

City of Cambridge

TRANSPORTATION, TRAFFIC AND PARKING

In City Council January 8, 2001

COMMITTEE MEMBERS*Councillor Henrietta Davis, Chair**Councillor Jim Braude**Councillor Timothy J. Toomey, Jr.*

The Transportation, Traffic and Parking Committee conducted a public meeting on Thursday, November 30, 2000 at 7:00 p.m. in the Sullivan Chamber.

The purpose of the meeting was to discuss and receive comments on the Environmental Protection Agency's (EPA) extension of the comment period on the proposal to substitute the Vehicle Trip Reduction Plan for the Commercial Parking Control measure.

Present at the meeting were: Councillor Davis, Chair of the Committee, Councillor Born, Susanne Rasmussen, Director of Environmental and Transportation Planning, Donald Drisdell, Deputy City Solicitor and Donna P. Lopez, Deputy City Clerk.

Donald Drisdell, Deputy City Solicitor, outlined the Memorandum of Agreement with the EPA. The City would issue no more than 81 commercial parking spaces. There are 55 spaces in the bank.

A discussion ensued regarding commercial parking spaces where a fee is charged. Councillor Born asked if a company is charging an employee a fee for a parking space is it exempt. Mr. Drisdell responded in the affirmative. Councillor Born asked if commercial parking spaces are built at the library would the spaces be included in the definition. Mr. Drisdell responded in the affirmative; all parking garages are included in the parking freeze ordinance.

Councillor Davis informed the Committee that a climate protection task force is looking at the whole issue of emissions.

John Moot, 44 Coolidge Hill Road, stated that the City has not published its Vehicle Trip Reduction (VTR) Plan. He asked if the VTR is going to ask for more parking. Mr. Drisdell stated that the program is a proposed substitution to the State Implementation Plan (SIP). The state regulation does not come into play until the city exceeds its parking spaces. The City, he said, has been aggressively engaged in a variety of programs to reduce vehicle trip miles. The Parking and Transportation Demand Management (PTDM) Plan is implemented and managed by the City. The Interim Planning Overlay Proposal (IPOP) is in place. Special permit conditions are included in the IPOP. The City could increase and improve bicycle and pedestrian mobility and this has occurred. The city has implemented MBTA subsidies for its employees. It has not been necessary for the City to submit a plan to the state, he said. Councillor Davis asked if there would be a plan submitted after the state accepts the substitution of the VTR for the SIP. Mr. Drisdell responded in the affirmative. The report, he said, must include all programs implemented.

City of Cambridge

Mr. Moot stated that the SIP substitution has no teeth. The City, he said, is not obligated to implement any of the plan. He inquired as to what measures will be used to measure how many spaces can be added. The proposal does not include a VTR Plan. He stated he would like to see more coordination with the carpooling for commuters. He stated that the feasibility studies should be included in the plan. Mr. Drisdell stated that the feasibility study will be available when it is ready and will be ready in compliance.

Councillor Davis stated that the city staff has worked on this issue and if there is a problem with the issue the issue can be addressed at the state level.

Mr. Drisdell responded that the Department of Environmental Planning (DEP) drafted the text in response to a question from Councillor Born.

Stash Horowitz, 12A Florence Street, stated that in a letter from Mindy S. Lubber from the EPA she states that proof is needed that there is a reduction in the vehicle trip miles before the substitution is accepted. The state conducts a public hearing before any substitution is accepted, he said. In three years, he said, nothing has been done. The City has not proven its case for the substitution. He read a draft of a letter from the Association of Cambridge Neighborhoods (ACN) (which was not submitted to the Committee to be included in this report) which also stated that the City has not complied with the state regulation. The top level of the Galleria Mall parking is not opened when the garage is filled. This is commercial parking space, he said. There is also an excess of commercial capacity at University Park. He asked why would the City argue that the 13,452 parking spaces are not adequate. If garage spaces are added to the 13,452 spaces for a fee there will be more traffic and air pollution will increase, he said.

