

EXHIBIT NO. 1

14
11-13-10

~~21~~
~~11-9-10~~

City of Alexandria, Virginia

MEMORANDUM

DATE: NOVEMBER 1, 2010

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER *J*

SUBJECT: AN ORDINANCE TO REQUIRE HOLDERS OF HANDICAPPED LICENSE PLATES OR PLACARDS TO PAY FOR PARKING IN METERED ZONES

ISSUE: Consideration of a proposed ordinance to implement an "All May Park, All Must Pay" policy that would require holders of handicapped license plates or placards to pay for parking in metered zones for up to four hours.

RECOMMENDATION: That City Council introduce the ordinance, pass it on first reading and schedule it for public hearing, second reading and final passage on Saturday, November 13 (Attachment 3) to become effective May 1, 2011.

DISCUSSION: In the City of Alexandria, vehicles displaying handicapped license plates or placards have been exempted from parking fees pursuant to the Code of Virginia § 46.2-1245. The Code establishes a uniform statewide exemption for vehicles displaying handicapped license plates or placards of (1) up to four hours in time-restricted parking zones or metered spaces, and (2) from payment of parking meter fees. However, the Code of Virginia also permits local jurisdictions to set aside these exemptions by ordinance. Alexandria has three established parking meter zones that are affected by this Code. Parking meter zones one and two are located in the Old Town area of the City, and parking meter zone three is located in the Carlyle section of the City.

In 1998, Arlington County adopted an "All May Park, All Must Pay" policy. Under this policy, the same hourly rate is charged to all customers of all income levels, including vehicles displaying handicapped license plates or placards. Consideration of adopting a similar "All May Park, All Must Pay" policy was recommended in the Old Town Area Parking Study, which Council received in April. This policy is proposed as part of a broader strategy to properly manage on-street parking and reduce the potential for abuse by holders of handicapped permits.

There are 14 designated handicapped parking spaces in parking meter zones one and two. Two of these spaces are located in a parking lane on southbound Washington Street and are unavailable on weekdays between 4:00 pm and 6:00 pm when the parking lane operates as a travel lane. Three additional handicapped spaces are designated within the metered area of Old Town, but are restricted only on Sundays. The 14 permanently designated handicapped spaces represent about 1.4% of the approximately 1,000 metered spaces in the Old Town area. An occupancy study was conducted at 4:00 pm on Friday, October 8. Of the 12 usable handicapped spaces at that time, seven were found to be occupied by vehicles with handicapped placards or license plates and five were vacant. The locations of the five vacant spaces were distributed throughout the Old Town area (Attachment 1).

Beginning on June 1, the Alexandria Police Department began heightened enforcement of handicapped parking spaces. During the summer, the Police staked out parked vehicles with handicapped placards or license plates in locations throughout the City. When the occupants returned to the vehicles, Police checked that the person to whom the placard or plate was issued was among the occupants of the vehicle, as mandated by law. Police stated that approximately 90% of the placards and license plates checked were being used illegally. This is a very labor intensive enforcement process. There have also been anecdotal statements about the ease of legally obtaining handicapped placards, which may contribute to the abuse of handicapped parking privileges.

During deliberations on the FY 2011 budget, Council requested a memo (Attachment 2) on the fiscal impact of implementing an "All May Park, All Must Pay" policy. This memo estimated that implementation of such a policy would generate approximately \$133,000 in additional revenue in FY 2011 and subsequent fiscal years. The memo also restated findings from 2009 field observations in parking meter zone three (Carlyle) when staff found a relatively high proportion of vehicles with portable handicapped placards, indicating potential abuse. City Council voted on Monday, May 3, 2010 during the budget adoption meeting to accept a change to the proposed General Fund operating budget based on implementation of an "All May Park, All Must Pay" policy.

