

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF ENVIRONMENTAL PROTECTION

310 CMR 7.00 AIR POLLUTION CONTROL REGULATIONS

310 CMR 7.31 MB CITY OF BOSTON/EAST BOSTON PARKING FREEZE

7.31: MB City of Boston/East Boston Parking Freeze

(1) Applicability

(a) 310 CMR 7.31 in its entirety is applicable to the City of Boston through the authority of the Boston Air Pollution Control Commission; the entity within the City of Boston Department of the Environment which through regulations and procedures adopted under authority vested in said Commission by M.G.L., c. 111, § 31C, and hereafter referred to as BAPCC, is responsible for administering local air pollution control programs including parking freezes within the geographic and political boundaries of the City of Boston.

(b) 310 CMR 7.31 in its entirety applies to the parking of motor vehicles in the area of East Boston, geographically described as follows and hereafter referred to as the East Boston Parking Freeze Area. This geographic area, as shown on a map approved and held by the Department, shall be bounded as follows:

Beginning at the point where Waldemar Avenue meets Walley Street and continuing in a westerly direction along Waldemar Avenue to the William McClellan Highway and continuing in a northwesterly direction in a straight line to the Chelsea River;

then southwesterly along the high water line of the River to the Boston Inner Harbor;

then continuing generally southeasterly along the high water line of the Harbor to the Logan Airport boundary;

then following along the westerly boundary of the Airport, (which in this area runs generally northwesterly along Maverick Street, northeasterly along Geneva Street, and southeasterly, northeasterly, northwesterly around Memorial Stadium) to the Massachusetts Bay Transportation Authority (MBTA) Blue Line right-of-way, just north of the Blue Line Airport Station;

then northeasterly along the Blue Line right-of-way to the southerly edge of property known as the Robie Industrial Park;

then easterly, northerly and westerly along the boundary of said Park and extending along an imaginary straight line to the MBTA Blue Line right-of-way;

then northeasterly along the Blue Line right-of-way to the intersection between the Blue Line right-of-way and the Airport boundary, in the vicinity of the southerly end of Moore Street;

then southeasterly along the airport boundary to the high water mark of the harbor;

then northeasterly along the high water mark of the Harbor to the Belle Isle Inlet;

then generally northerly along the Belle Isle Inlet to Bennington Street in East Boston;

then southwesterly along Bennington Street to the intersection with Leverett Avenue;

then northwesterly along an imaginary straight line to the point of beginning (the "East Boston Parking Freeze Area").

In the event that property described herein as Robie Industrial Park shall be owned or leased by Massport at some point in the future, then at the time of such purchase or lease, the Robie Park parcel shall become part of the Logan Parking Freeze Area.

(c) In the event that any property located within the boundaries of Logan Airport Parking Freeze Area is conveyed in fee by Massport, such property will become part of the East Boston Parking Freeze Area at the time of such conveyance.

(2) Definition of the Parking Freeze.

(a) There is hereby established a freeze on the availability of Park and Fly parking spaces within the East Boston Parking Freeze Area. No owner, operator or lessee of Park and Fly parking spaces within the East Boston Parking Freeze Area shall allow for the parking of motor vehicles in excess of the number of Park and Fly parking spaces available for use and/or permitted as of the effective date of 310 CMR 7.00.

(b) There is hereby established a freeze on the availability of Rental Motor Vehicle parking spaces. No owner, operator or lessee of Rental Motor Vehicle parking spaces within the East Boston Parking Freeze Area shall allow for the parking of Rental Motor Vehicles in excess of the number of Rental Motor

Vehicle parking spaces actively in use as of the date 310 CMR 7.31 is first published in the *Massachusetts Register* (11/24/89).

(c) Parking spaces of types and categories not specifically cited in 310 CMR 7.31(2) are excluded from the provisions of the East Boston Parking Freeze.

(3) Parking Space Inventory.

(a) On or before June 30, 1990, the BAPCC shall submit to the Department an inventory of all Park and Fly and Rental Motor Vehicle parking spaces. Said document shall include a map and supporting descriptive material of sufficient detail to identify the type, location, and quantity of Park and Fly and Rental Motor Vehicle parking spaces located in the East Boston Parking Freeze Area.