Eli Yarden, 143 Pleasant Street, listed steps that have not been done, but should be done:

- Sidewalk surfaces are not conducive for walking;
- Intersections are designed poorly;
- No safe way for pedestrians to cross the streets;
- River and Pleasant Streets does not contain a pedestrian intersection;
- Intersections are signalized for motorists, not pedestrians;
- Public transportation has not been dealt with adequately; and
- The issue of traffic enforcement.

One-third of the cost of the new library includes the cost for parking spaces, he said.

Attorney Thomas Bracken, 89 Irving Street, stated that the EPA made an effort to stop the proliferation of parking spaces in Boston. The purpose was to protect the health of the general public; automobiles cause harmful pollutants. He stated that if the Parking Freeze is enforced there is not question of its legality. However, the Parking Freeze was not enforced in Cambridge, he said. The definition of commercial parking spaces was

2

City of Cambridge

established and 13,452 was the number of parking spaces in Cambridge. He stated it would be a reckless act by the City of Cambridge to throw out the Parking Freeze.

Ted Hamann, 106 Holworthy Street, stated that it is hard to control an issue that is a regional problem. The City is under pressure to keep parking spaces, especially with traffic calming efforts and businesses complaining when spaces are reduced.

Councillor Born stated that she is hearing that the public wished that Cambridge would abandon the substitution and that the measures are not adequate and the City Council should ask the City Manager to seek alternative measures. The Citywide zoning proposal, she said, reduces parking spaces, commercial and residential development and puts limits on Floor Area Ratio (FAR). She urged the proponents to get behind the Citywide zoning proposal to reduce parking.

Councillor Davis stated that the issue is total City emissions. The City received an award for greenhouse gas emissions. Cambridge hopes to reduce emissions by 20%. She urged Mr. Bracken to apply his skill to the issue of greenhouse gases in the City. Aggregating demand for green power is a way to implement this, she said. Mr. Drisdell stated that there is a professional employee in the City who is working on this issue. He denied that there has been no compliance on this matter.

A communication was received from Stephen H. Kaiser, 1191 Hamilton Street, transmitting a copy of a letter sent to Mindy S. Lubber of the EPA regarding the Commercial Parking Freeze. **(ATTACHMENT A)**

A communication was received from the Association of Cambridge Neighborhoods (ACN) transmitting a copy of a communication the Association sent to David Conroy of the U.S. Environmental Protection Agency, regarding the Cambridge Vehicle Trip Reduction Program as a substitute for the commercial parking control measures currently in the State Implementation Plan (SIP). **(ATTACHMENT B)**

Councillor Davis thanked all that attended the meeting.

The meeting adjourned at 8:10 p.m.

For the Committee,



Councillor Henrietta Davis,
Chair

December 7, 2000

Stephen H. Kaiser
191 Hamilton Street
Cambridge, Mass. 02139

To : Councilor Henrietta Davis

From : Steve Kaiser

SUBJECT: Parking Freeze

I was not able to attend your hearing last week on the parking freeze, but the attached comment to the EPA reflects some of my concerns about the PTDM process and the ability of the City to respond to traffic and community needs. I would add that there is an important role that the City Council can play to open up the public dialogue on the many controversial issues we face and to deal with the supersensitivity of some city officials who are concerned that general criticism of official actions can somehow be interpreted as personal attacks.

We have an established process among lawyers where they will argue heatedly in the courts with disagreements and debate, yet they treat each other as colleagues and offer congratulations to each other after a court process is completed. It is a model for how one can argue and disagree yet nothing is personalized. The City Council can help achieve this freer level of discussion in the City -- simply by tossing up the "tent" and inviting everyone to join in the discussion.

