWA	Parking meters may be installed and operated in any city. Streets in parking-meter district may not be used for parking at a charge less than ordinary parking charges throughout district. Cities of 10,000 population or more and special charter cities of 30,000 population or more may use parking-meter revenues to pay cost of (1) provision of meters, (2) maintenance and operation of meters and enforcement of traffic laws in meter district, (3) provision of other parking or traffic control devices on metered streets, (4) provision of parking areas within 4/10 of a mile of metered portion of streets and (5) retirement of revenue bonds.

TABLE 4 (continued)

STATE	PROVISION
IOWA (contd.)	Meter revenues not required for costs under items (1), (2), and (3) shall be expended for parking facilities, provided expenditures for items (2) and (3) shall not exceed 25 percent of meter income. Cities of less than 10,000 population and special charter cities of less than 30,000 population may use parking-meter revenue to pay costs of meters and other parking and traffic control devices, and any remaining funds either to acquire parking areas, retire revenue bonds in event parking lot revenue is insufficient or for any other lawful purpose.
KANSAS	Any first- or second-class city may use parking-fund revenues, derived from meters either at the curb or in off-street facilities, for parking facilities. Any excess from this source may be used to pay on bonds
MAINE	Any city authorized to install parking meters on streets or in parking areas and to establish reasonable charges for parking through such meters. Revenues from meters shall be expended to finance purchase, maintenance, and policing of meters, to maintain and improve streets and highways, or to provide and operate public parking areas, or any combination of such purposes. City of Augusta Parking District may use parking-meter revenues for pledge in connection with bonds for off-street facilities.
MASSACHUSETTS	Any city may use parking-meter receipts to pay for off-street-parking facilities.
NEW HAMPSHIRE	Any city may authorize installation of parking meters and establish reasonable fees for use thereof at the curb. Revenue derived from meters shall be used to finance meters and their operation, maintain and improve streets and highways, or to acquire, construct, improve, maintain and manage public parking areas.
NEW YORK	In connection with New York City Parking Authority, contracts conveying city property to authority may include provisions for installation of parking meters in designated streets and may pledge revenues of such meters to authority for period not to exceed 10 years, provided total amount which may be paid shall not exceed total of principal and interest on bonds which become payable during such period.
NORTH CAROLINA	Cities of Greensboro and Winston-Salem shall use parking-meter revenues exclusively for purpose of making parking-meter regulation effective and for cost of regulation of parking and traffic on streets and for off-street-parking facilities. Cities in Surry County authorized to use net proceeds of parking meters for purpose of leasing or renting public parking lots and to permit public to use same free of any fees or other charges.
OREGON	Any incorporated city may use parking-meter revenues for parking facilities.
WISCONSIN	Any city may pledge parking-meter revenues for revenue bond financing. Any city, except of first class, may establish parking meters and use revenues for general street and highway maintenance, repair, and construction, for traffic and parking regulation, and for purchase and operation of municipally owned off-street-parking lots.

application. In the remaining six states, only specific cities are permitted to use this special machinery to do the job. For example, in Florida, only the City of Orlando is authorized to create a parking commission; in New York, only the cities of Rutherfordton, Elmira, New York, Peekskill, Syracuse and White Plains may use the parking authority; and in Tennessee, only the cities of Knoxville and Nashville may use a parking authority and parking board, respectively.

Most, though not all, of these special agencies have been given broad powers of planning, financing, and acquiring lands for off-street-parking facilities, the two most important being the power to issue revenue bonds and the power of eminent domain. Illustrative of the authority generally bestowed upon a parking authority is that found in the 1948 New Jersey parking authority law.¹³

Under its provisions, any municipality in the state may create a parking authority consisting of 5 members appointed by the governing body of the municipality. The authority so conceived may conduct research respecting off-street-parking needs; it may issue revenue bonds at a rate not to exceed 6 percent, to be sold at either public or private sale; it may establish rates or charges for the use of its facilities which, together with other income or contributions, shall be sufficient to pay the expenses of the authority, repair, maintain and operate facilities, pay principal and interest on its obligation, and fulfill terms of agreements made with purchasers bonds; interest and income shall be exempt from taxation.

The authority may acquire, purchase, sell, lease or dispose of any franchise, real or personal property, or any interest; it may exercise the power of eminent domain. It may construct, improve and repair parking projects, and may operate and maintain them. All these are only its essential powers. It may do many other things, incidental to these general powers.

