

PARKING LEGISLATION
BACKGROUND SHEET AND TALKING POINTS

BACKGROUND

(1) To date in the 96th Congress there have been five "Parking" bills introduced:

-- H.R. 3376, introduced by Representative Charles E. Grassley (R., Iowa);

-- S. 871, by Senator Pete V. Domenici (R., N. M.)

-- H.R. 3680, by Representative Larry J. Hopkins (R., Ky.)

-- H.R. 3541, by Representative Robert Whittaker (R., Kansas); and,

-- S. 930, by Senators Charles H. Percy and David F. Durenberger (R., Minn.)

In addition, to the above listed bills, Representative Charles Wilson (D., Texas) has introduced a Concurrent Resolution (H. Con. Res. 112) which would require payment of reasonable fees for the use of congressional parking spaces.

(2) In response to the President's recently articulated determination to require Federal employees to pay for parking in order to encourage more energy efficient means of transportation, the Office of Management and Budget forwarded to the Heads of all Executive Departments and Establishments for comment a Draft Circular proposing to charge all Federal employees for parking.

(3) On 30 July, the Senate Governmental Affairs Committee (SGAC) will begin to hold hearings on S. 930, the "Federal Employee Parking Act."

(4) S. 930 would amend Title V of the National Energy Conservation Policy Act to levy parking fees against privately owned motor vehicles parked in connection with employment, business or visitation at Federal offices or installations.

(5) S. 930 calls for a parking assessment "within the range of charges or fees generally applicable for public parking purposes in similar facilities [defined in subsection (b) of the Bill] in the same general locality."

(6) The Bill goes on to state in subsection (b) that should "similar facilities" not exist in nearby areas, "a fee shall be assessed which reflects fees charged in any public or private parking facility in a comparable area elsewhere in the [U.S.]."

(7) S. 930 would exempt from parking assessment only those "parking facilities provided in connection with any Federal employee's residence, including, but not limited to, housing and visitation facilities at military bases and installations."

TALKING POINTS

-- CIA's response to OMB's Draft Circular was to endorse the purpose of the circular with respect to personnel employed at Federal facilities located in urban areas (downtown Washington, Rosslyn, Crystal City, etc. and in other major U.S. cities) but to request a waiver or exemption for personnel employed in facilities located in outlying areas [note: same Agency position taken in May, 1972, no OMB response to latest response).

-- uniqueness of Agency mission and security requirements;

-- cover considerations prevent employees from using either public transportation or carpooling with overt employees.

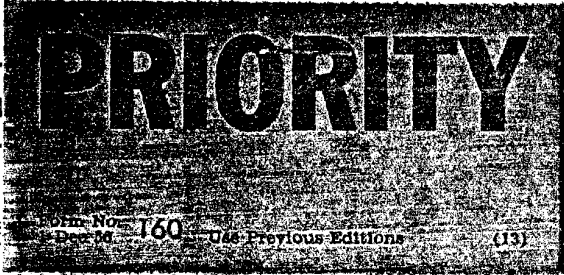
-- it has been Agency policy not to encourage personnel under cover to regularly ride public transportation to overt Agency buildings.

-- necessity of evening and weekend activity at Agency facilities precludes carpooling which functions on the assumption of uniform quitting times.

-- isolation of HQs compound: paucity of public transportation.

OLC:RJW:sf (17 July 1979)

TAB



ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)

1. Deputy Director for Administration

2.		
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Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

Don:

Believe most of the action on OMB Circular No. A-118 (attached) rests with the DDA, and more specifically with Logistics. There are a number of action requirements the Agency must address including particularly those outlined in Paragraphs 10.b., 13, and 14. The Comptroller will have to sort out with your staff the information needed to respond to the requirements of Paragraph 13 after you come up with an implementing plan for dealing with the parking problem. The report required by Paragraph 14 should be sent to this Office for transmittal to OMB via our Examiner. (over)

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
<input type="text"/>	4E-42
Acting Comptroller	Phone No.
	<input type="text"/>

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OPTIONAL FORM 41 (Rev. 7-76)
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FPMR (41 CFR) 101-11.206

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OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503



August 13, 1979

CIRCULAR NO. A-118

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Federal Employee Parking Facilities

1. Purpose. This Circular establishes policy governing the acquisition and allocation of Federal parking facilities and the establishment and determination of charges to be paid for the use of such parking by Federal employees, contractor employees and other facility tenants.

