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CITY OF CAMBRIDGE • EXECUTIVE DEPARTMENT

Robert W. Healy, City Manager

Richard C. Rossi, Deputy City Manager

April 29, 2002

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 02-24, regarding a report on the eligibility of students in dormitories for resident parking permits, received from City Solicitor Russell Higley and Traffic, Parking & Transportation Director Susan Clippinger.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
Attachments

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Nancy E. Glowa
First Assistant
City Solicitor



Arthur J. Goldberg
Supervising Legal Counsel

Legal Counsel
Birge Albright
Vali Buland
Cheryl Anne Watson
Nancy B. Schlacter
Christine E. McGinn

CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

April 23, 2002

Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

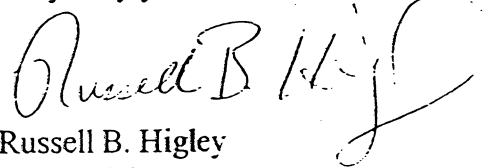
Re: *Eligibility of Students in Dormitories for Resident Parking Permits—City Council Order #12, dated April 8, 2002*

Dear Mr. Healy:

I am writing in response to City Council Order # 12, dated April 8, 2002 which asks for a report on the eligibility of students living in dormitories for resident parking stickers. As you will recall, on April 5, 2002 I provided an opinion, through you, to the Director of Traffic, Parking and Transportation on this question. Since that opinion is responsive to the City Council order, I am attaching a copy for submission to the City Council.

Please let me know if I can be of further assistance in this matter.

Very truly yours,


Russell B. Higley
City Solicitor

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City Solicitor

Donald A. Drisdell
Deputy City Solicitor

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CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

April 5, 2002

Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

Re: *Whether Harvard students residing in dormitories are eligible for resident parking permits*

Dear Mr. Healy:

As you know, the Director of Traffic, Parking and Transportation, Susan Clippinger, has requested legal advice regarding the question of whether or not she has authority to deny resident parking permits to Harvard students residing in Harvard dormitories.

Under the present law a resident of Cambridge whose motor vehicle is registered in Massachusetts and principally garaged in Cambridge, is entitled to receive a resident parking sticker. The sticker allows a resident's motor vehicle to be parked in any posted residential area of the City. See St. 1961, c. 455, § 3(a), as amended by St. 1962, c. 786, § 7, St. 1972, c. 340, St. 1977, c. 239 and St. 1981, Chapters 166, 424 and 585.

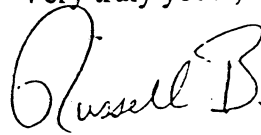
The constitutionality of the Cambridge resident parking sticker program was upheld against a challenge by non-residents in *Commonwealth v. Petralia*, 372 Mass. 452 (1977).

In summary, a Harvard student (or a student at some other college or university) is entitled to receive a resident parking sticker if he or she is a Cambridge resident and his or her automobile is registered in Massachusetts and principally garaged in Cambridge. A full-time student would certainly be entitled to establish his or her domicil or residence in Cambridge while living in a college or university dormitory. *Hershkoff v. Board of Registrars of Voters of Worcester*, 366 Mass. 570 (1974). Many students living in dormitories have established their residency in Cambridge and are registered to vote here in local, state, and federal elections. Pursuant to the relevant statutes cited above, the student would also be required to demonstrate that their automobile is registered in Massachusetts and principally garaged in Cambridge. Applications for automobile

insurance require identification of the locale within which the automobile is principally garaged, which affects, among other things, the cost of insurance for the vehicle.

Upon a demonstration of compliance with these statutory criteria, a student living in a dormitory is entitled to a resident parking permit in the same manner as any other resident of the city, and in my opinion, the Director of Traffic, Parking, and Transportation could not deny the permit.

