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TO: PC Zai
USAC Facilities Commissioner

FROM: Donald Shoup

RE: Response to your request for strategies to resolve the problems created by enforcement of the laws against apron parking in North Westwood Village

In 2003, the U.S. Supreme Court ruled that the Americans with Disabilities Act (ADA) applies to sidewalks. The decision in *Barden v. Sacramento* requires cities to make all public sidewalks accessible to the disabled. Because of this ruling, cities must remove barriers that block disabled access along the length of the sidewalks. This decision created a serious liability for Los Angeles because it has tacitly allowed drivers to park their cars on the sidewalks in North Westwood Village, although parking on the sidewalks violates both California and Los Angeles ordinances.

Section 22500 of the California Vehicle Code prohibits parking on sidewalks or in front of driveways:

No person shall stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:

(e) In front of a public or private driveway . . .

(f) On any portion of a sidewalk, or with the body of the vehicle extending over any portion of a sidewalk.

Similarly, Section 80.53 of the Los Angeles Municipal Code prohibits parking on driveway aprons:

No person shall stop, stand or park a vehicle within any parkway.

Section 80.00(h) of the Los Angeles Municipal Code states:

"Parkway" shall mean that portion of a street other than a roadway or a sidewalk. [The grass strip between the sidewalk and the curb is referred to as the parkway. Under the Code the driveway apron is also part of the parkway.]

The common practice of apron parking in the North Village thus violates state and city laws, and it also violates the ADA if the cars extend over the sidewalks. For many years the City has not enforced the city and state laws against apron parking in the North Village, but the Supreme Court's recent ruling that the ADA applies to sidewalks has forced a change in this policy.

Even with the Supreme Court's recent decision that sidewalks must be accessible to the disabled, the City might have a valid defense for non-enforcement of the city and state laws if it can show that it cannot initiate or increase enforcement efforts because the enforcement cost would pose an undue financial burden. Because fines for parking on the sidewalks can bring in substantial revenue, however, the defense that enforcement would place an undue financial burden on the City would be difficult to establish. If the City has simply turned a blind eye to the problem because of requests from landlords, fraternities, students, or UCLA, the City could be found to have violated the ADA. One video clip of a disabled person whose wheel chair was unable to squeeze between cars parked on the sidewalk could produce a firestorm of bad publicity, and a lawsuit against the City.

Because of these legal problems, the City will probably begin to enforce the laws against apron parking that encroaches on the sidewalks. The City is, of course, also concerned about ensuring disabled access as a matter of public policy, not just legal liability. Everyone at UCLA should be proud of the university's commitment to make the campus fully accessible for the disabled, and this commitment should not cease as one crosses Gayley Avenue into the North Village.

Enforcement of the laws against apron parking will produce a hardship for those who signed leases or bought property with the understanding that they could park on the aprons of their residences. It will also produce a hardship for those who rely on curb parking spaces in the North Village, because the loss of apron parking spaces will increase the competition for the curb parking. Fortunately, for the past two years the students in Urban Planning 129 (Urban Transportation Economics) have been studying the parking problems in the North Village. The students counted parking spaces and parked cars, analyzed census data, interviewed residents and property owners, and documented the current situation with many photographs. The students also proposed several solutions. I will attach a copy of the fact sheet that the students produced in 2006.

The students surveyed parking on every block in the North Village, and found that residents now park about 200 cars in the driveway aprons. Since about 11,000 people live in the North Village, less than 2 percent of residents rely on apron parking. If in the next year only 2 percent of North Village residents with cars move out and are replaced by residents without cars, the reduction in

parking demand would solve the problem. Because about half of the 11,000 residents who live in the North Village do not own a car, no one can argue that living there without a car is impossible. Anyone who does own a car obviously needs a parking space, but because not everyone owns a car, not everyone needs a parking space. A small population shift toward residents without cars is clearly feasible in a neighborhood within easy walking distance of campus.