2. Coverage. The provisions of this Circular apply to Federal parking facilities in the United States, its territories and possessions, the commonwealth of Puerto Rico and the Canal Zone under the jurisdiction of the executive branch, excluding those operated by the Government of the District of Columbia and the United States Postal Service. The Office of Management and Budget urges elements of the Government not covered by this Circular to adopt similar policies.

At facilities jointly shared by an agency covered in this Circular with a governmental agency not covered (e.g. a building jointly shared by GSA and the Postal Service), when the facility is operated by an agency covered by this Circular, this Circular shall apply to all users of the parking facility. When the parking facility is operated by an agency not covered by this Circular, it is strongly suggested an agreement be reached among the affected agencies to follow the policies in this Circular. Employees of governmental entities, including the judicial and legislative branches located in facilities operated by GSA or other executive branch agencies, are covered by the provisions of this Circular. In any case, a uniform system shall be established to provide equal treatment for all users of the facility.

3. Background. There are many reasons for deciding to charge for parking at certain Federal installations and to further promote carpooling at all Federal installations. Several agencies (the Departments of Transportation and Energy, and the Environmental Protection Agency) have policies which attempt to encourage more efficient

automobile use through private employers and State and local government. It is difficult for those agencies to promote such policies when the Federal Government -- as the nation's largest employer -- does not have comparable in-house practices.

The energy constraints on our nation are already requiring changes in driving patterns. The home-to-work trip by car is the most routine and predictable component of all driving and accounts for over 40% of all household automobile mileage. Because the commuter's trip is so predictable, it is also the most adaptable to regular carpool or vanpool arrangements, and to mass transit use. Yet, over 75% of automobiles used for commuting have only one occupant.

Free or low-cost parking biases an employee's decision on whether to drive alone, carpool or use public transit for commuting. Therefore, a basis for charging for the use of parking facilities needs to be established which is equitable among employees and consistent with related policies regarding air quality, energy conservation and reduced traffic congestion.

In the Washington, D.C. metropolitan area, where the Federal Government is the dominant employer, the policy described in this Circular will contribute to that area's compliance with the timetables for improving ambient air quality set forth in the 1977 amendments to the Clean Air Act.

The policy of charging for parking is aimed at Federal installations and offices primarily in densely populated urban locations where commercial practice is to charge for the use of parking spaces. By offering free or low cost parking in those locations, the government has contributed to traffic congestion, energy consumption and air pollution. In addition, at many downtown locations only a few Federal employees have free or low-cost parking. Many Federal employees in urban locations already pay to park in commercial garages or pay mass transit fares every day.

This Circular also instructs agencies to institute more effective carpooling incentives. This aspect of the policy will be especially important at those large suburban and rural installations which have large parking facilities and would not have a parking fee. Where private sector employees work near a Federal office or installation, they too would be eligible members of a carpool comprised of Federal employees. The Federal Government will also be working with State and local governments and private employers to encourage more widespread carpooling practices.

4. Policy. It is the general policy of the executive branch to limit Federal installation parking facilities to the minimum necessary, to administer those facilities in full compliance with carpooling regulations, and to assess Federal employees, contractor employees and tenant employees who are provided parking in Government-controlled space a charge equivalent to the fair monthly rental value for the use of equivalent commercial space, subject to the terms, exemptions and conditions stated in this Circular.