Sincerely,



Stephen H. Kaiser

Stephen H. Kaiser
191 Hamilton Street
Cambridge, Mass. 02139

Mindy S. Lubber
Regional Administrator
U.S. EPA Region 1
JFK Federal Building
Boston, Mass. 02203-0001

SUBJECT: Commercial Parking Freeze in Cambridge

Dear Ms. Lubber,

In response to your letter of September 7, 2000, I would like to comment on the proposed revision of the SIP to replace the commercial parking "freeze" provisions, within 310 CMR 60.04 -- the Cambridge Trip Reduction Program. I understand that today's comment deadline has been extended two months to December 18, but I would like to offer some initial thoughts in advance of the deadline.

I note that you were requesting that the City of Cambridge seek public input into the review and approval of how the City is doing in its reports on program implementation. Unfortunately, Cambridge city government is like many other municipal and state agencies : they find that public input is often a frustration and an inconvenience to the preferred method of decisionmaking -- namely, to do their business in the privacy of the back room and not in public view. Unlike the City Council, Planning Board and Conservation Commission, the executive offices of Cambridge city government have no explicit mandate to do their business in public. We simply do not have local governmental structures which naturally want to hear what citizens have to say. The greater clout and funding of developers gives them much more access and influence, and this imbalance produces unfairness in the public process.

My concerns have nothing to do with the actual individuals who occupy the various city positions. Rather, I am concerned with the structure of our city government and how it intrinsically provides for a City Manager who is legally insulated from politics. The net result is an executive branch of government which has become insulated from the public, but remains accessible to powerful businesses and institutions.

I do not support any finding that the trip reduction program offered by city officials "*holds great promise for encouraging new and innovative measures to reduce single occupancy vehicle trips.*" The PTDM process is negotiated through city staff, largely out of the public eye, and can easily be appealed by a business to the City Manager if any discomfort is created. The PTDM has minimal enforcement powers and I am not aware of any instance where the city sought to enforce the provisions of the ordinance other than simple paper reporting. The lack of enforcement vigilance in this city is evident in the fact that the Planning Board's contract for stenographic transcripts requires a five-day turnaround time. We are currently about 2 months behind in submission of the transcripts, with no enforcement. Any promise by the city administration that they will enforce PTDM cannot be taken seriously.

The EPA's proposal is to increase the commercial parking freeze limit of 13,452 spaces if there are offsetting measures "designed to reduce automobile traffic." In this case, the offset is based on the intent to reduce traffic through design. Mitigation should more properly be based on actual results, not intentions.

Furthermore, the definition of efforts "to reduce automobile traffic" is crucial. Cambridge officials appear to be taking the reference point as one of totally uncontrolled future traffic with new development, typically with very low transit usage. For one controversial project, a development's exceedance of traffic impact thresholds was diluted by city staff recalculations of traffic with a new assumption for modal split. We are told of calculated trip reductions based on paper formulas which expand ride sharing and the use of T passes. The basic difficulty here is that Cambridge growth philosophy stresses more development and more traffic, compared to today. If we needed a parking freeze in the past before we had all the recent development, then we would need it even more today.

The vulnerability of the EPA's four required implementation measures is shown by the ease of evasion through minimal compliance. For example measures to reduce employee vehicle trips could be achieved by giving out one (1) MBTA pass an increase in parking rates could be achieved by adding 25 cents to the rate on one parking meter encouraging bicycle or pedestrian travel can be achieved by circulating one copy of one flyer and finally, PTDM plans can be prepared and filed with no enforcement. For monitoring and documentation, once a year the City could send you a letter with a few counts and sample survey results and could claim through paper calculations that they are meeting the offsetting requirements -- compared to an unrestricted growth scenario with low transit use.