Implementation of the proposed policy was discussed during meetings of the Old Town Area Parking Study Work Group- a City Manager-appointed work group established by City Council to review recommendations in the Old Town Area Parking Study. This Work Group included a representative from the Alexandria Commission on Persons with Disabilities to provide expertise and input from the disabled community. The Department of Transportation and Environmental Services (T&ES) staff has also coordinated with the Alexandria Commission on Persons with Disabilities (ACPD) Transportation Sub-Committee on this issue. This item was presented at the Traffic & Parking Board Public Hearing on May 24, 2010. The main concerns that were presented at the public hearing were fiscal impacts on the disabled due to adoption of the policy, the availability of designated disabled parking spaces, and the need for extended time limits at meters due to disabilities. The Traffic and Parking Board approved the recommendation of adoption of the policy with a four-to-two vote.

The Old Town Area Parking Study Work Group recommendations on the implementation of the “All May Park, All Must Pay” policy were presented to Council at a Work Session on October 12. The Work Group made several recommendations regarding the implementation of the policy to ensure minimal negative impact on the disabled community and to address the concerns presented through public outreach during policy discussion. A request was made by a Work Group member for the Work Group to advise against policy implementation, but the recommendation for implementation was approved ten-to-one by the Work Group members present at the final meeting.

To address the concerns regarding the location and number of designated disabled spaces, the group incorporated percentages from the Americans with Disabilities Act (ADA) guidelines. The Work Group also heard from the public that the two-hour time limits on meters did not provide disabled persons ample time to conduct business, and meters located at a distance from the parking space and would present difficulties for the mobility impaired. Both of these concerns could be addressed through installation of a four-hour single-space meter at each of the handicapped spaces. Another concern was that the existing single-space meters need too many coins, especially for a four-hour period. This concern could be addressed through installation of meters that accept credit cards and through other payment methods, such as in-vehicle payment devices and pay-by-phone technologies. A final concern was that meter fees are prohibitive for some disabled persons. The group discussed the establishment of a waiver program, similar to that used in the City’s Real Estate Tax Relief and Assistance Program for Elderly and Disabled Persons, to issue waivers to residents that meet a set income criteria.

The Work Group’s final recommendation was to adopt the policy after implementing the proper parking meter infrastructure that supports the following measures:

1. Two percent of metered spaces throughout the Old Town area shall be designated as disabled only parking;
2. Four-hour single-space meters shall be installed at designated handicapped spaces;
3. Options to allow four hours of parking for the disabled shall be available at general use spaces;
4. Multiple payment options shall be available at designated handicapped spaces;
5. Options such as in-vehicle payment devices and pay-by-phone shall be explored; and
6. A waiver program for low income disabled residents shall be implemented.

Staff agrees with the Work Group recommendations that have been proposed for the “All May Park, All Must Pay” policy as listed above in numbered lines 1 to 6. Staff proposes to implement the policy in its three parking meter zones by installing single-space meters that take credit cards at existing designated handicapped spaces that would allow holders of handicapped license plates or placards to park for up to four hours at the same hourly rate paid by the general public. The City will maintain existing handicapped parking spaces in all metered zones, designate additional handicapped spaces throughout the meter zones to establish the two percent ADA recommended amount, and install new handicapped spaces above the two percent ADA recommended number on an as-needed basis. This will

provide an appropriate amount of handicapped spaces throughout the three meter zones and allow an adequate amount of time for use by disabled persons. Staff will work with vendors to explore in-vehicle payment devices, pay-by-phone technology, and time limit and payment options in the general use parking spaces. Finally, staff recommends the implementation of a waiver program for low income disabled residents. If Council is interested in a low-income waiver program for disabled parkers, staff will design a program and bring it back for Council action prior to May 1. For other disabled persons, the hourly meter rates will be consistent with the meter rates for general use parking spaces to discourage abuse of handicapped placards and license plates for the purpose of paying reduced price parking fees.

