

Viewpoints: 2-Hour Parking, a Plan or a Ban?

THE QUESTION:

The District parking plan is here and similar legislation is pending in other counties. The Board of Trade News invited comments and suggestions on the plan from retailers', commuters' and residents' point of view.

THE "VIEWPOINTS":

- Henry Itkin, chairman of the Commuter Supreme Court Defense Fund
- Lawrence S. Schaffner, Treasurer, The Parkin' Coalition
- David W. Fleming, president, The Business and Professional Association of Georgetown

We don't serve your kind here!

Sorry, I can't hire you. It would upset the rest of my employees!

Isn't that horrible, terrible? Aren't you glad we don't have that kind of discrimination anymore?

But consider again please. I think you do. I am referring, of course, to the commuter parking ban, alias, the residential sticker parking plan now implemented in Georgetown and other areas. This plan bars non-residents from all but short-term parking in the affected areas. In effect, it says that because one chooses not to live in Georgetown (or cannot afford to) one may not use the public streets there. This I assert is discrimination and is a denial of equal protection of the laws as guaranteed by the 14th amendment to the U.S. Constitution and is therefore unconstitutional.

Let us briefly examine some of the arguments frequently put forth in favor of the ban:

- Georgetown residents pay the taxes for these streets and should have the right to use them. NO! Residents of other sections of the District pay the

For a while now, the subject of parking on our residential streets has been the hub of an ongoing social and legal controversy. The alignment of combatants over the issue has, understandably, placed the commuting suburbanite squarely against the city dweller. The opponents to sticker-parking have contested the lawfulness of the District's parking program which, on duly approved streets, limits weekday parking for non-residents to a period of two hours between 7 a.m. and 6:30 p.m. As a consequence, the commuters contend that such an ordinance violates their constitutional rights under the Fourteenth Amendment. Recently, this legal challenge was found



Lawrence S. Schaffner

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During the last seventy-five years we Americans have added the right to park as our fourth inalienable right. We have become so dependent upon the automobile that changes effecting the motoring public have seriously shaken the entire American economy. For the retailer, the rise of the automobile changed shopping patterns from neighborhood shops serving the immediate community to shopping centers and regional malls easily accessible to large numbers of people and dependent on a continuous flow of shoppers from outside the immediate area for their success. Parking surveys showed that the majority of shoppers would not walk more than a block from their cars to the store in which they intended to shop. All of these facts presented special problems for the urban retailer especially during the last decade of mall development and many of us chose to switch to the suburbs rather than fight to keep our downtown locations viable.

We in Georgetown have always had parking headaches and the lack of sufficient parking for residents and shoppers alike has been a constant source of irritation. Some merchants feel that a two hour parking limit will be a great help to their business by eliminating the all day parker, others feel that it will restrict and alienate a large enough percentage of

the affected areas. In effect, it says that because one chooses not to live in Georgetown (or cannot afford to) one may not use the public streets there. This I assert is discrimination and is a denial of equal protection of the laws as guaranteed by the 14th amendment to the U.S. Constitution and is therefore unconstitutional.

Let us briefly examine some of the arguments frequently put forth in favor of the ban:

- Georgetown residents pay the taxes for these streets and should have the right to use them. NO! Residents of other sections of the District pay the same taxes and through revenue sharing, even a resident of Washington State may make a valid claim that he also pays taxes to maintain these streets. Georgetown residents should indeed have the right to the use of the streets, the same as any other motorist.

- The District of Columbia, under the "police powers" vested in it, has the right to take any action



Henry Itkin

"This (parking plan) I assert is discrimination and is a denial of the equal protection of the laws as guaranteed by the 14th amendment . . ."

as long as it is designed to preserve the community in the image desired. NO! The Supreme Court and numerous federal and local regulations protect citizens against discrimination for private purposes. Do not confuse this, however, with so called "discrimination" for a general public purpose which may be legal such as bus and taxi loading zones.

- What's the problem? There is plenty of commercial parking available. NO! In the Georgetown area, for example, the District of Columbia government's own survey shows 1,077 parking spaces available for 4,508 daytime Georgetown employees, not to mention shoppers, visitors or tourists.

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Cont. on p. 18



Lawrence S. Schaffner

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to be devoid of merit by the D.C. Superior Court.

With this preface aside, allow me to focus upon the merits of the District's program. On the suburban side, commuters contend that the law discriminates against them by taking away a free, daily parking space. What they want, and have enjoyed for so long, is a continued monopoly over on-street parking.

On the other side of the coin, many city residents have no alternative but on-street parking. What they expect is not to establish a private parking preserve over these streets, but rather to be accorded a reasonable opportunity of access in order to park their cars. Certainly, such an objective is not sheer folly inasmuch as these city dwellers bear a heavy tax burden towards the provision of municipal services.

The program now adopted serves this legitimate goal, while permitting the non-resident a period of up to two hours to visit, shop, or make a business call. This is hardly discriminatory! The positive aspects of this policy can now be assessed more clearly since the plan's recent implementation in the Burleith, Georgetown, Foxhall and Glover Park communities.