5. Exemptions from Fees. At certain locations and under certain conditions employees and others using parking may be exempted from a fee, as discussed below.

a. Shift work and weekend duty. Employees whose scheduled duty hours are established as a shift starting or ending outside of an agency's normal working hours may be exempted from the fee schedule. This definition would include, for example, employees on so-called "swing" or "midnight" shifts, but not include employees on flextime or overtime. This exemption would be most applicable at locations where insufficient numbers of employees are scheduled for the particular shift to make carpooling feasible.

b. Exempt vehicles. Two-wheeled vehicles shall be exempt from a fee schedule. As an incentive to encourage vanpooling, vanpools shall be exempt from a fee schedule through September 30, 1981. A vanpool must have 8 to 15 regular members to qualify for exemption from fees.

c. Nonwork locations. No fee schedules are required for the use of parking spaces by visitors or patrons at cemeteries, commissaries, post theaters, exchanges, chapels and similar service facilities. No fee schedules are required for the use of parking spaces at government furnished quarters.

d. Hospitals. Patients and patient visitors may be exempted from a fee for parking at Federal hospitals.

e. Visitor parking. Visitors may be exempted from a fee for parking in government-provided parking spaces.

f. Shared facilities. At locations where government agencies occupy a portion of a privately-owned facility where no specific parking areas are assigned to individual employers for their employees' use and where all employees are provided free parking, the government employees may be exempted from a requirement to pay for parking. Agency heads at such locations should be especially diligent to

encourage carpooling. Efforts should be made to have building owners at such locations establish reserved parking areas for carpools. Under FPMR 101-10.117, appropriate agency contracting offices shall endeavor to amend lease contracts to accomplish the policies of this Circular.

g. Government-owned vehicles. No fees will be required for spaces used by government-owned or government-leased vehicles.

h. Members of Congress and Judges. No fee is required for parking spaces in executive branch facilities assigned for security purposes to Members of Congress and Judges appointed under Article III of the Constitution.

i. Handicapped vehicles. Handicapped employees who utilize a specially equipped vehicle for commuting shall be exempt from parking fees.

6. Collective Bargaining Agreements. This policy shall not be interpreted to render null and void any valid, negotiated agreement between management and a union covering any provision of employee parking in effect on the effective date of this Circular. Upon the expiration of agreements exempted hereunder, the provisions of this Circular shall apply.

7. Acquisition of parking facilities. Acquisition of parking facilities will be permitted consistent with limitations and conditions in this Circular. The amount of parking facilities to be provided, at either leased or federally constructed buildings, will be dependent upon an analysis of the public transportation and carpooling projected to be reasonably available or feasible at the given location or area. This analysis will be conducted by GSA upon request of an agency head, and will consider Executive Order 12072 and other applicable laws, regulations or policies concerning use of public transit, air quality control and energy conservation. This analysis will include the following factors:

a. Availability of existing or planned transit and other community sponsored transportation improvements;

b. Availability of agency or metropolitan vanpool and carpool matching programs;

c. Availability of existing or planned commercial or municipal off-street parking;

d. Impact of commuter parking on residential neighborhoods;

e. Locations of where an agency's employees live in relationship to transportation systems; and

f. Special or unusual requirements.

The analysis will assume strict enforcement of carpool regulations and increasing use of public transit. The application of this policy should result in periodic reductions in the total number of Government controlled spaces within a given area, particularly at leased locations.

8. Allocation and assignment of parking facilities. The General Services Administration (GSA) or other agency in control of parking facilities at Federal buildings and on other Federal property, including leased property, shall equitably allocate such parking facilities among agencies in accordance with FPMR 101-20.111. Agency heads shall be responsible for the allocation of parking spaces allocated for their control, including the allocation of spaces for employee parking.

To maximize the efficient utilization of available parking spaces, assignments of spaces to Federal employees shall be on the basis of the regulations promulgated by GSA (FPMR 101-20.111 and 101-20.117), as amended to comply with this Circular. At locations with large, outside parking facilities, each agency shall identify and reserve parking areas according to the following priorities based on the shortest walking distance to work areas: official vehicles used during the day, handicapped employees, vanpools, carpools with four or more occupants, other carpools, and, space permitting, single occupant cars. Agencies may assign a limited number of convenient parking spaces to certain executive personnel and employees with unusual hours in accordance with FPMR 101-20.117. Personnel to whom individual parking permits are assigned are encouraged to form carpools when their work schedules would permit such arrangements. The establishment of parking areas should be designed to encourage vanpooling and carpooling to the maximum extent feasible. Agencies may establish parking areas for subcompact sedans and station wagons used for carpools.