Implementation of the technologies to achieve the above recommendations will require several months. The recommendations also require the complete installation of multi-space meters throughout the meter zones. As the installation of multi-space meters is estimated for completion in April 2011, staff recommends that the "All May Park, All Must Pay" policy become effective on May 1, 2011. The T&ES and Police Departments will develop an outreach program in conjunction with the Office of Communications to inform users of the change in law.

FISCAL IMPACT: Staff estimates that implementation of an "All May Park, All Must Pay" policy will generate approximately \$22,200 in additional General Fund revenue from May 1 to the end of FY 2011. In future years, the implementation of "All May Park, All Must Pay" policy will generate approximately \$133,000 per year based on the meter rates reverting to \$1.75 per hour after multi-space meters are installed throughout Old Town.

ATTACHMENTS:

Attachment 1: October 8 Handicapped Parking Space Occupancy Study

Attachment 2: Budget Memorandum #75

Attachment 3: Proposed Ordinance

STAFF:

Mark Jinks, Deputy City Manager

Bruce Johnson, Chief Financial Officer

Morgan Routt, Assistant Director, OMB

Richard J. Baier, P.E., LEED AP, Director, T&ES

Abi Lerner, P.E., Deputy Director of Transportation, T&ES

Bob Garbacz, P.E., Transportation Division Chief, T&ES

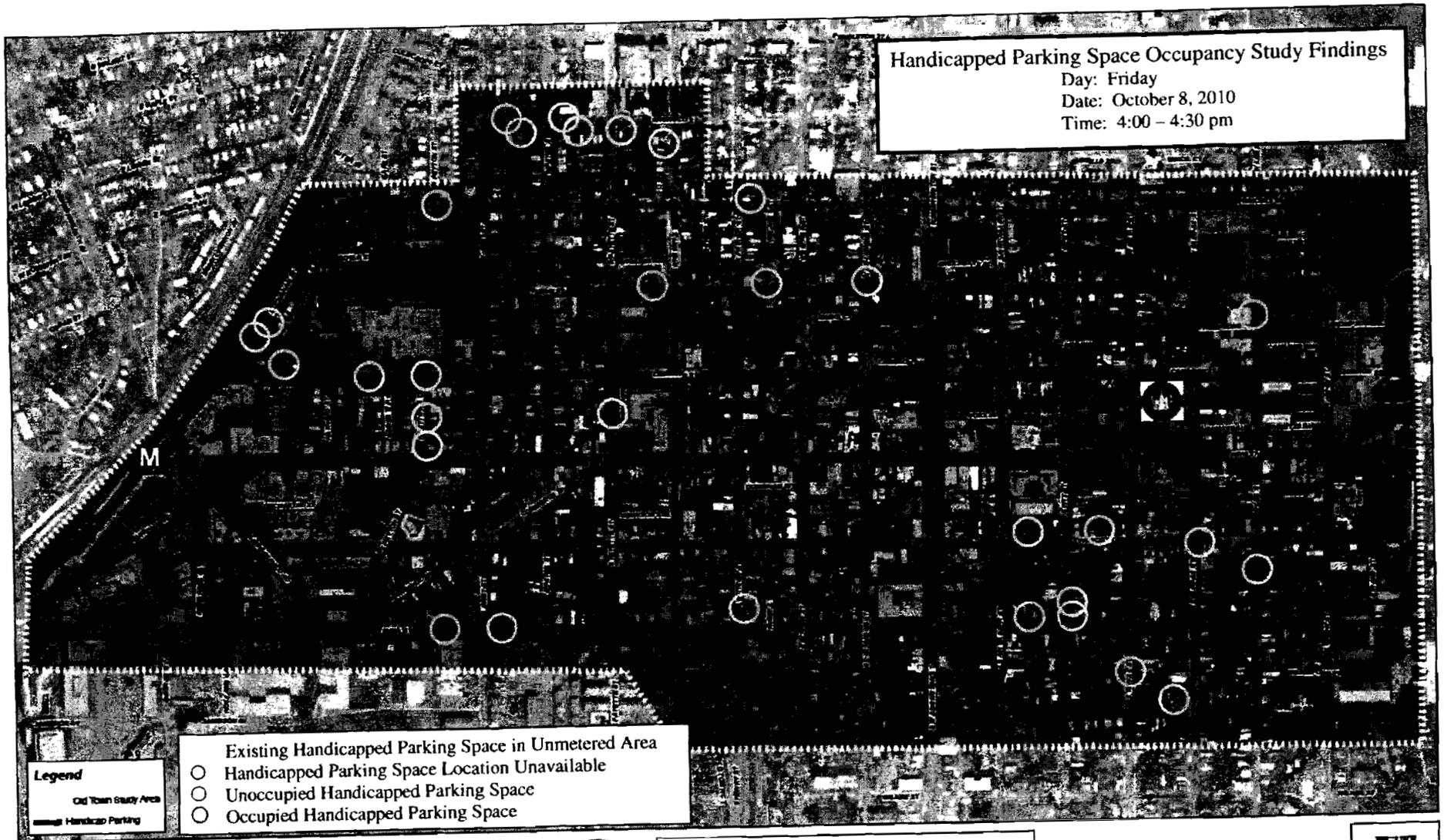
Antonio J. Baxter, Division Chief of Administration, T&ES

