



Boston City Council

Committee on Government Operations

Michael F. Flaherty, *Chair*

Report of Committee Chair

December 7, 2016

Dear Councillors:

Docket #1110, ordinance amending CBC Chapter XVIII 18-1.16 (*Modernize the City's Street Occupancy Permit Program*), was sponsored by Councilor Josh Zakim and referred to the Committee on Government Operations on August 24, 2016. The Committee on Government Operations held a hearing on September 19, 2016, where public comment was taken and working sessions on October 31, 2016 and November 22, 2016.

Docket #1110 would amend the City of Boston Code Chapter 18, Section 18-1.16 by changing the fee structure of street occupancy permits for purposes of building construction, repair, or other alterations. The current fee for a primary permit is \$20.00. **Docket #1110** will amend the permit fee to \$100.00 for primary permits. Councilor Zakim, the sponsor of the proposal, explained that there is a proliferation of street occupancy permits with some not being used. Councilor Zakim explained that the proliferation of the occupancy permits adversely impacts the downtown neighborhoods of Boston and resident parking spaces. Councilor Zakim stated that the fee structure should be modernized as it has not changed for over thirty years and that the City of Boston should also be able to receive fair value for such occupancy. Representatives from the Boston Transportation and Public Works Departments offered testimony and reviewed the current procedures and enforcement policies for street occupancy permits. Administration representatives explained that the city monitors abuse of permits and uses due diligence to ensure that contractors are operating within the spirit of the permit. The city uses a three-prong approach with the BTD, Public Works Department, and Boston Police Department working together to ensure that contractors are not taking advantage of the system. Administration officials explained that the city inspectors perform weekly compliance checks to ensure that the permit matches the actual amount of street occupancy.

The Committee inquired about the standards that the city employs when issuing street occupancy permits and enforcement policies. The Committee discussed the impact of smaller projects; cost to homeowners; remedies for non-use of permits; and, uniform signage. The Committee also discussed imposing a daily fee as opposed to monthly to provide an incentive to finish the work in a timely manner and the need to modernize the ordinance to correspond to the cost of living. The issues raised by public testimony reflected concerns about the quality of life in certain neighborhoods, particularly in the downtown neighborhood of Beacon Hill where parking issues are difficult. The public testimony also addressed the impact of the amount of permits; the increase in construction; congestion on the street; sweeping days; and, moving days.

At the working session held on October 31, 2016, the Committee discussed that the current fee structure for occupying street space is low in comparison to the value of spaces in the City of Boston. The Committee discussed increasing the fees to reflect fair market value including the imposition of an initial fee, a daily fee and a final fee. Councilors discussed having the city provide an analysis of the fair market value of parking spaces. Councilors reasoned that increasing the fee to reflect market value could provide an incentive for contractors to complete the work more quickly. Councilors discussed the effects of multiple occupancy permits on resident spaces, the number of outstanding permits, imposing a cap on the amount of permits, and suggested limiting permits. The following representatives from the Administration attended the working session: Chris Osgood,

Chief of Streets; Michael Dennehy, Commissioner of Public Works; and, Edward Hesford, Senior Traffic Engineer, Boston Transportation Department. The Administration representatives explained the permit process and fee allocation. The Administration discussed fee options with the Councilors that included implementing a fee when signs come down and making the monthly permit more expensive. The Administration explained that there is currently no cap on permits but there are mechanisms in place for conflict resolution such as cross-referencing through Hanover Permitting. The Administration stated that the city will review the fine structure and market value of spaces.

At the working session on November 22, the following individuals attended on behalf of the Administration: Chris Osgood, Chief of Streets; Gina Fiandaca, Commissioner, Boston Transportation Department; Mary McCoy, Office of Budget Management; and Steve Stephanov, Office of Budget Management. According to the Administration, fees are used to compensate the city for expenses incurred in implementing the program. Administration officials explained that it costs 7 million dollars to run the street occupancy permit program and the city currently collects about 5 million in fees. The committee discussed the following options for a fee structure: \$25.00 daily per space; \$116.00 per day; or, \$180.00 monthly that would include flat fee, square footage, and signs. The Committee suggested the city examine what is capable of being done with the fee structure including the following: requiring that contractors pay a deposit; requiring that contractors remove signs; and, that the city prevent contractors from pulling other permits if such requirements are not met. The Committee recommended that the city examine the value of the space that contractors are using.

