

RESIDENTIAL PERMIT PARKING IN ARLINGTON COUNTY, VIRGINIA

(This article was originally written in 1976 by William C. Scruggs, Chief Traffic Engineer of Arlington County, for the Washington D.C. Newsletter. It has been updated and expanded by Frank O'Leary, Arlington County Treasurer.)

BACKGROUND

Arlington, one of the smallest counties in the United States, was originally a part of the District of Columbia. The Potomac River separated it from the balance of the District and as a consequence it did not grow at the same rate nor have the same interests. It was returned to Virginia in 1846. World War II brought about a tremendous growth in Arlington and it was known as the fastest growing county in the United States during that period. The population rose from 26,000 in 1930 to 163,000 in 1960. Since 1960, the growth of population has leveled off, and is currently approaching 170,000. Over the last quarter century, Arlington has been undergoing a different type of growth.

Much of the older area near the Potomac River, particularly Rosslyn and Crystal City, has been redeveloped into high-rise buildings. Similarly, intense development has occurred along the subway (Metro) line extending from Rosslyn into adjoining Fairfax County. Since the early 1960's, some 24,400,000 square feet of office space, 2,060,000 square feet of retail, 13,500 apartment units and 5,800 hotel units have been constructed, primarily in these areas.

Although the county zoning ordinances require each development to have sufficient offstreet parking to satisfy its needs, there are several factors which cause a parking problem in adjacent areas. The more important factor is that commercial office building owners charge for parking which encourages parkers to look for cheaper or free parking. Another factor, which became increasingly more significant in the late 1970's and the 1980's, is the parking demand created by Metro riders driving in from outside of the County.

An established single-family residential area adjacent to Crystal City began having parking problems in 1968 caused by office workers parking on the residential streets. Most of the streets in this neighborhood are too narrow to allow parking on both sides and many of the houses did not have driveways. Several different types of restricted parking were tried to break up or limit the all-day parking. Each restriction caused some inconvenience for the residents and was not totally effective in prohibiting all-day parking.

In early 1972, the General Assembly of Virginia passed enabling legislation which allowed local governments to issue permits for parking on public streets and to charge a differential fee for residents of that jurisdiction and non-residents. The Arlington Motor Vehicles and Traffic Code was amended to allow permit-parking zones. Six blocks of residential streets were posted for permit parking in October 1972, and the residents of these blocks were given one permit per residence.

That same year, a group of displaced parkers won a court injunction to make the County stop the practice of permit parking while their suit against the County was being heard. The Arlington Circuit Court ruled in December 1972 that the parking-by-permit ordinance was invalid because it failed to provide any guidelines for implementation and that the parking plan put into effect did not fulfill the ordinance's objectives of protecting the environment. The judge did not deal with the constitutional question of equal protection under the law.

In May 1974, the County Board adopted a new ordinance for permit parking and placed it in the County Zoning Code. The purpose of this ordinance was to reduce the hazard on residential streets, air pollution, excessive noise, trash and refuse caused by entry of parked vehicles; to protect the residents from unreasonable burdens in gaining access to the residences; and to preserve the residential character of the neighborhood. The ordinance provided for an engineering study which would determine when more than 75 percent of the potential spaces are occupied and when more than 25 percent of the spaces are used by drivers who leave the residential-zoned district for a destination within a commercial or industrial-zoned district.

Studies were done for a nine-block test area and permits issued for each vehicle of the residents of these same blocks. They were issued for free at a local fire station in the neighborhood. Fluorescent orange stickers were placed on the rear of the inside rear-view mirror bearing a number which was identical to the motor-vehicle license ID number assigned by the County. The ordinance provided for visitor permits, two per household for up to 30 days, which took the form of a stiff paper "hanger" to be suspended from the rear view mirror. Vehicles which were parked to conduct business with residents of the area and service and delivery vehicles were exempt from the permit requirement. A restriction requiring parking by permit only from 8 am to 5 pm on weekdays went into effect in July 1974.