Mike Hatfield, Disabilities Resources Coordinator, DCHS

Andrea Wilkinson, Principal Parking Planner, T&ES

Handicapped Parking Space Occupancy Study Findings

Day: Friday
Date: October 8, 2010
Time: 4:00 - 4:30 pm



5

Legend
Old Town Study Area
Handicap Parking

- Existing Handicapped Parking Space in Unmetered Area
- Handicapped Parking Space Location Unavailable
- Unoccupied Handicapped Parking Space
- Occupied Handicapped Parking Space



**Figure 2-1:
On-Street Parking Locations**

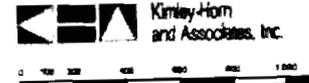


FIGURE
2-1

City of Alexandria, Virginia

MEMORANDUM

DATE: APRIL 16, 2010

TO: THE HONORABLE MAYOR AND MEMBERS OF COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: BUDGET MEMO # 75 : FISCAL IMPACT OF "ALL MAY PARK, ALL MUST PAY"

This memorandum is in response to Councilman Krupicka's request for information on the fiscal impact of pursuing an 'All may park, All must pay' policy citywide. A similar memo was presented as FY 2010 Budget Memo #87 on April 8, 2009 (attached). Staff estimates the implementation of such a policy would generate an additional \$95,000 in annual revenues based on FY 2011 proposed rates. The increase would be \$114,000 if meter rates are increased to \$1.50 and \$133,000 if meter rates are increased to \$1.75.

This memo reviews policies and practices relating to handicap parking in metered spaces, specifically on waivers of parking fees and maximum time limits for vehicles displaying handicap license plates or placards. This memorandum also summarizes applicable law and current area practices, and initial findings of staff field observations.

Applicable State Law

The Code of Virginia § 46.2-1245 establishes a uniform statewide exemption for vehicles displaying handicap license plates or placards of (1) up four hours in time-restricted parking zones or metered spaces, and (2) from payment of parking meter fees, but permits local jurisdictions to set aside these exemptions by ordinance.

§ 46.2-1245. Four hours free parking in time-restricted or metered spaces: local option.

A. The disabled person, vehicle owner, or volunteer for an institution or organization to which disabled parking license plates, organizational removable windshield placards, permanent windshield placards, or temporary removable windshield placards are issued or any person to whom disabled parking license plates have been issued under subsection B of § 46.2-739 shall be allowed to park the vehicle on which such license plates or placards are displayed for up to four hours in metered or unmetered parking zones restricted as to length of parking time permitted and shall be exempted from paying parking meter fees of any county, city, or town.