(b) Within 60 days of receipt of said inventory, the Department, after review and consultation with interested parties, including but not limited to the BAPCC, Chairman of the Boston MPO, Massport and EPA, shall issue a finding of adequacy or inadequacy depending upon the results of the review. If found adequate, the number of spaces by category shall be the Department-certified parking freeze for the East Boston Parking Freeze Area. If found inadequate, the BAPCC, in consultation with the Department and other interested parties, shall have an additional 60 days to resolve the inadequacies, so that the Department may certify a freeze number for the area. If no agreement is reached, the Department shall, at the end of these additional 60 days, issue a number, based on information submitted to-date; said number shall be the Department-certified parking freeze for the East Boston Parking Freeze Area.

(c) The number of Park and Fly parking spaces certified by the Department in 310 CMR 7.31(3)(b) shall be the maximum number under 310 CMR 7.30(5) by which the Logan Airport Parking Freeze Area inventory of commercial parking spaces established by 310 CMR 7.30(2)(b), may be increased.

(d) Upon the conversion of any park and fly parking spaces under 310 CMR 7.30(5) from the East Boston Freeze Area to commercial parking spaces within the Logan Airport Parking Freeze Area, the number of park and fly parking spaces certified by the Department in 310 CMR 7.31(3)(b) shall be permanently reduced by the number of parking spaces relocated to the Logan Airport Parking Freeze Area.

(e) Upon the relocation of any rental motor vehicle parking spaces under 310 CMR 7.30(6) from the East Boston Freeze Area to the Logan Airport Parking Freeze Area, the number of rental motor vehicle parking spaces certified by the Department in 310 CMR 7.31(3)(b) shall be permanently reduced by the number of parking spaces relocated to the Logan Airport Parking Freeze Area.

(4) Parking Freeze Plan.

(a) On or before June 30, 1990, BAPCC shall develop and submit to the Department, with copies to the Chairman of the Boston MPO, Massport and EPA, an East Boston Parking Freeze plan, developed in coordination and consultation with the Boston Zoning Commission, the Boston Department of Transportation, Corporation Counsel, the Department, Massport, and the Chairman of the Boston MPO and other city and state authorities as may be appropriate. Said plan shall contain the following:

1. Authority and responsibilities of City entities supporting the implementation of each of the components of the East Boston Parking Freeze.
2. The identification of new local ordinances, rules, regulations and policies, or modifications to existing local ordinances, rules, regulations and policies, where needed, to enable the City to implement each of the components of the East Boston Parking Freeze.
3. A schedule for adopting each of these additions and/or changes identified in 310 CMR 7.31(4)(a)2.
4. An implementation plan describing the actions to be taken by the City of Boston, Massport, and any other applicable party to enable the relocation of Park and Fly parking spaces from the East Boston Parking Freeze Area to the Logan Airport Parking Freeze Area, described in 310 CMR 7.30(1).

(5) City of Boston "Procedures and Criteria for Issuance of Parking Freeze Permits".

(a) On or before December 31, 1990, BAPCC shall amend the existing "Procedures and Criteria for Issuance of Parking Freeze Permits" required by 40 CFR 52.1135(f), and submit these amendments to the Department for review and approval. Amendments shall incorporate the following additions and modifications:

1. The East Boston Freeze Area and the Department-certified parking freeze number.
2. Modify procedures, as necessary, so as to delineate the administration and management of the East Boston Parking Freeze. Said modifications shall include provisions requiring approval by the BAPCC for any change in the location of the available parking spaces within the East Boston Parking Freeze Area.

(6) Recordkeeping and Reporting.

(a) On or before March 1 of each year BAPCC shall submit a report detailing the progress and status of each provisions of 310 CMR 7.31, in its entirety, during the preceding calendar year. Copies of said report shall be submitted to the Department, EPA, Chairman of the Boston MPO, and Massport.

(b) Copies of local ordinances adopted or modified in support of the East Boston Parking Freeze shall be submitted to the Department as they become effective.

(7) Enforcement. The Commissioner will enforce 310 CMR 7.31 under applicable law.