The restriction was very successful and accomplished its goal of effectively prohibiting parking by office workers from nearby Crystal City. The streets were practically vacant with only scattered residents' cars parked. In August 1974, a group of former parkers again instituted a suit against the County and asked for an injunction to stop the practice of permit parking while the suit was being heard. The Arlington Circuit Court denied this injunction. The case was scheduled for court later that year and the practice of permit parking was allowed to continue in the nine trial blocks.

The hearing began in March 1975, and the opinion of the Circuit Court Judge was issued June 18, 1975. The contention of the petitioners was that the ordinance was unconstitutional under both Federal and State Constitutions, and that it denied them equal protection under the law. The County contended that it may make such classifications as it pleases, so long as they have some rational basis, unless the classifications are in the areas of "strict scrutiny," e.g., race, voting rights, sex, residence, or economic status.

The Circuit Court Judge, who happened to be the same judge who had decided against the County in 1972 on the previous attempt at permit parking, ruled this ordinance invalid also. "The ordinance creates two classes by classifying those who reside in the permit area and those who do not, differently. This is arbitrary and violates the petitioners' rights under the due process clauses of both State and Federal Constitutions as well as denies them the protection of the laws secured under the Federal Constitution."

The County, citing the Clean Air Act and the responsibility of state and local government to select the appropriate measures to control pollution, appealed to the Virginia Supreme Court. Previously, the Environmental Protection Agency had suggested that a reduction of driving miles would reduce pollution, and that parking limitations might prove useful in attaining this objective.

The case proceeded with all deliberate speed, but with unsatisfactory results. On January 14, 1977 the State Supreme Court ruled that a local ordinance limiting the

parking of non-residents on residential streets was a violation of the Equal Protection Clause of the Fourteenth Amendment. While recognizing the legitimacy of the ordinance's objectives, the Court held that it was "irrational" to favor residents over non-residents and "improper" to confer "a parking monopoly on the public streets of their neighborhood." The pollution argument was dismissed; "solutions achieved at the price of invidious discrimination are too dear."

Undeterred by these setbacks, the County appealed to the U.S. Supreme Court in May 1977. Rejecting the Virginia Court's contention that the price of the ordinance was "too dear," the County, supported by the Environmental Protection Agency and represented by the Solicitor General of the United States, argued that such conclusions were "legislative" rather than "judicial" decisions. Further, the Virginia Court's decision was inconsistent with a prior U.S. 1st Circuit decision (*Village of Belle Terre v. Boraas*) wherein the Court had upheld an ordinance allowing restricted entry by non-residents into a village in the interests of avoiding overcrowded conditions. Surely, if persons could be so restricted, how could greater rights be conferred upon their automobiles? Finally, the subject had direct bearing on the question of clean air for the entire nation.

In a decision published on October 11, 1977, Mr. Justice Marshall in his opinion for the Court wrote as follows.

To reduce air pollution and other environmental effects of automobile commuting, a community reasonably may restrict on-street parking available to commuters, thus encouraging reliance on car pools and mass transit. The same goal is served by assuring convenient parking to residents who leave their cars at home during the day. A community may also decide that restriction on the flow of outside traffic into particular residential areas would enhance the quality of life thereby reducing noise, traffic hazards, and litter. By definition, discrimination against nonresidents would inhere in such restrictions.

The Constitution does not outlaw these social and environmental objectives, not does it presume distinctions between residents and nonresidents of a local neighborhood to be invidious. The Equal Protection Clause requires only that the distinction drawn by an ordinance like Arlington's rationally promote the regulation's objectives. See *New Orleans v. Dukes*, 427 U.S. 297,303; *Village of Belle Terre v. Boraas*, 416 U.S. 1,8. On its face, the Arlington ordinance meets this test.

Accordingly, the judgement is set aside, and the case is remanded for further proceedings not inconsistent with this opinion.

It is so ordered.

EVOLUTION OF THE PROGRAM

In early 1978, the program commenced uninterrupted operations in the Crystal City area on a no charge basis (a policy which still remains). The ensuing decade has been marked by a growth in zoned blockfaces and concomitantly the number of participating residences, diffusion into new neighborhoods (particularly those residential neighborhoods near Metro stops), changes in the physical nature of the permit, itself, and changes in its method of issuance. In short, the program has grown up.