¹³New Jersey Statutes, Annotated, Permanent Edition, Title 40, with 1950 Cumulative Annual Pocket Part. Subtitle 1, Ch 11A, Secs 40 11A-1 to 40:11A-25, incl (Laws of 1948, ch. 198.)

This discussion of the administration of the parking program refers to a significant trend toward the use of special agencies. But the effectiveness of this type of organization in terms of accomplishment may be quite another matter.¹⁴ In any event, the advent of this administrative type is so recent that an appraisal on basis of accomplishment may be impossible.

Study of the entire field of parking administration reveals that there are perhaps four or five categories of parking agencies. At one extreme is the special *ad hoc* parking authority, with broad powers of eminent domain, the authority to issue revenue bonds, to construct, operate and maintain facilities, and with many incidental powers. At the other extreme is the parking committee, with advisory powers only. In between these two extremes are two or three classes or organizations, with varying combinations of the powers already enumerated. The 266 laws included in this investigation contain illustrations of all of these.

POWER OF EMINENT DOMAIN

One of the essential requirements of a successful off-street-parking program concerns the legal ability of a municipality or its agencies to acquire the necessary property by eminent domain, in the event that such property cannot be acquired by voluntary negotiation at a reasonable price. In the last five years especially, amazing progress has been made in conferring this power upon cities for purposes of establishing parking facilities. Cities in at least 32 states and the District of Columbia now possess such authority by virtue of specific provisions in either general or special and local parking enabling legislation (Table 7).

Not all of the provisions relating to land acquisition or the power of eminent domain are broad in scope, in that they apply to all cities within a state or wherever such authority may be needed. For

¹⁴For a treatment of this subject, see *Effectiveness of Parking Agencies*, Highway Research Board, 1952

example, in North Carolina, it applies only to the City of Raleigh.

It should also be indicated that some classes of cities, such as home-rule cities, may already possess the power of eminent domain for public purposes, and if the provision of parking facilities is deemed to be a public purpose, the power of eminent domain would extend to this municipal function as well as to others.

CONCLUSION

The vehicle at rest continues to constitute an urgent public problem in the urbanized areas of the United States. Adequate legal tools are indispensable to its timely solution. An investigation of state enabling laws reveals an increasing awareness of the essentials of the legal machinery needed to do the job.

This is evidenced by authorizations for use of various financing methods, especially bond financing, the concept of an integrated system of parking facilities, both curb and off-street; the use of parking

meter revenues for off-street parking facilities, permission to establish supplementary, income-producing, commercial enterprises in connection with parking projects; the administration of the parking functions through special parking agencies; and use of the power of eminent domain in the assembly of properties for parking purposes. Of course, the urban parking problem has not been solved in particular places merely by the availability of adequate parking-enabling legislation. Indeed, much existing legislation still needs to be revised and improved. But any state or municipality in the United States that desires to alleviate its parking difficulties can now turn to a vast body of existing laws dealing with off-street automobile-parking facilities for a guide in formulating an act that would best serve its own particular needs.

Parking legislation alone, however, no matter how adequate, will not provide parking facilities. Legal authorization must be followed by a program of action.