This area currently contains 261 metered parking spaces. Between March 9-12, 2009, staff observed the total number of metered spaces that were occupied and the number that were occupied by vehicles displaying handicap license plates or placards. These surveys were conducted during the week between the hours of 9:00 and 11:00 AM, and 2:00 and 4:00 PM in order to reflect typical weekday conditions in the Carlyle area.

The findings of this survey are summarized below.

- ✓ Percent of parking spaces occupied.....66% to 100%, Average 87%
- ✓ Percent of spaces occupied by vehicles with handicap license plates or placards.....16% to 22%, Average 18%
- ✓ Handicap vehicle parking turnover.....38% short term, 62% long term
- ✓ Distribution of handicap permits.....
 - 69% Maryland
 - 21% Virginia
 - 8% District of Columbia
 - 2% Other states

During this survey, it was found that only two of the 55 handicap vehicles that were identified in the survey displayed handicap license plates, the remaining 53 displayed portable handicap placards. The relatively high proportion of handicap placards could indicate an abuse of handicap parking accommodations in this area. It should be noted that the genesis of Arlington County's initially controversial "All May Park, All Must Pay" was the perceived abuse of portable handicapped placards.

Based on these initial observations and current parking meter rates, the fiscal impact of Alexandria's current policy for handicap parking in metered spaces is an annual revenue loss of approximately \$75,000 in the Carlyle parking district (District 3).

Based on data gathered in the 2009-10 Old Town Area Parking Study, there are approximately 55 handicap spaces in the 85-block study area which includes portions of Residential Districts 1-5. There are less than 10 existing handicapped spaces in currently metered areas of King Street and/or blocks immediately adjacent. Based on utilization figures of handicap parking in the Old Town Parking Study, the fiscal impact of Alexandria's current policy for handicap parking in metered spaces is an annual revenue loss of approximately \$20,000.

by signs or other reasonable notice that the provisions of this section do not apply in such county, city, or town.

Area Practices

In Alexandria, vehicles displaying handicap license plates or placards are exempted from parking fees and meter time limits.

In 1998, Arlington County adopted an "All may park, All must pay" policy. Under this policy, the same hourly rate is charged to all customers, including vehicles displaying handicap license plates or placards. By using iPark devices (personal electronic prepaid parking meters that can be used in lieu of depositing payments directly into parking meters), handicap parkers may park for twice as long at a meter than the general public.

The District of Columbia allows vehicles displaying District-issued handicap license plates or placards to park in metered spaces for double the meter time limit at no charge (i.e. at a meter with a 2-hour time limit, may park free for four hours). No exemptions are provided for vehicles displaying handicap license plates or placards that are not issued by the District of Columbia (i.e., Virginia and Maryland residents).

In Montgomery County, vehicles displaying handicap license plates or placards may park in metered spaces for double the meter time limit or four hours, whichever is less, without payment.

In Baltimore, vehicles displaying handicap license plates or placards may park in metered spaces for double the meter time limit or four hours, whichever is less, without payment. Baltimore also offers an EZPark meter, similar in function to Arlington's iPark device.

Fairfax County and the Cities of Fairfax and Falls Church do not have metered on-street parking.

Findings of Initial Field Observations

To estimate the fiscal impact of Alexandria's free handicap parking policy, field surveys were conducted in the Carlyle parking meter district (District 3), specifically on Jamieson Avenue between Holland Lane and Courthouse Square, on Ballenger Street between Holland Lane and Courthouse Square, on John Carlyle between Eisenhower Avenue and Duke Street, and on Dulany Street between Duke Street and the James Madison Building. This area currently contains 261 metered parking spaces. Between March 9th and 12th, staff observed the total number of metered spaces that were occupied and the number that were occupied by vehicles displaying handicap license plates or placards. These surveys were conducted during the week between the hours of 9:00 and 11:00 AM, and 2:00 and 4:00 PM in order to reflect typical weekday conditions in the Carlyle area.