The table below is an attempt to chart program growth. It has been created based on fragmentary evidence, statistical inference, and the memories of those associated with the program's development, and so is not completely accurate.

YEAR	CUMULATIVE BLOCKS ZONED	PARTICIPATING RESIDENCES
1978	78	2,205
1979	103	2,810
1980	150	3,880
1981	213	4,335
1982	266	4,820
1983	315	5,010
1984	395	5,390
1985	433	5,508
1986	471	5,626
1987	508	5,744
1988	540	5,862
1989	650	6,979

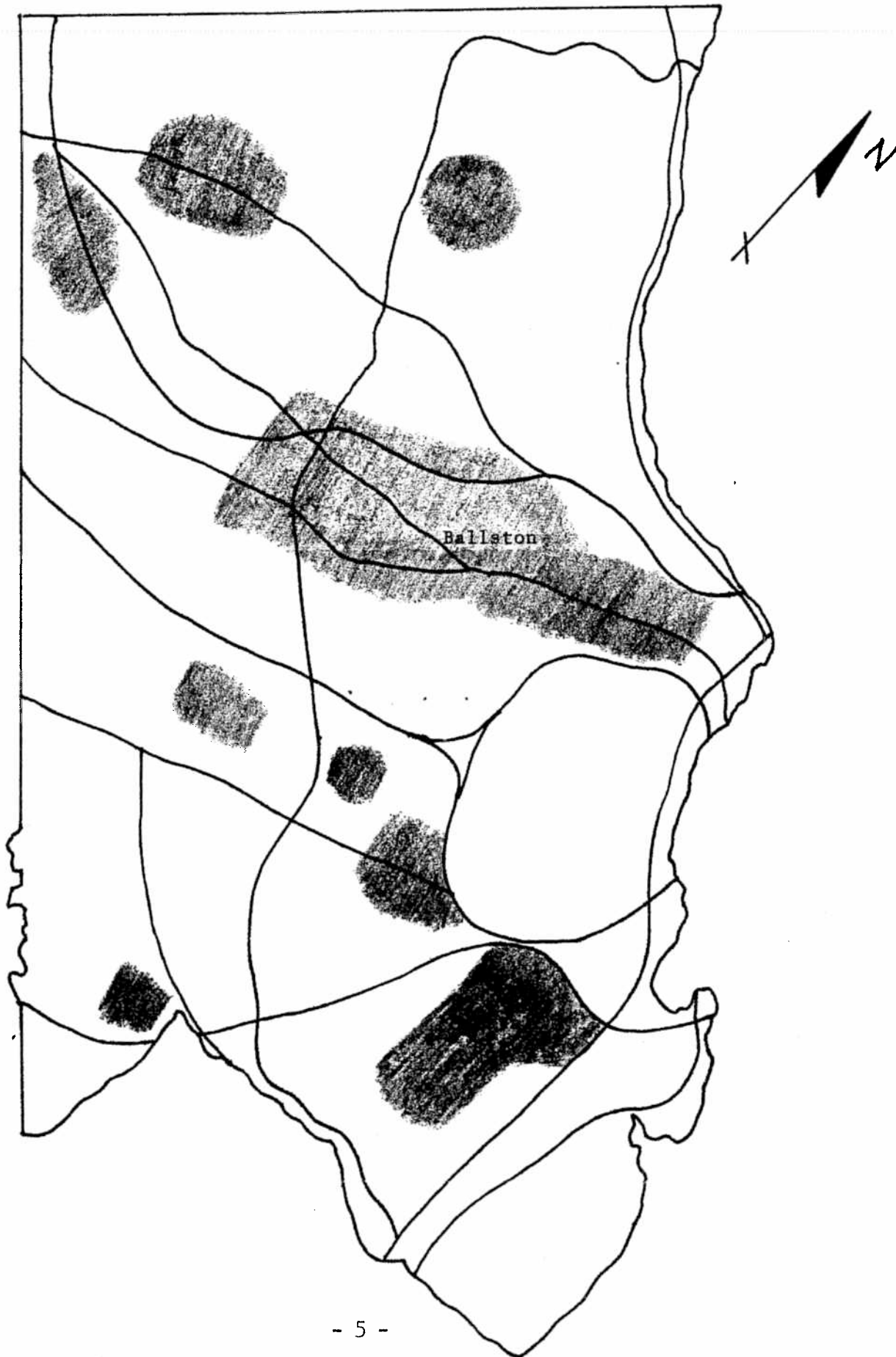
The program currently operates in 14 zones, from 9:00 AM to 5:00 PM, Monday through Friday. Its geographic extent is reflected by the map on the following page.