It may well be that City officials are correct that a commercial parking freeze is not an effective way to reduce traffic and pollution in the city. The problem is that city officials have not faced up to the traffic-limited nature of the city and implications of traffic congestion for development. Far too many new developments are going in with too much parking. There is no reduction in parking after negotiation of PTDM plans and promises for more ride-sharing. For the case of the "Cambridge Research Park" project now being constructed on a former brownfields site, the developer first made a public proposal for the project before the Planning Board, requesting 3,200 parking spaces. When he prepared his own internal project scheduling chart for constructing the various elements, he showed his true needed : a parking garage with "only" 1,300 spaces. The final approval was for 2,000 spaces, which is more than the developer anticipated getting.

In Cambridge, developers are bargaining for more parking than they need, and they are receiving city approvals which gives them excessive parking. The Parking Control committee may still exist in some form, but its signatory/approval function on building permits has been taken over by the Traffic and Parking Commissioner, who reports to the City Manager. If EPA required the establishment of an advisory "Oversight Committee" to provide review and/or enforcement, it would be in the nature interest of City officials to make all of their appointments as loyal allies for administration policy and thus prepared to defend whatever had already happened. Such a lack of independence cannot constitute a credible independent review function. Such difficulties are not unique to Cambridge -- I would expect similar problems (or worse) in Boston.

October 18, 2000

You have requested of the City that during the public comment period the City or DEP should confirm that *"there will be a meaningful opportunity for public comment"* before local approvals. My experience in the past is that with the exception of certain public hearings before the Planning Board, there is no opportunity for "meaningful" opportunity to express concerns anywhere at any time in the City, because of the stark likelihood of simply being stonewalled by public officials. I have had it happen to me many times and have seen it happen to other citizens and citizen groups. State agencies also do more than their fair share of stonewalling – let me offer the Central Artery project as one not-so-small example.

I have been at this business long enough to remember the late 1960s, when public officials were expected to be yes-men, where committees and boards voted like robots and there was no opportunity whatsoever for public comment into most government actions. The 1970s provided for new laws requiring public input and action by public officials in an open setting. However, beginning in the late 1970s and continuing to the present day, I have witnessed a gradual decline in meaningful public participation and an increasing distaste for public officials to listen to public comment. I hope that the EPA and the City of Cambridge can reverse this unfortunate trend.

In fighting the Inner Belt and the infamous Scheme Z, the City of Cambridge has had to fight battles for recognition and input into state processes that were highly resistant to local opinion. I would hope that City officials today in the year 2000 would recognize that they are guilty of more than a few excesses of state officials 30 years ago, and that our leaders need to exercise special attention in making decisions and taking actions in an open, public way.

Sincerely,



Stephen H. Kaiser, PhD

cc. M. Kenyon, EPA
C. Kirby DEP
R. Healy, City Mgr.
B. Rubenstein, CDD
D. Drisdell, Law Dept
W. Jacobs, FH&E
S. Horowitz, ACN
T. Bracken
R. Miyares

Association of Cambridge Neighborhoods (ACN)

John R. Moot, President, 44 Coolidge Hill Rd. Cambridge, MA 02138
Ph(w) 978-686-2964 FAX 978-686-1497 jmoot@nftech.com

December 13, 2000

David Conroy, Unit Manager
Air Quality Planning
Office of Ecosystem Protection (mail Code CAQ)
U.S. Environmental Protection Agency,
EPA-New England
1 Congress Street Suite 1100
Boston, MA 02114-2023



Subject: Proposed Rules, EPA 40 CFR Part 52. Cambridge Vehicle Trip Reduction Program CVTRP) as a substitute for the commercial parking control measures currently in the State Implementation Plan (SIP).

The purpose of this change is to eliminate the existing parking freeze, and to permit the construction of additional commercial spaces under conditions spelled out in the CVTRP. For every new commercial parking space built the City must show that implementation of the CVTRP has resulted in a reduction of vehicle miles traveled (VMT) equal to the VMT that a new parking space would generate.