If landlords in the North Village could no longer tell tenants to park on the aprons, car owners would find apartments without sufficient off-street parking less desirable. As a result, more apartments would become available at lower rents to students without cars, so carless students would indirectly benefit from the out-migration of car owners, and would directly benefit from better sidewalks. Without cars on the sidewalk, life will be more civilized for all 11,000 residents of the North Village, not just the disabled.

Despite the legal and ethical arguments for enforcing the prohibition against parking on the sidewalks, the City and UCLA must address the short-term harm the new enforcement policy will cause for many current residents. At your request, I have summarized the proposals made by the students in Urban Planning 129 over the past two years to improve parking, walking, and living in the North Village.

SHORT TERM STRATEGIES

Delay enforcement until Summer of 2007

Enforcement of the prohibition against apron parking will affect many more than the 200 residents who now park on driveway aprons. The resulting increase in competition for the 857 curb spaces in the North Village will make the existing shortage of curb parking even worse for the residents who now rely on curb parking. Because ticketing for apron parking will cause a hardship for residents who signed leases expecting to be able to park on the aprons, some are requesting the City to delay ticketing until the summer when the annual student migration will allow drivers to adjust to the new rules. The normal turnover of student residents during the summer will solve most of the transitional problems created by the loss of apron parking.

Arguing for the continuation of apron parking beyond Summer 2007, however, would simply be arguing for the status quo. As Oliver Wendell Holmes said, "A thing which you enjoyed and used as your own for a long time, whether property or opinion, takes root in your being and cannot be torn away without your resenting the act and trying to defend yourself, however you came by it." Landlords who now rent apron parking spaces to their tenants may lose some revenue, but this is not revenue to which they have a legitimate claim.

If a student with a car can't find an apartment in the North Village with off-street parking, the solution is not to park on the sidewalk. If the student can't get along without a car, perhaps Palms might be a better place to live, because it has plenty of parking. The North Village apartment

without off-street parking can then be rented to a student who doesn't have a car, and the North Village will be a better place with one less car on the sidewalks.

UCLA parking permits

UCLA has offered students who lose apron parking spaces the option to buy a campus parking permit. Students who live on campus with a car need a permit, and it seems fair for students who live in the North Village who want to park on campus to pay the same price for a permit. This new expense will be a burden for those who previously parked on the aprons, but some students now pay rent for their apron parking, and others are requesting a rent reduction to compensate for the loss of free apron parking now included in their rent. These reduced payments for apron parking will help to pay for campus parking.

These two short-term strategies can reduce the problem of a transition to parking enforcement policies that comply with the American with Disabilities Act. Students who move into the North Village in Fall 2007 will not miss something that they have never had, and in a few years most residents will probably assume that apron parking was never allowed. Parking will undoubtedly continue to be a serious problem in the North Village, however, and the students in Urban Planning 129 suggested several long-term strategies to improve parking and living in the North Village.

LONG TERM STRATEGIES

Shared cars

UCLA contracts with Flexcar, the nation's oldest and largest provider of car-sharing services, to give students, staff, and faculty access to a vehicle for short-term, inexpensive transportation. Several Flexcar vehicles are stationed around campus. Flexcar charges a one-time membership fee of $35 and all its cars are available for rental by the hour. Flexcar is interested in offering to place several vehicles throughout the North Village for residents who do not own a car. The new shared-car option will help to compensate for the loss of about 200 apron parking spaces and will also provide a valuable new service for the approximately 5,000 residents of the North Village who do not own a car. Flexcar will make living in the North Village without a personal car more feasible than it is now.

Driveway parking permits

Some cities allow residents to parallel park on the street in front of their driveway if they apply for a permit to block their own driveway. Parallel parking on the street in front of a driveway does not allow as many additional cars as apron parking does, but the parked cars do not extend over the sidewalk. Parallel parking in front of apartment driveways poses more difficulties than in front of single-family driveways, but it may work in some circumstances in the North Village and should be allowed for residents who request it. I will attach Hermosa Beach's ordinance that authorizes motorists to park on the street in front of their own driveways.