Initially, as noted earlier, vehicles participating in the program were designated by small fluorescent stickers affixed to the backside of the interior rearview mirror augmented, as required, by visitor "hangers." Both were issued through local fire stations. As the program expanded, this distribution approach became increasingly burdensome to both the Fire Department and the citizenry.

In 1985, the Arlington Department of Public Works Traffic Engineering Division approached the Arlington Treasurer's office with the proposal that the parking permit program be piggy-backed onto the County's personal property system for vehicles. Virtually all jurisdictions in Virginia impose an annual, ad valorem, tax on vehicles. Vehicles are also licensed at the local level and, to show that a vehicle is properly licensed and all taxes paid, the local Treasurer's office issues a windshield decal. Similarly, in Arlington, a residential parking permit is issued only for those vehicles bearing a county decal. An eventual merging together of these two systems, accompanied by centralized distribution of the permits, seemed highly desirable.

As a first step, the vehicular records within the personal property system were modified by the addition of a field to flag a vehicle as being eligible for a permit for a designated zone. By ordinance, the expiration date for permits was moved from

ARLINGTON COUNTY RESIDENTIAL PARKING ZONES - 1989



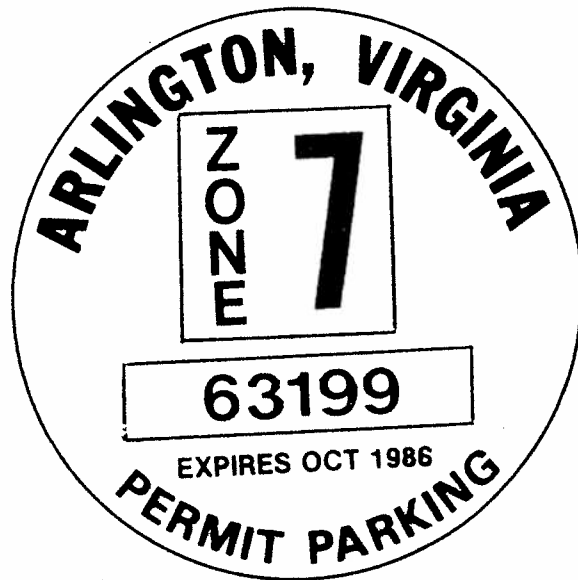
December 31 to October 15, thirty days after the personal property tax deadline and the same date on which the County decal expires. In operation, the payment of the tax on a vehicle and the issuance of a County decal triggered the production of a corresponding mailing label so that Traffic Engineering could issue the appropriate permit.

That same year, the permit, itself, was redesigned to ensure greater visibility, and numerical correspondence with the ID number appearing on the respective county decal. Samples of these items and the instructions to the citizen for the proper method of display of the permit appear below.

COUNTY DECAL



PARKING PERMIT



Note that the corresponding decal number had to be entered on the parking permit by hand.



Dear Taxpayer:

Enclosed is your Residential Parking Permit. This decal is to be placed on the left side of the rear windshield.