Based on information gathered at the hearing and working sessions, the Committee is recommending changes to **Docket #1110** fee structure and permit requirements. The revised **Docket #1110** includes the following changes: the primary fee for obtaining a permit would be fifty (\$50.00) and an additional fee of ten cents (\$.10) per square foot for the first five hundred (500) square feet of way or street to be occupied or obstructed and (\$.05) per square foot for any additional square feet of way or street to be occupied or obstructed; adds a new Section 2 that would amend CBC Chapter XVI, Section 16-12.2A by adding a provision requiring the license or permit holder to remove the license or permit from its posting; Section 3 would amend CBC Chapter XVIII, Section 18-1.16, Subsection 12 by striking the current language and replacing it with new provisions relating to parkway or street occupancy permits for public utility work that would require a \$20.00 permit fee for clearing manholes and placing testing equipment for each location as opposed to an annual fee per ward; and, adds a new Section 4 that would amend CBC Chapter XVIII, Section 18-1.16, Subsection 8A relating to permits for moving trucks.

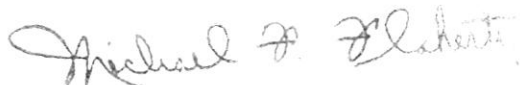
The revised **Docket #1110** provides a fee schedule that recognizes the needs of residents, contractors and utilities. The change to the amount of the square footage will guard against exorbitant bills for large projects. The provisions relating to removing the signs always will provide clarity for contractors and residents.

By the Chair of the Committee on Government Operations, to which the following was referred:

Docket #1110, ordinance amending CBC Chapter XVIII 18-1.16 (Modernize the City's Street Occupancy Permit Program),

submits a report recommending that this docket ought to pass in a new draft.

For the Chair:



Michael F. Flaherty, *Chair*
Committee on Government Operations

Offered by Councilor Josh Zakim



CITY OF BOSTON

IN THE YEAR TWO THOUSAND SIXTEEN

AN ORDINANCE TO MODERNIZE THE CITY'S STREET OCCUPANCY PERMIT PROGRAM

WHEREAS, Boston's residential parking program provides a much needed yet scarce public resource to residents of the City; and

WHEREAS, Boston's street occupancy permit program also provides a much needed means for residents, contractors, and utilities to perform construction, renovations, maintenance, and other important infrastructure improvements to the City; and

WHEREAS, The street occupancy permit program particularly impacts residents of Boston's downtown neighborhoods, where resident spaces are frequently reserved at the expense of local residents; and

WHEREAS, With the exception of two minor changes the street occupancy permit program, including its fee schedule, has not been modified in any way since 1982.

NOW THEREFORE,

Be it ordained by the City Council of Boston, as follows:

Section 1.

CBC Chapter XVIII, Section 18-1.16 shall be amended by striking Subsection 6 and replacing it with the following:

6. *Parkway or Street Occupancy Permit for Building Construction, Repair, Demolition, Etc.* The fee for a permit to occupy or obstruct a portion or portions of a parkway, other way under the control of the Parks and Recreation Commission, street or streets in connection with the erection, alteration, repair, painting, cleaning, decorating, demolition, or removal of a building or structure shall be a primary fee of fifty (\$50.00) dollars, and for each daily period in which such permit may be exercised, an additional fee of: ten cents (\$.10) per square foot for the first five hundred (500) square feet of way or street to be occupied or obstructed at any one time in such period, and five cents (\$.05) per square foot for any additional square feet of way or street to be occupied or obstructed at any one time in such period.

Permits under this paragraph shall be granted for the period of time such occupancy will necessarily continue, not exceeding one (1) month.

Section 2.

CBC Chapter XVI, Section 16-12.2A shall be amended by adding the following language after the period:

Within twenty-four (24) hours following the expiration of such occupancy, the license or permit holder shall remove the license or permit from its posting.

Section 3.

CBC Chapter XVIII, Section 18-1.16, Subsection 12, shall be amended by striking Subsection 12 and replacing it with the following:

12. Parkway or Street Occupancy Permit for Public Utility Work. The fee for a permit to occupy or obstruct portions of parkways, other ways under the control of the Parks and Recreation Commission or streets for the purpose of clearing manholes and placing and testing equipment shall be twenty (\$20.00) dollars for each location for which such permit is granted.

Section 4.

CBC Chapter XVIII, Section 18-1.16, Subsection 8A, shall be amended by striking the language following “five (5) days for a storage container” and ending the Subsection with a period.

Section 5.

The provisions of this ordinance shall be effective immediately upon passage.

Filed on: December 7, 2016

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Permits under this paragraph shall be granted for the period of time such occupancy will necessarily continue, not exceeding one (1) month.

Section 2.

CBC Chapter XVIII, Section 18-1.16, Subsection 12, shall be amended by striking the phrase “two hundred fifty (\$250.00) dollars” and inserting in its place the phrase “seven hundred fifty (\$750.00) dollars”.

Section 3.

The provisions of this ordinance shall be effective immediately upon passage.

Filed on: August 22, 2016