TABLE 5

LEGISLATIVE AUTHORIZATION FOR USES ACCESSORY TO OFF-STREET-PARKING FACILITIES	PROVISION
STATE	PROVISION
CALIFORNIA	The parking authority of any city, or city and county may lease surplus space, not exceeding 25 percent of surface area of property or 25 percent of floor area of parking building, for use as retail stores, bus terminal, gasoline-service station, helicopter-landing area, or other use
CONNECTICUT	Common Council of City of Bridgeport may lease portions of any buildings for commercial or other purpose. It may construct and improve parking facilities, bus terminal, public garage, comfort station, and such stands and shopping facilities as may serve convenience of public using such structures
FLORIDA	City of Miami Beach may lease part of parking facilities for sale of motor fuels and oils, commodities, and accessories, or for motor-vehicle-repair services, but the city itself may not sell motor fuels, oils, commodities, or accessories or engage in repair services in connection with facilities.
INDIANA	Any first-class city may provide for limited accessory uses, in connection with parking facilities, such as waiting rooms, toilets, and vending machines, and may provide groundlevel area with street frontage which may be leased to operators of services of great convenience to public. The total of such accessory uses may not occupy more than 15 percent of total groundlevel area of any parking facility. In no case shall petroleum or other products or servicing related to maintenance and operation of motor vehicles be included in accessory uses A separate law makes provisions for second-class cities similar to those above Department of off-street-parking of any first-class city may improve for business use such portion of the ground floor of parking structures as city plan commission may determine or as may be for the best interests of bondholders or public
KENTUCKY	Any city of the first class may lease property for commercial purposes that may be in aid of operation of parking facilities
MICHIGAN	Any city may lease ground or basement floor space of parking structures, not exceeding 25 percent of entire floor area (including roof parking) for purposes other than parking. Motor vehicles may not be serviced and supplies for motor vehicles may not be furnished at or in connection with parking accommodations. Revenues from these uses shall be deemed to be revenues of the parking facility
MINNESOTA	Cities of the first class having a population of 450,000 or over may execute contracts for not more than two years for operation of gasoline pumps and greasing facilities in connection with parking facilities
NEW JERSEY	Any municipal parking authority may lease portions of parking facility on a competitive basis for commercial uses. Products for servicing motor vehicles may not be dispensed or otherwise handled in any parking facility except by a private firm or person under lease or concession
NEW YORK	Any municipality may authorize use of such portion of parking facilities for other commercial purposes as may be necessary to provide revenue adequate to permit operation of principal portion of property for parking purposes The Peekskill Parking Authority may grant concessions in parking facilities and rent parts of projects. No part of projects may be used to sell or dispense products used in servicing motor vehicles Subject to zoning restrictions, facilities may be provided by the New York City Parking Authority within projects, for servicing vehicles, selling gasoline and oil, and, in order to obtain additional revenue, facilities for commercial purposes, provided that such facilities are operated by lessees or concessionaires
PENNSYLVANIA	Parking authorities of first- second- second-A- and third-class cities may lease, on competitive basis, portions of the first floor of a parking facility for commercial use where such leasing seems desirable or feasible in order to assist in defraying expenses of authority. No authority shall engage in sale of gasoline or automobile accessories, or in repair or other garage services
RHODE ISLAND	City of Providence may rent space for other than parking purposes in parking facilities, when such space is incidental to and reasonably related to the parking facilities and will materially reduce net public expenditures. Neither the city nor a lessee may sell or offer for sale petroleum products in or on any public parking facility
TENNESSEE	City of Knoxville Parking Authority may lease by competitive bids portions of street floors of facilities for commercial use to assist in defraying its expenses. Authority may not sell gasoline, automobile accessories, or other commodities or engage in repair or other garage services
WISCONSIN	Any city or village may include space, in its parking facilities, designed for leasing to private persons for purposes other than parking but incidental to parking purposes

TABLE 6

SPECIAL PARKING AGENCIES IN CITIES CREATED BY STATE ENABLING LEGISLATION

STATE	AGENCY
ARKANSAS	Parking authority of any city, consisting of 5 members appointed by mayor with approval of city council, serving without pay for staggered terms of 5 years Employees chosen by civil service
CALIFORNIA	Parking authority of any city, consisting of 5 members appointed by mayor with approval of legislative body
CONNECTICUT	City of New Britain Parking Commission may be established by city council, consisting of 4 members appointed by mayor for staggered four-year terms, one of police commissioners to be member ex officio, once established, commission may not be terminated by common council City of Norwich Parking Commission consisting of mayor, 3 members of court of common council and 3 other electors of city, appointed by mayor with common council approval, to serve without pay and for such terms as mayor shall designate
DISTRICT OF COLUMBIA	Motor-vehicle parking agency, consisting of 7 members, one each from Federal Works Agency (represented by Bureau of Public Roads), National Park Service, Department of Vehicles and Traffic of District, and four residents of District, to serve 4-year staggered terms, compensation not to exceed \$500 per year, salaried officials shall receive no compensation
FLORIDA	City of Orlando Parking Commission, the qualification of its members, terms of their office, and related matters to be prescribed by the council by ordinance
INDIANA	Department of off-street parking in cities of first class, consisting of 5 commissioners, 2 appointed by mayor who is ex officio member, 2 by common council, 1 by county circuit court
MAINE	City of Augusta Parking District, consisting of 3 members appointed by mayor, and in addition, street commissioner and engineer shall be member ex officio
MARYLAND	Suitable parking agency, board, commission or department may be created by mayor and city council of City of Baltimore
NEW JERSEY	Parking authority of any city, consisting of 5 members, not employees of city, appointed by governing body of city Parking authority of any municipality
NEW YORK	City of Binghamton Parking Authority, consisting of 5 members appointed by mayor with approval of city council, and subject to removal by mayor, shall exist for 10 years and thereafter until obligations shall have been discharged City of Elmira Parking Authority, consisting of 3 or 5 members (to be determined by city council) appointed by mayor and subject to removal by mayor, shall exist for 5 years and thereafter until obligations shall have been discharged City of New York Parking Authority, consisting of 3 members appointed by mayor and subject to removal by mayor, shall exist for 5 years and thereafter until obligations shall have been discharged City of Peekskill Parking Authority, consisting of 5 members appointed by common council and subject to removal by council, shall exist for 5 years and thereafter until obligations shall have been discharged City of Syracuse Parking Authority, consisting of 3 or 5 members (to be determined by common council) appointed by mayor and subject to removal by mayor, shall exist for 5 years and thereafter until obligations shall have been discharged City of White Plains Parking Authority, consisting of 3 or 5 members (to be determined by common council) appointed by mayor and subject to removal by mayor, shall exist for 5 years and thereafter until obligations shall have been discharged
PENNSYLVANIA	Parking authority of any city of first, second, second A, or third class, for term of 50 years, consisting of 5 members appointed by mayor
TENNESSEE	City of Knoxville Parking Authority, consisting of 5 members, nominated by mayor and elected by city council City of Nashville Parking Board, consisting of 7 members, appointed by mayor with approval of city council, after term of original group named in act
WEST VIRGINIA	Board, commission, or committee appointed by city authorities