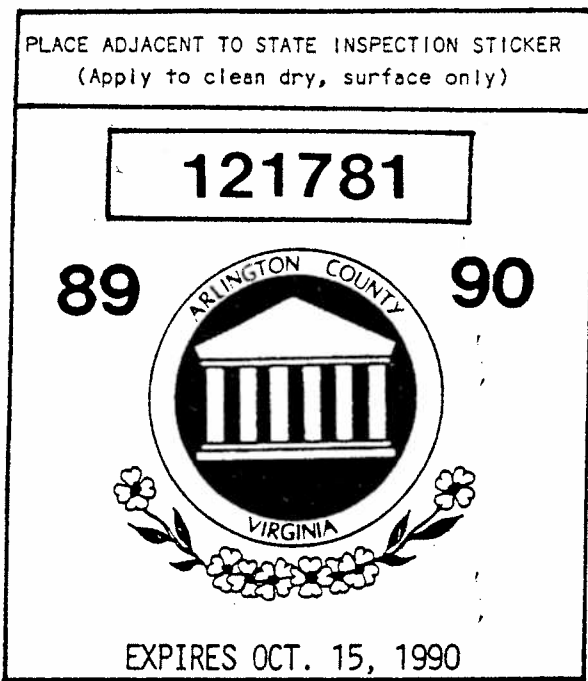
The number should correspond with your Arlington County Decal, if not please contact the Treasurer's Office at 358-3080 for a corrected decal.

Sincerely,
Norma Fearson

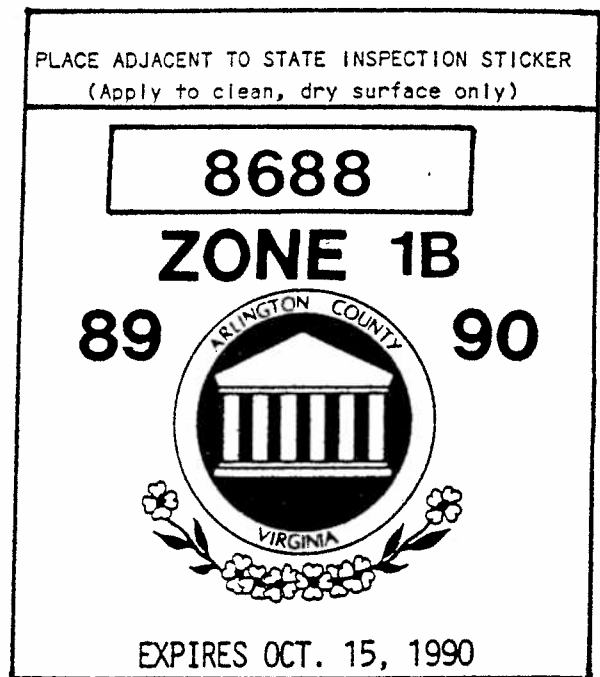
The new approach worked quite well, and in April of 1986 the next logical step was taken when the Treasurer agreed to assume responsibility for the distribution of residential parking permits. Over the next few years, as the program expanded, it became increasingly burdensome to annotate each permit with the associated decal number. Further, decals are pre-packaged within mailers to expedite their issuance. This meant that the mailing of the associated parking permit might occur a week after the decal had been mailed. The resulting uncertainty in the recipients' minds, all too often, led to telephone calls and complaints.

In 1989, the Treasurer combined the two devices to form a single decal/parking permit, as shown below.

STANDARD ARLINGTON DECAL



ZONED ARLINGTON DECAL



Simultaneously, the existing visitor's "hanger" was redesigned to simply lie on the vehicle's dashboard. Information identifying the household to which it was issued, is printed by computer, to diminish the misuse of the privilege. (Visitor permits for use near Metro stops are reputed to have a street value of \$100.) A maximum of two visitor permits are issued per household, only upon written request, for a period not to exceed one year. There is no charge for a visitor's permit.