In urban areas, where several federally controlled facilities exist within easy walking distance of one another, parking spaces may be pooled on a zonal allocation plan rather than on an agency by agency basis to assure an

equitable number of spaces among all Federal employees and to maximize the carpooling opportunities. Such arrangements already exist at several locations. Such pooled allocations shall be administered by GSA or other agency in control of the parking facilities primarily on the basis of carpool membership without regard to agency quota and in accordance with FPMR 101-20.111 and 101-20.117.

9. Charges for employee parking.

a. Establishment of charges. Charges for employee use of Government-owned or leased parking facilities shall be assessed at all locations except where the rate, as determined in c. below, would be less than \$10.00 per month. For the initial period November 1, 1979, through September 30, 1981, the charges to be collected shall be 50 percent of the full rate scheduled to be collected. If the full rate is calculated to be between \$10.00 and \$19.99, the monthly charge between November 1, 1979 and September 30, 1981, shall be \$10.00. The full charge shall be collected after October 1, 1981.

b. Authority for charges. Authority to establish charges for the use of parking spaces is contained in the Federal Property and Administrative Services Act, as amended (40 U.S.C. 490). Comptroller General file reference B-177610 dated March 17, 1976, reviews this matter (55 Comp. Gen. 897).

c. Determination of rates.

(1) The Administrator of GSA shall determine the rate to be charged for Government furnished employee parking at each facility using generally accepted appraisal techniques. Agencies other than GSA which hold title to property and desire to arrange their own appraisals must advise GSA in writing of their intent, and shall conduct such appraisals in accordance with GSA guidelines. GSA shall review and approve all rates in accordance with 40 U.S.C. 490(k). The rates shall approximate the prevailing value of comparable commercial property in the vicinity. The rate basis will be the fair rental value of such property as used in calculating Standard Level User Charges. Fair rental value includes an allowance for the costs of parking facility management. The rates so established shall be adjusted annually by the Administrator to reflect increases or decreases in value.

(2) In instances where a parking management company is engaged to operate the facility, issue permits, provide attendants, collect fees, etc., the cost of such management

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services will be included in the base fees paid by individual users for the use of such parking facilities.

(3) Fees for employee parking spaces shall not include any share of the costs attributable to spaces exempted from the fees under Section 5 of this Circular. Such costs will continue to be handled under existing budget practices for SLUC charges.

10. Responsibilities.

a. GSA shall:

(1) issue regulations implementing the provisions of this Circular regarding the determination of commercially equivalent rates for Government parking and development of procedures for agency collection of fees from individual users;

(2) revise regulations and priorities, as necessary, for the assignment of parking spaces. Regulations shall be issued by August 20, 1979. All rates at GSA facilities shall be determined by September 1, 1979, and by October 1, 1979, for all non-GSA facilities.

(3) collect and credit to the Federal Buildings Fund parking fees paid by employees of the legislative and judicial branches who utilize parking space assignments in GSA-controlled facilities.

b. Heads of departments and agencies shall:

(1) assess charges consistent with the provisions of this Circular and GSA regulations, and under 40 U.S.C. 490(k), collect and credit fees to agency appropriations charged for parking spaces and services. Fees collected for the use of parking facilities shall be applied toward parking management costs and the Standard Level User Charges paid by using agencies to GSA. Amounts recovered in excess of direct costs and SLUC charges shall be credited to the Treasury as miscellaneous receipts.

(2) immediately request the Administrator of GSA to determine the parking rates to be assessed at facilities occupied by the agency. Requests need to be made promptly to enable rate determinations to be completed prior to November 1, 1979. Late rate determinations shall be applied retroactively to November 1, 1979.

(3) give full cooperation to the GSA in connection with the determination of commercial value.

(4) request guidance from GSA on how to conduct appraisals if the agency prefers to conduct its own appraisals. Rates developed under this method shall be submitted to GSA for review and approval.

