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## Parking Meters 101

By David A. Giacalone



ADVOCATE THIS!

There oughtta be a law.

A civil society requires more than well-crafted regulations; it requires proper enforcement.

The humble parking meter can teach us a lot about designing and operating a good regulatory system. Lawbreakers and whiners aside, some parking tickets are just plain unlawful or unfair — the result of poor planning, poor enforcement or both.

The basic legal principles behind parking meters ought to be valid everywhere. Knowing them can help you decide if the laws are on your side. Of course, regulations vary, so check local and state laws before screaming about injustice.

### Making Regulations Work

A law or regulation should be neither so broad that it restricts appropriate conduct nor so narrow that it unfairly targets one category of conduct, but misses similar conduct that's equally undesirable. Rule-makers need to know their goals and guard against unintended consequences.

Once you have a well-designed regulatory plan, everyone from underpaid clerks to well-paid lawyers must enforce it in a manner that jibes with its goals. Those who enforce our laws and regulations ought to know the law and the reasons for the law — not just the basic rules, but also the exceptions and nuances that make applying a legal prohibition or obligation rational and fair. If the law enforcers don't know the law, we need to know and protect our rights.

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### Metered Justice

Parking meters serve three valid purposes: (1) to obtain reasonable revenues for the privilege of parking on public streets, especially where there's a high demand; (2) to assure turnover in particular parking spaces; and (3) to prohibit parking at times when it would impede traffic flow or jeopardize safety.

It should be relatively simple to create an efficient and equitable parking meter system, but I have yet to find parking meter utopia. When I think a ticket is unfair or unlawful, I fight it, even a \$5 one. In the process, I've discovered that more than a few meter maids and municipal lawyers need to learn some parking meter law.

In a nutshell, a parking ticket is fair if the driver failed to pay the posted fee, overstayed the time limit or parked at a prohibited time — as long as the meter is in the right spot, works correctly, is properly labeled, and neither the government nor the weather has made it unreasonable to comply.

### **A Blur of Efficiency**

Schenectady, N.Y., might not be the only Rust Belt city trying to ease its budget deficit with parking meter fines, but it certainly seems to try the hardest. In October 1996, attorney Diane Bettlejeski parked her Ford Contour one morning between her office and family court at a spot never marred by a meter. Less than two hours later, she returned to discover a meter installed next to her car and a ticket flapping on her windshield. When the parking bureau refused to drop the ticket, Bettlejeski demanded a trial and won her case against over-zealous enforcement.

I also got my day in Schenectady City Court. Due to lack of maintenance and icy winters, Schenectady's parking meters often malfunction, getting stuck or giving too little time for your change. The parking bureau routinely issues a ticket whenever a vehicle is parked at a broken meter having either a yellow or red flag showing in its window — even when the machine won't accept any coins.

When I received a ticket at one of the "stuck" meters, I complained, since I had been more than willing to deposit my quarters. When the bureau refused to drop the ticket, I insisted on a trial. After a little research, I discovered what the enforcers should have known: It's not against the law in New York to park at a broken meter. The statute explicitly prohibits giving a ticket at a broken meter when metered parking is authorized.

The law often makes sense, even if the law enforcers do not. So check it out when you feel wronged.

Of course, let's not get carried away — it is against the law to break, tamper with, destroy or otherwise impair a parking meter, or use slugs or foreign coins. The "poised coin in the slot" routine isn't appropriate either: you shouldn't expect the parking officer to turn the lever for you, making parking free until then.

### **Meter Feeders Beware**

Likewise, the 62-year-old Cincinnati grandmother who made the news in 1996 was wrong to feed someone else's meter to prevent the car from getting ticketed. She was arrested and fined for her good intentions, which were obstructing official business.

Authorities have the right to enforce the maximum time limit on parking meters to assure turnover of vehicles. However, they shouldn't enforce time limits selectively or inconsistently, letting favored vehicles stay all day, while other drivers play musical chairs.

Similarly, cities shouldn't create "meter traps" with unduly short time limits. In Schenectady, the parking wizards have placed 30- and 60-minute meters on the streets surrounding the county office building and local courts. Can you imagine being in and out of family court or the Department of Motor Vehicles in under an hour?

When the government sells a service — and especially when it's backing up its collection of fees with summonses and citations — the "consumer" should expect efficiency, fairness and a responsive grievance system. Meter madness is one scourge that government creates, and one that government can cure.

*David Giacalone practiced law for more than 20 years — a decade at the Federal Trade Commission, then as a divorce mediator and children's lawyer. He recently hung up his lawyer's sword, preferring to use pen and PC as a consumer advocate. He currently resides in Rochester, N.Y.*

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