Very truly yours,


Russell B. Higley
City Solicitor

cc. Susan Clippinger, Director of Traffic, Parking, and Transportation

Riverside Housing Units & Group Quarters			
Census Data	1990	2000	2002
All Housing Units	3,647	3,877	--
Occupied Housing Units	3,365	3,738	--
Dormitory Residents	3,757	3,571	--
Estimated Cars	2,653	--	--
District 7 Parking Passes			
Resident Permits - Total	--	--	2,009
- Households	--	--	1,972
Peabody Terrace	--	--	124
DeWolfe St. Housing	--	--	14
- Dormitory Residents	--	--	37
Vistor Passes	--	--	1,991
- Households	--	--	1,972
Peabody Terrace	--	--	129
DeWolfe St. Housing	--	--	12
- Dormitory Residents	--	--	19
Resident's Parking Census			
Total	--	--	3,000
- On Street	--	--	1,500
- Off Street	--	--	1,500

Notes:

- 1.) The boundaries of District 7 are JFK - Mt. Auburn - Mass - River - Memorial Drive.
- 2.) "Dormitory Resident" permits are only the 3,323 students in the River Houses of Mather, Dunster, Leverett, Quincy, Winthrop, Lowell, Eliot and Kirkland.
- 3.) "Estimated cars" is based on the 1990 auto ownership information for Riverside.

	Citywide	Riverside
No Cars	28%	37% 1235 units
1 Car	52%	52% 1743 units
2 Cars	17%	9% 319 units
3+ Cars	3%	2% 68 units

Units with no car	1,235	
Units w/ 1 car -	1743 cars	
Units w/ 2 cars -	638 cars	
Units w/ 3+ cars -	272 cars	(assumed 4 cars per unit)

Total cars 2,653

Memo

To: Riverside Study Committee
From: Susan Clippinger
Date: 4/25/2002
Re: Parking in Riverside

Interest has been expressed in having more information about parking in the Riverside neighborhood. The following information helps quantify the issue. The information comes from a variety of sources – 1990 and 2000 census information, 2002 information from the City's resident permit parking program, information from Harvard, and data collected by the neighbors.

The City's resident permit parking program issues a resident permit to any vehicle registered in Mass and principally garaged in the city of Cambridge whose registered owner is also a resident of the city. The program cannot deny permits to residents who meet these criteria. However, the program does not issue visitor passes to residents who reside in dorms unless they are the House Master or a resident tutor

A summary of available information is included. The legal department memo answering the question of whether residents of Harvard dorms are eligible for a resident permit is attached.

Highlights:

- Only 37 of the 3,323 students in the River House dorms have Cambridge resident permits.
- Not every car owned by a resident has a resident permit. For whatever reasons some residents do not get a permit for their car.
- 89% of (households) in Riverside in 1990 had no car or only one car.
- Neighbors identified 3,000 on and off street residential parking spaces. The City has issued 2,009 resident permits in District 7.



City of Cambridge

O-2.

IN CITY COUNCIL

May 20, 2002

VICE MAYOR DAVIS
COUNCILLOR DECKER
COUNCILLOR GALLUCCIO
COUNCILLOR MAHER
COUNCILLOR MURPHY
COUNCILLOR REEVES
COUNCILLOR SIMMONS
MAYOR SULLIVAN
COUNCILLOR TOOMEY

WHEREAS: This City Council adopted an order calling on the City Manager to report to the City Council on the eligibility status of students who live in dormitories for resident parking permits, visitor parking passes, and other matters related to parking; and

WHEREAS: The attached report was submitted to the City Council regarding this matter; now therefore be it

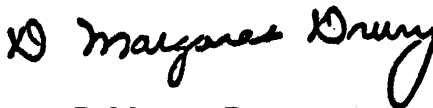
ORDERED: That this report be referred to the Transportation, Traffic and Parking Committee for the purpose of a hearing, including a broader discussion of parking in the Riverside neighborhood, the Peabody Terrace garage, the impact of graduate housing in the neighborhood, and the future Harvard University off-site parking in Allston.

In City Council May 20, 2002.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:- 

D. Margaret Drury
City Clerk

S-165

ORDER #2

Report on the eligibility status of students who live in dormitories for resident parking permits be referred to the Transportation, Traffic and Parking Committee.

Vice Mayor Davis

In City Council May 20, 2002

ORDER ADOPTED.

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sent
me