Unbundled parking

Many landlords in the North Village include a "free" parking space in the rent for an apartment. This means that a student without a car pays the same rent as a student with a car. Other landlords "unbundle" the rent for a parking space from the rent for an apartment, so that a student without a car pays less rent than a student in a car. UCLA's Weyburn Terrace Apartments, for example, contain one parking space per bedroom, but the residents pay separately for their parking if they have a car.

The UCLA Housing Office should encourage landlords in the North Village to advertise all apartments with unbundled parking, so that students without cars will pay lower rents. If more landlords unbundle their off-street parking spaces, students with cars who cannot park in their own building will be able to rent a space in a neighboring building. Parking spaces won't be free, but they will be available.

Grocery van service

Some students say they need their cars for driving down to Ralph's and bringing their groceries home. As a way to serve customers without cars, some grocery stores in Los Angeles provide a free ride home to customers who purchase $30 worth of food. The stores say the cost of the van service is recovered through increased sales, reduced shopping-cart loss, and community support. Ralph's offers a free ride home from three of its other supermarkets in Los Angeles, and UCLA should encourage Ralph's to provide a similar van service to residents of the North Village and the Weyburn Terrace apartments. If the service is not used, it can be discontinued.

Metered and permit parking

The loss of apron parking spaces will increase the already high demand for curb parking. Many students report that the shortage of curb parking makes life in the North Village miserable. Students who rely on curb parking have to plan their lives around where and when they can find a parking space, and they have to cruise for up to 20 minutes to find a curb space. Visitors also find it frustrating to hunt for a curb space when visiting the North Village. A basic contradiction in the North Village is that we have expensive housing for people and free parking for cars. The demand for curb parking in the North Village hugely exceeds the supply because only because the curb parking free. Drivers who complain about a shortage of curb parking are really complaining about a shortage of free curb parking.

Anything that is free will be overused and undersupplied. Los Angeles has addressed this problem in other neighborhoods by creating Residential Permit Parking zones that restrict the curb parking spaces to residents only. Every resident with a car is entitled to buy a permit for $15 a year. Because the North Village has 11,000 residents and only 857 curb parking spaces, a conventional Residential Permit Parking zone would obviously not solve the curb parking shortage in the North Village because demand would greatly exceed supply at a low price of only $15 a year.

As an alternative to a conventional Residential Parking Permit zone, the students in Urban Planning 129 made a creative proposal for the North Village. They suggested using a new form of personal parking meter of the sort that is now used at UC Santa Barbara and several other universities. These personal parking meters look like small pocket calculators. To use them motorists switch the meter on and hang it inside the car's windshield with the liquid crystal display (LCD) visible. A timer in the meter deducts money for the parking time elapsed until the driver returns and switches it off. Enforcement personnel can easily determine whether a parked car's meter is running because they can see the zone code and elapsed time flashing in the LCD window. The meter shows the remaining prepaid balance at both the beginning and the end of each use, and thus reminds motorists when they need to add value to their cards. The appendix describes the meters in detail.

The City could issue these meters to residents of the North Village and charge a low price per hour—such as 10¢ per hour. Someone who stored a car at the curb for a month would thus pay $72 ($2.40 x 30), which is similar to the price of $70 a month for a permit to park in UCLA's Weyburn Terrace Apartments in the North Village. Those who don't store their cars at the curb for the full month would pay less. Alternatively, the City could offer conventional Resident Parking Permits for about $70 a month. The City could also make some metered spaces available to nonresidents at a higher price per hour. If demand for the meters at a price of 10¢ per hour exceeded the number of available spaces, the City could either raise the price per hour or limit sales among residents by some formula, such as by the number of units in a building.

Remove the two-hour time limits on curb spaces in the North Village

Many curb space in the North Village have two-hour time limits that make them unavailable for long-term parking by residents. If meters are priced to yield a few vacant space on every block, the City could remove the time limits on all spaces in the North Village. Residents could park at the curb for as long as they pay, except during the hours of street cleaning, but some spaces would always remain available for short-term parking. Removing the two-hour time limits for curb parking in the North Village could significantly mitigate the loss of apron parking spaces.