(5) issue such instructions as may be needed to maximize carpooling and implement the provisions of this Circular and regulations issued by GSA. (See Attachment)

(6) by October 1, 1979, appoint an employee transportation coordinator at each facility to operate or participate in a system for carpool and vanpool matching among employees, and to maintain current information about public transit service to the facility. (See Attachment)

(7) by November 1, 1979, implement an effective mechanism for deterring abuse of parking space assignments made to the handicapped, vanpools and carpools.

11. Military installations. This Circular recognizes the unique problems involved in administering and charging for the use of parking spaces at dispersed facilities on certain military installations. The Secretary of Defense shall establish regulations at non-GSA controlled military installations consistent with this circular and the GSA regulations issued in conformance with this circular. The Secretary of Defense may adjust fee schedules and regulations at those portions of installations where practical considerations of installation geography or conditions of military readiness require modifications, while preserving as much as possible the monetary and administrative incentives necessary to conserve energy through substantial reductions in the use of commuter automobiles, particularly those with only one occupant.

12. Agency Administrative Workload. Agencies should administer the provisions of this Circular within existing personnel resources to the maximum extent possible.

13. Appropriated funds.

a. The policy in this Circular will reduce the need for appropriated funds to pay for parking spaces used by employees at some locations. For fiscal year 1980, agencies shall provide a report to their examining divisions at OMB by November 15, 1979, which estimates for each appropriation account the gross amount of parking fees to be collected during the fiscal year. Appropriated funds for parking which are in excess of the agency's parking costs net of parking fee receipts shall be applied toward supplemental appropriation requirements which the agency intends to

submit to OMB for review under Circular A-11. Appropriated funds not so applied will be recommended to the Congress for rescission.

b. For fiscal year 1981 and future years, budget requests shall anticipate the collection of parking fees, thus reducing the need for appropriations.

14. Report

a. By March 31, 1980, each agency shall submit a report to OMB detailing the affects of this Federal employee parking policy at each facility with more than 100 employees. Information to be included shall address:

(1) the number of official, visitor, and employee parking spaces provided prior to October 1, 1979, and on January 1, 1980, and the total number of employees at the installation on those dates.

(2) the number of parking spaces allocated to single occupant cars and carpools/vanpools and the average carpool/vanpool occupancy of those so allocated prior to October 1, 1979, and on January 1, 1980.

(3) the distribution of employees mode of transportation to and from work prior to October 1, 1979, and on January 1, 1980. (A sampling technique and questionnaire will be distributed to reduce workload.)

(4) the type and extent of assistance provided to agency employees in availing themselves of carpool/vanpool/transit commuting alternatives.

b. OMB, in cooperation with DOT and GSA, will develop and furnish to agencies specific guidance relative to the type of information needed and suggested procedures to assess the before and after effects of this employee parking policy. A similar report may be required in January 1982 after the full rate goes into effect. Instructions will be issued at a later date for any additional report.


c. Agencies with a large number of installations or office locations may satisfy the reporting requirements by providing information on the 25 largest employment centers of their agency.

d. Copies of agency reports will be made available to Federal and local agencies with responsibilities in the area of energy conservation, air quality, and transportation.

15. Review and Comment. The GSA shall publish its regulations in the Federal Register in draft for a 30-day comment period on August 20, 1979, and shall issue final regulations by October 1, 1979. Agencies should begin development of agency regulations and procedures upon receipt of this Circular and the draft GSA regulations. Final agency regulations should be issued prior to November 1, 1979.

This Circular was provided to Federal agencies and employee unions in draft on April 6, 1979. Many of their comments have been incorporated. OMB will continue to accept comments which may be addressed to Ms. Joyce Walker, Deputy Associate Director, Room 9202, Office of Management and Budget, Washington, D.C. 20503.

16. Inquiries. Agency officials who desire interpretation of GSA regulations issued pursuant to this Circular regarding special or unique circumstances should call the General Services Administration (566-1872).


James T. McIntyre
Director

Attachment