Before permitting the construction of any new commercial parking spaces, the City should demonstrate the need. The last census of Off-Street Parking Inventory in Cambridge was made in 1990 by Abend Associates. The totals were:

Total Number of Employee Spaces	24,171
Total Number of Commercial Spaces	11,185
Total Number of Customer/Visitor Spaces	6,791
Total Number of Vacant Spaces	2,169
Total Number of Institutional Spaces	7,513
Total Number of Residential Spaces	<u>6,683</u>
Total Spaces	58,512

Under the present Parking Freeze, Cambridge can permit 13,452 commercial spaces. Are all of the permitted commercial spaces in use for commercial parking? Or are some spaces still being held by property owners for use with future developments? Forest City is believed to be holding permits for over 1,000 commercial parking spaces pending completion of its developments. Are some commercial spaces under-utilized? For example, Cambridge Riverside Galleria recently went to the Planning Board for permission to rent about 1,000 commercial spaces to several companies for employee parking. As a result the

"bank" for commercial spaces increased by an equal amount. Are there additional commercial spaces that might be converted to employee parking, freeing up more spaces for commercial use?

Is there a legitimate need for more commercial parking spaces? If so, how many? If not, why lift the Parking Freeze?

The CVTRP, which is CMR 60.04, lacks specificity on the measures to be adopted and their enforcement. The CVTRP is covered in paragraph (5). "The City's vehicle trip reduction program may (the emphasis is mine) include, but shall not be limited to, the measures described in 310 CMR 60.04." There is nothing that must be, or shall be in the program.

Paragraph (6) Feasibility Studies, in contrast, does require that three studies be completed by December 26, 2000.

- (a) Promotion of Clean Fuels and Low/Zero Emission Vehicles.
- (b) Taxi Cab Improvements.
- (c) Zoning (Revisions to promote reduction of VMT and traffic congestion and to increase commuting alternatives to the single-occupant vehicle.)

As of December 5, 2000 these studies had not been completed, and there is no provision for public review and comment on them when issued.

Measurement of the effectiveness of the program is the responsibility of the City. How much credit is earned by a bike lane for one mile? How much credit is earned through the full subsidy of a MBTA pass? A 50% subsidy? Does one car-pool space in a garage earn credit for one or more than one commercial parking space? Does it depend upon the size of the van or the record of usage?

Paragraph (5) (e) "Transportation Demand Management for Expansions and New Development", as I read it, permits the City to earn credits for new commercial parking under the provisions of a Transportation Demand Management (TDM) program adopted for any new office or residential development. If so, a builder can adopt a TDM program and allocate some spaces for car-pooling vehicles. For each such car-pool space, I assume that the City would earn credit for one space to be added to the "commercial parking space bank". If so, then this section is defeating the purpose of the TDM program by creating commercial spaces for every space saved under a TDM plan. For example, the builder of a 200-car garage for an office building could adopt a TDM plan whereby he agrees to set aside 10 spaces for car-pooling vehicles. The City then has credit for 10 additional commercial spaces. This builder could then apply for those spaces and thereby get back the 10 spaces he had saved under his TDM plan. And if he subsidized MBTA passes for some of his employees, would he not earn credit for more commercial parking spaces?

If this interpretation of Paragraph 5 (e) is correct the TDM program would be totally ineffective in reducing VTM's. In fact, if credit is given for subsidizing MBTA passes then the situation is worse. If, on the other hand, no credit is earned from reductions in VTM's under TDM's for new buildings, then the City can earn credits for new Commercial parking spaces only by instituting TDM programs on existing office and residential buildings. Paragraph 5 (e) needs to

be amended to clarify whether or not new construction can earn credits for additional commercial parking spaces.

The provisions of the proposed SIP substitute, which includes the CVTRP, do not provide for appropriate public review, and the enforcement provisions are inadequate. Although the Oversight Committee is authorized to review the effectiveness of the vehicle trip reduction program, it is not obligated to do so.

The provisions of the proposed SIP substitute including the CVTRP do not provide adequate measures and controls. Instead of strengthening the TDM program of the City, they appear to me to render them totally ineffective. For what control process there is, there is no public oversight of the CVTRP.