Repairing broken sidewalks in the North Village

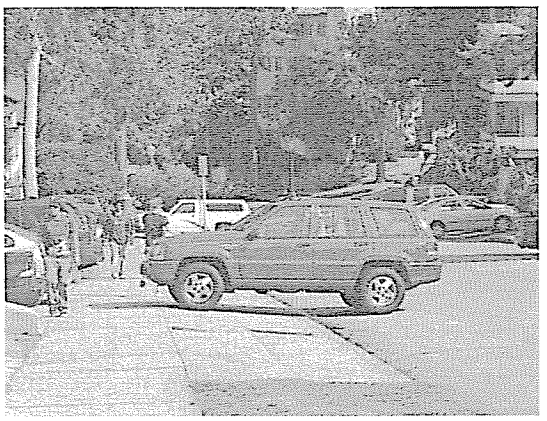
Charging for parking that was formerly free will never be politically popular, but residents with the personal parking meters will be able to find a curb space more easily. To increase the popularity of this solution, the City could agree to spend the new revenue to repair all the broken sidewalks in the North Village. These repairs would help to satisfy the City's obligation to make the sidewalks accessible for the disabled. If the City issued about 800 personal parking meters, for example, the new revenue could amount to about $50,000 a month (800 x $72), which would quickly pay to bring all the sidewalks up to ADA standards. After that, the City could use the revenue add street lights, replace missing street trees, improve trash collection, and increase security—all of which are needed in the North Village. These public improvements would greatly increase the livability of the North Village.

THE SOUND OF CHANGE

Any solutions to the parking problems in the North Village will have long-term benefits and short-term costs. These short-term costs will present serious problems for some people, and will create political problems. "There is nothing more difficult to take in hand, or more uncertain in its success," Machiavelli wrote in *The Prince* in 1532 "than to take the lead in the introduction of a new order of things. Because the innovator has for enemies all those who have done well under the old order of things, and lukewarm defenders in those who may do well under the new." Or as Woodrow Wilson said almost 500 years later, "If you want to make enemies, try to change something."

Most people at UCLA want to change the world, but few want to change themselves. Fortunately, no one will have to change themselves or give up a car in response to the enforcement of parking laws in the North Village. Instead, some people with cars will decide that the North Village is not the best place for them to live, and they will be replaced by people who cannot afford a car. Until that happens, the whining you hear is the sound of change.

APRON PARKING IN NORTH WESTWOOD VILLAGE

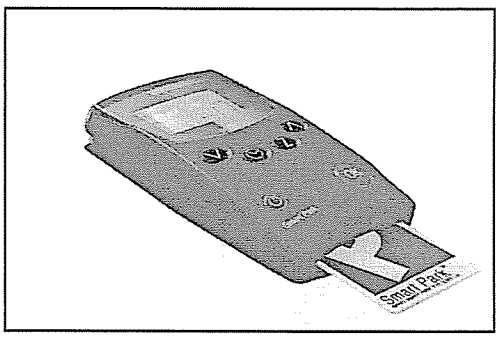


APPENDIX A: IN-VEHICLE PARKING METERS

In-vehicle parking meters look like small pocket calculators, and motorists use them in combination with a stored-value smart card to pay for parking. The system works on a university campus as follows. The university marks the zones where parking is priced by the hour, assigns a number to each zone, and posts the zone numbers and meter rates. To pay for parking, the driver keys the zone number into the meter, inserts the smart card, switches the meter on, and hangs it inside the car's windshield with the liquid crystal display (LCD) visible. A timer in the meter deducts money from the smart card for the parking time elapsed until the driver returns and switches it off. Enforcement personnel can easily determine whether a parked car's meter is running because they can see the zone code and elapsed time flashing in the LCD window. The meter shows the card's remaining prepaid value at both the beginning and the end of each use, and thus reminds motorists when they need to add value to their cards.