TABLE 7

LEGISLATIVE AUTHORIZATION FOR EXERCISE OF POWER OF EMINENT DOMAIN FOR
OFF-STREET-PARKING FACILITIES IN CITIES

ARIZONA Municipalities	MASSACHUSETTS Any city City of Boston
ARKANSAS Any city	MICHIGAN Home rule cities Any city
CALIFORNIA Any city Assessment districts, composed of one or more cities Transportation districts within any two or more municipalities Any municipality Parking districts within municipalities Vehicle parking districts within municipalities Any city, parking district, parking authority Parking authority of any city, or city and county City of Fresno City of Los Angeles and City and County of San Francisco World trade centers City of Sacramento	MINNESOTA Any second, third or fourth class city Any home rule city of first class Cities of first class with population of 450,000 or more
CONNECTICUT City of Bridgeport City of Bristol City of Hartford City of Norwalk City of Norwich City of Stamford City of Torrington City of Waterbury	MISSOURI Any city with population between 1,000 and 700,000 Any charter city with population over 700,000 Any first class city with commission form of government
DISTRICT OF COLUMBIA District of Columbia	NEW JERSEY Any city Any municipality
FLORIDA City of Bradenton City of Campbellton City of Coral Gables City of Dania City of Delray Beach City of Jacksonville City of Jacksonville Beach City of Lake Worth City of Miami City of Miami Beach City of Orlando City of Pompano Beach City of St. Petersburg City of Tallahassee City of Tampa City of West Palm Beach	NEW YORK Any municipality Any municipality consenting to creation of World Trade Corporation City of Binghamton City of Elmira New York City City of Peekskill City of Syracuse City of White Plains City of Yonkers
GEORGIA Any municipality City of Augusta	NORTH CAROLINA City of Raleigh
IDAHO City of Lewiston	NORTH DAKOTA Any municipality
ILLINOIS Any municipality	OHIO Any municipality
INDIANA Any city Any first class city Any city of second class	OKLAHOMA Cities with not less than 140,000 population
IOWA Any city	OREGON Any incorporated city
KANSAS Benefit district in any first class city Any city of first or second class	PENNSYLVANIA Any municipality Cities of third class Any city of first class Any city of first, second, second A, and third classes
KENTUCKY Any city of first class Any city of second class	RHODE ISLAND City of Pawtucket City of Providence
MAINE City of Augusta	SOUTH CAROLINA Any city
MARYLAND City of Baltimore City of Havre de Grace Lexington Market Authority, Baltimore	TENNESSEE City of Knoxville City of Nashville
	VIRGINIA Any city with a population of more than 30,000 Any city City of Alexandria City of Falls Church City of Martinsville City of Petersburg City of Richmond City of Suffolk
	WEST VIRGINIA Any home rule city Any city
	WISCONSIN Any city, except first class under special charter