This substitute SIP should not be approved as written.

If the EPA and the DEP wish to eliminate the parking freeze, they should consider a Vehicle Trip Reduction Program that includes very specific regulations and goals. In that case the SIP might include regulations such as the following:

1. - Redistribution of existing Commercial parking spaces. Recall to a central reserve all underutilized commercial parking spaces for reassignment as needed.

2. - Car-pooling. A specific requirement for the implementation of a program with clear objectives for increases in the percentage of commuting vehicles that carry more than 1 person. The requirements might be to increase the percentage of carpooling vehicles by 5% each year for 5 years to effect a total 25% increase.

3. - Use of Public Transportation. The City might be required to adopt a program that insures that all people working in Cambridge have access to MBTA weekday passes at half price?

4. - Bus Shelters: To encourage the use of public transit, the City might require all employers of 50 or more to cover all or part of the cost of bus shelters at stops nearest to their business? Further the City might be required to undertake a program to install 50 new bus shelters in residential areas through out the city each year for 4 years. Businesses or neighborhood groups that want a shelter for their use might share the cost. (See Footnote)

5. - Shuttle Buses. The City is engaged in efforts to expand this service, both public and private. There should be specific requirements to provide a subsidy for such a service if deemed necessary.

6. - Increases in Municipal Parking Rates by a minimum of 20% now and enough to cover inflation hereafter.

7. - Improvements in bicycle and pedestrian mobility and pedestrian safety.

7. - Limit the construction of new commercial parking spaces to average no more than an average of 100 per year.

Conclusion: If the City wishes to eliminate the restrictions on commercial parking spaces, it should be required to adopt a much stronger traffic management program with specified measures and goals to insure that it is as effective or more effective than the existing parking freeze in reducing VTM and air pollution. The proposed SIP is likely to result in an increase in auto emissions, not a decrease. It should not be approved.

Sincerely,

John R. Moot,
President

Footnote: Memo of 9/28/98 to Cambridge City Council from John Moot.

Cc: Robert Durand, Massachusetts Secretary of Environmental Affairs
Mindy Lubber, Regional Administrator U.S. EPA
State Representatives: Alice Wolf, Timothy Toomey, Jarrett Barrios
Cambridge City Councilors *Honorable Davis*
Robert Healy, City Manager
Seth Kaplan, Conservation Law Foundation
Lauren Liss, Commissioner, MA DEP
Jonathon Averback, EPA
Thomas Bracken, HSDF

September 28, 1998

To: Mayor Duehay, Vice Mayor Galluccio, Councillors Born, Davis,
Triantafillou, Reeves, Russell, Sullivan, Toomey.

From: John Moot, 44 Coolidge Hill Road, Cambridge

Subject: **Parking and Transportation Demand Management Program.**

I should like to recommend that the Cambridge Council include in this program the construction of hundreds of additional bus stop shelters throughout the City as a means of encouraging more residents to use public transportation, good weather and bad.

One significant deterrent to the use of mass transit is the lack of comfort: especially the exposure to rain, sleet, snow and cold wind while you wait for the bus. The clear plastic shelters in use have proven themselves. We need more, both large and small.

The cost of installing the shelters might be shared between the City and local businesses and neighborhood groups. A plaque in each shelter could give the name of the sponsoring organization.

An aggressive program by the City to install more bus-stop shelters should be a key part of this parking and transportation program.

Committee Report #2

11 S

Committee Report from Councillor
Henrietta Davis, Chair of the
Transportation, Traffic and
Parking Committee for a meeting
held on November 30, 2000 to
discuss and receive comments on
the Environmental Protection
Agency's (EPA) extension of the
comment period on the proposal to
substitute the Vehicle Trip
Reduction Plan for the
Commercial Parking Control
measure.

In City Council January 8, 2001

Report Accepted

PLACED ON FILE