In-Vehicle Meters

Europeans refer to the in-vehicle meter as an "electronic purse" because of its convenience. Paying for parking with an in-vehicle meter is like paying for a long-distance telephone call with a prepaid calling card. Callers pay for long-distance telephone calls according to where they call, when they call, and how long they talk. With in-vehicle meters, drivers pay for parking according to where they park, when they park, and how long they park.



In 1989, Arlington, Virginia, became the first local government to introduce in-vehicle parking meters in the U.S., and subsequent surveys have shown an overwhelmingly positive response from motorists. When the city of Aspen, Colorado, began to offer the in-vehicle meters, drivers bought 300 meters in the first three days of the program, and by 1998 had bought more meters (which cost about $40) than the number of residents in the city. Cities and campuses that use the in-vehicle meter system report the following advantages:

1. **No need for cash.** Drivers don't need coins, tokens, or exact change when parking because the in-vehicle meters operate like debit cards.
2. **Accurate payments for parking.** Drivers pay for the exact parking time they use—no more, no less. Drivers don't pay for any leftover time they don't use.
3. **No meter anxiety.** Drivers don't need to guess how long they will want to park and don't need to return to their cars by a specific time.
4. **Safety**. Where personal safety is an issue, drivers feel more secure because they pay for parking while still inside their cars. Drivers are also protected from bad weather while paying for parking.
5. **Receipt for parking fees.** The electronic memory of the in-vehicle meter can provide receipts for parking fees to use for expense accounts or tax purposes.
6. **Mobility.** The same in-vehicle meter can be used all over campus.

7. **Faster turnover.** In-vehicle meters encourage faster parking turnover because drivers pay for parking by the minute. Drivers don't use up excess time simply because they have already paid for it.
8. **Low cost.** The in-vehicle meters reduce the need to buy, install, and maintain conventional post-mounted meters, and the need to collect, transfer, and count coins.
9. **Revenue in advance.** The university collects the parking revenue in advance and earns interest on the unused balances.
10. **Adjustable prices.** In-vehicle meters can charge different rates in different areas, at different times of the day and days of the week, and for different parking durations.
11. **Compatibility with conventional meters.** Drivers can use their in-vehicle meters to pay for parking at conventional meters. Cash customers who don't have in-vehicle meters can pay by putting coins in the conventional meters.
12. **No theft or vandalism.** Users activate the meter by inserting a smart card when they key in the zone where they park, and remove the smart card before leaving the car. The debit for parking is deducted from the card when the driver inserts it in the meter for the next use. No one has any incentive to steal the meter because it has no monetary content and it cannot be activated without the smart card that stores the monetary value. In-vehicle meters also eliminate the risk of vandalism that is commonly directed at conventional meters.
13. **Ease of enforcement.** The parking-zone code flashes in the LCD window of a meter that is running, and enforcement personnel can easily see whether a car is paying for parking.
14. **Fewer parking violations.** Drivers with in-vehicle meters usually pay for parking rather than risk getting a ticket. If the expected cost of illegal parking (the fine multiplied by the probability of citation) exceeds the price of legal parking, people pay for parking to save themselves money.
15. **Statistical analysis.** The times parked in each zone are stored in the smart card's memory and can be retrieved for statistical analysis when value is added to the cards. Anyone who is concerned about keeping this information private can always pay cash, or buy a new smart card rather than add value to an old one.
16. **Better urban design.** For on-street campus parking, the in-vehicle technology saves valuable space on the sidewalk and removes unsightly meter clutter.

These advantages come at low cost to both drivers and the university. For example, the University of Wisconsin-Milwaukee charges a one-time deposit of $25 per in-vehicle meter, which is refunded when a user leaves the program. The University of Massachusetts-Amherst offers the meters without charge, but requires a $50 replacement fee if the meters are not returned. The main disadvantage of the in-vehicle meters seems to be that most people have never heard of them.