Introduction and first reading: 11/9/10
Public hearing: 11/13/10
Second reading and enactment: 11/13/10

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Division 1 (PARKING METER ZONES), Article G (PARKING METERS), Chapter 8 (PARKING AND TRAFFIC REGULATIONS), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

Summary

The proposed ordinance returns the parking rate to \$1.25 per hour except in those areas covered by multi-space meters as of November 1, 2010 (Carlyle). Thereafter, when multi-space metes are installed elsewhere in the City, the ordinance permits the rates to be raised up to a maximum of \$1.75 per hour by resolution of Council. Finally, the ordinance implements "All May Park - All Must Pay" by applying all such rates to all parkers, including disabled persons.

Sponsor

Richard J. Baier, Director, T&ES

Staff

Richard J. Baier, Director, T&ES
Andrea Wilkinson, Principal Parking Planner
James L. Banks, Jr. City Attorney
Christopher P. Spera, Deputy City Attorney

Authority

§2.04(d) and (g), Alexandria City Charter

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Division 1 (PARKING METER ZONES), Article G (PARKING METERS), Chapter 8 (PARKING AND TRAFFIC REGULATIONS), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Division 1, Article G, Chapter 8 of Title 5 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the amendment of Sections 5-8-93 to read as follows:

Sec. 5-8-93 Parking meters; hours and days of operation; maximum time limits; rates.

(a) (1) The parking meters in zones 1 and 2, established by section 5-8-92 of this code, shall be operated every day of the week except Sundays and legal state holidays, and the daily hours of operation of the meters shall be determined by resolution of the city council; provided, that, within the area bounded on the north by the north side of Princess Street, on the west by a line 10 feet to the east of and running parallel to the east side of Washington Street, on the south by the south side of Wolfe Street and on the east by the Potomac River, meters which permit a maximum of two hours of parking shall be in operation from 8:00 a.m. until 7:00 p.m.

(2) The parking meters in zone 3 established by section 5-8-92 of this code shall be operated every day of the week except Saturdays, Sundays and state legal holidays, and the daily hours of operation of the meters shall be determined by resolution of the city council.

(b) The maximum time limit for parking in any space in parking meter zones 1, 2 and 3 shall be set forth on the meter for that space, and shall be 20 minutes, two hours or, in zones 1 and 3 only, four hours.

(c) In all parking meter zones, the rate shall be ~~\$1.75~~ \$1.25 per hour at those meters that are coin only operated until such time as multi-space meters are installed. In all parking meter zones, the rate shall be \$1.75 per hour at those spaces served by multi-space meters installed before November 1, 2010. Thereafter, when multi-space meters are installed elsewhere in all parking meters zones, the rate may increase up to \$1.75 per hour at those spaces. Any such increase up to \$1.75 per hour shall be implemented by resolution of City Council. In all parking meter zones, the applicable rate shall be payable in such increments as provided at the applicable meter or pay station. The rates established herein fully apply to all persons, including disabled persons, vehicle owners, or volunteers for an institution or organization to which disabled parking license plates, organizational removable windshield placards, permanent windshield placards, or temporary removable windshield placards are issued or any persons to whom disabled parking license plates have been issued under Va. Code § 46.2739 (B). By this ordinance, the provisions of Va. Code § 46.2-1245 shall not apply within the boundaries of the City of Alexandria.

1 (d) As used in this article, the phrase parking meter shall be deemed to include a
2 parking pay station for multiple parking spaces, and all provisions applicable to parking meters
3 shall apply to parking pay stations, mutatis mutandis.
4

5 Section 2. That this ordinance shall become effective upon the date and at the time of
6 its final passage.
7

8 WILLIAM D. EUILLE
9 Mayor

10
11 Introduction: 11/9/10
12 First Reading: 11/9/10
13 Publication:
14 Public Hearing:
15 Second Reading:
16 Final Passage:
17