In Friendship Heights, the parking program has been a singular success over the past year. In Georgetown, many merchants and restaurateurs, who once vigorously opposed the program, have now learned that it was not the nightmare they had envisioned at all. Reports have it that the parking ban has actually been a boon, rather than a bane, for business. Businessmen have found that customers, who once never ventured into the area because of lack of parking, have returned to shop or enjoy a leisurely lunch, all within the confines of two hours. Thus, by moving traffic within the prescribed period, merchants should

SCHAFFNER

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cars to the store in which they intended to shop. All of these facts presented special problems for the urban retailer especially during the last decade of mall development and many of us chose to switch to the suburbs rather than fight to keep our downtown locations viable.

We in Georgetown have always had parking headaches and the lack of sufficient parking for residents and shoppers alike has been a constant source of irritation. Some merchants feel that a two hour parking limit will be a great help to their business by eliminating the all day parker, others feel that it will restrict and alienate a large enough percentage of their customers to hurt their business and eventually end Georgetown's position as one of the most unique and elite shopping areas in the country.

I believe the truth lies somewhere between these two views. Georgetown is indeed a unique collection of boutiques, restaurants, markets, hair salons, galleries, historic sights and parks spread out over a large



David W. Fleming

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area. It would be difficult to explore it fully in less than a month, and leisurely browsing and sight seeing are definitely part of its charm. The parking restrictions have opened up more spaces which will help those shoppers who want to stop in and pick up a few things. They know, however, that they are only invited for two hours and run the risk of being ticketed should they linger over lunch or take too long to decide if they should buy that one extra item. It only takes a few tickets for a residential parking plan to become a "parking ban" and that perception of our parking situation is one we all fear and know we must avoid.

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FLEMMING

Cont. on p. 18

Cont. from p. 3

"Viewpoints": Sizing Up the Parking Plan

(ITKIN)

All of these arguments aside, the bottom line is that while there may be a community problem, discrimination is NEVER the solution. Convenient city parking garages, better mass transportation (strangely, Georgetown has no Metro stop) and alternate driving routes are all superior. As Justice Richard Poff worded it, writing the Virginia Supreme Court's unanimous decision last January which ruled a similar bar in Arlington unconstitutional:

"Convenient city parking garages, better mass transportation (strangely, Georgetown has no Metro stop) and alternate driving routes are all superior (to the parking ban)!"

"Local governments have a legitimate interest in regulating the cause of the manifold problems which result from parking congestion. But the cause of such problems is the use of public streets by motorists in general, wherever they live or work. A regulation which treats the cause by favoring motorists who happen to reside along a public street at the expense of those who live elsewhere may relieve the problems, but solutions achieved at the price of invidious discrimination are too dear."

I could not agree more.

(SCHAFFNER)

experience an upturn in business volume due to an increased turn over of customers.

In the regulated communities, the parking program has achieved a significant reduction in traffic. This, in turn, has diminished local air pollution, littering, and noise levels, thus promoting the health and safety of the area's residents and their children.

For the most part, the suburbanite does not appear to have suffered any undue hardship. He may have been compelled to seek other arrangements, but this has undoubtedly stimulated car pooling and the use of mass transit (hence the conservation of our energy supply). Moreover, it has encouraged some of our larger institutions into recognizing their responsibility to provide adequate parking facilities for their employees, students and guests.

Residential parking is not an isolated issue, nor was it developed in the District in a haphazard manner. Similar plans are proposed or in effect, from Boston to New Orleans, and from Dover, Delaware to San Francisco. Here, the program was the culmination of concentrated governmental study and extensive citizen input. Faced with the enormity of today's complex urban problems, the program's fundamental underpinnings provide the roots upon which society must grow and accommodate each other's competing interests in the years ahead.

In essence, residential sticker-parking is not simply a battle being waged over who is entitled to a free parking space. Rather, it is a debate over a societal concept whose time has come, and hopefully it will be an important instrument in the resolution of our growing urban-suburban dilemma.

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to mass transit but it is clear that we would be trying to change basic transportation habits, and I believe that most of our shoppers would opt for a drive to a mall rather than try to juggle packages, children, strollers, umbrellas, etc. through a train and possibly two bus transfers. More extensive park-and-shop plans could help to a degree, but parking lot spaces are limited and this extra expense will eventually raise retail prices.

"Metro officials and the Department of transportation have suggested that we try to shift our customers to mass transit but it is clear that we would be trying to change basic transportation habits. . . ."

What we fear is that shoppers, denied the free unrestricted parking they have come to accept as their right, will go where their cars are welcome for as long as they choose to shop. It will be difficult to generalize when assessing the effect of this plan on urban businesses since some retailers will be hurt and some will be helped but I believe that this much is clear: the browsing shoppers will definitely be checking their watches and they will not linger over those expensive items or wait in those Christmas lines as long as they did last year.