CURRENT VISITOR'S PERMIT

Place on front dashboard

#8688



**VISITOR
PARKING PERMIT**

ZONE 1B

1220 N. Taft Street
Arlington, VA 22201

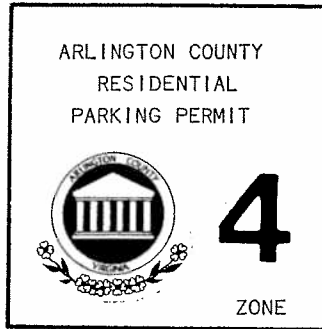
EXPIRES OCTOBER 15, 1990
VALID AT THIS ADDRESS ONLY

Implementation of the combined decal/parking permit was complicated by the presence of the fourteen different parking zones and the random order of incoming tax payments. In the prior system, the projection of a decal by the computer was triggered solely by the posting of the payment. The new approach implied one nightly posting run followed by fifteen print runs (one for each of fourteen zones, and one for the non-zones) over a period of about five weeks. This was clearly not desirable.

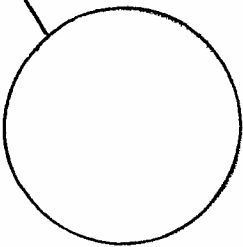
The solution has been to perform a single computer run of all zone decals and visitor permits at the same time that the tax bills were mailed. The 10,022 decal mailers (produced in alphabetic order) then were manually merged with the approximately 4,000 visitor permits. Where a residence was to receive both a decal and a visitor permit the two were stuffed into a window envelope, and the envelope inserted in its proper alphabetic position. Daily, the computer prints a listing of payments posted to "zone" accounts. The respective mailers and envelopes are then pulled and mailed.

The evolution of the Arlington residential permit parking system over the last seventeen years has been marked by legal precedence, dramatic growth, and increased technical sophistication. While change and growth of the program is inevitable, it is difficult to imagine that the program a decade from now will have changed significantly in any respect.

ARLINGTON COUNTY RESIDENTIAL PARKING PERMITS 1978 - 1985



Florescent decal placed on reverse side
of rear view mirror

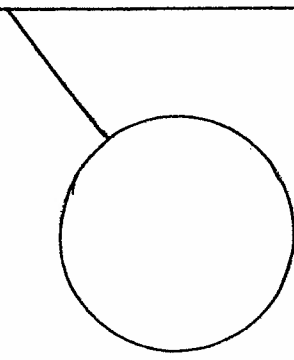


A diagram of a circular rear view mirror is shown at the top of the form, with a line indicating its attachment point. Below the mirror, the text "PARKING PERMIT" is printed in large, bold, capital letters. Underneath this, the seal of Arlington County, Virginia, is displayed on the left, and the word "ZONE" is printed to its right. A large, bold number "4" is positioned to the right of "ZONE". At the bottom of the form, there are two lines for text: "EXPIRES: _____" and "ADDRESS: _____". Below these lines, the text "Valid at this address only." is printed.


ARLINGTON COUNTY RESIDENTIAL PARKING PERMITS 1986 - 1988



Mylar decal, place on rear windshield bottom left corner



PARKING PERMIT



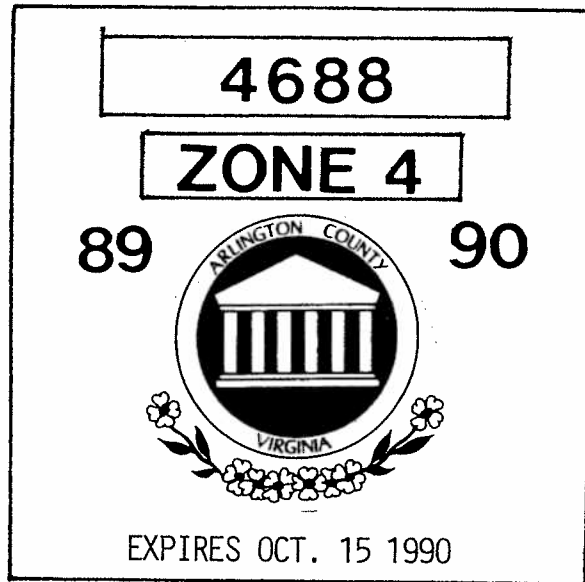
ZONE
4

EXPIRES: _____

ADDRESS: _____

Valid at this address only.

ARLINGTON COUNTY RESIDENTIAL PARKING PERMITS 1989 - 1990



Mylar decal, place on front windshield
next to state inspection sticker

