

ARTICLE IV-A
VALET PARKING PERMIT REGULATIONS

Effective November 1, 2012

Section 1.0 Introduction

The rules and regulations set forth herein shall be part of the Boston Transportation Department's Traffic Rules and Regulations ("Department Rules and Regulations"). Valet Parking Permits shall be issued to the establishment serviced by the valet parking operation. Such establishments may contract with outside firms to conduct their valet parking operations. A Valet Parking Permit allows the holder exclusive use of curb space during approved time periods and is authorized under the Transportation Department's authority to regulate on-street parking. It is a privilege not a right. Valet parking helps to promote the more efficient use of limited on-street parking spaces. No curb space shall be used for valet parking without a permit issued hereunder. A permit may be modified, suspended or revoked if the valet parking operation is not conducted in accordance with applicable law and these rules and regulations or if the Valet Parking Zone is not being used for a valet parking operation for all or a portion of the approved time periods.

Section 1.1 Definitions:

The following terms shall have the following meanings in this Article IV-A:

Valet Parking Permit means the permit issued by the Department to the Valet Permit Holder allowing it to conduct a valet parking operation in an approved Valet Parking Zone.

Valet Permit Holder means the establishment (restaurant, hotel, or hospital) holding a Valet Parking Permit and offering valet parking services to its patrons or visitors.

Valet Parking Operator means the company/entity that is engaged by the Valet Permit Holder to operate the valet parking service.

Section 2.0 General Provisions

Valet parking shall be the parking of a vehicle in an approved Valet Parking Zone for the time periods listed in Section 2.2 below. Vehicles that are valet parked shall be transported to and parked at a designated off-street parking facility/area and shall not be parked in any other on-street parking spaces. Any vehicle parked in violation of these rules and regulations shall be subject to the issuance of a parking citation and the Valet Permit Holder and/or the Valet Parking Operator shall be subject to the enforcement measures identified herein. The Department reserves the right to designate Valet Parking Zones or require that more than one establishment be served from a single Valet Parking Zone based upon local conditions such as traffic congestion, the demand for Valet Parking Zones or the overall impact of valet operations in a particular area.

2.1 Size and Location of Valet Parking Zones

The Department shall determine the size (measured in linear feet) and location of a Valet Parking Zone taking into account factors including but not limited to the seating capacity of the Valet Permit Holder, the nature of its business, the hours of the valet service operation, and the proximity of the Valet Permit Holder's business to the off-street parking facility/area. In considering the seating capacity of the Valet Permit Holder, as reflected in its fire assembly permit or entertainment license or as visually inspected by the Department, the Department may use the following general guidelines to determine an appropriate size for the Valet Parking Zone:

100 or fewer seats – two (2) parking spaces

101-150 seats – three (3) parking spaces

151-200 seats – four (4) parking spaces

2.2 Length of Time Vehicle May Remain in Valet Parking Zone

Hotels:

Vehicles may remain in the Valet Parking Zone of a hotel holding a Valet Parking Permit during the hours of valet parking operation listed on the permit as long as necessary, while engaged in the receiving or discharging of passengers or loading or unloading of baggage; however, hotels shall make every effort to keep a minimum of one space within the Valet Parking Zone open at all times.

Restaurants:

Vehicles may remain in the Valet Parking Zone of a restaurant holding a Valet Parking Permit during the hours of valet parking operation listed on the permit for not more than fifteen (15) minutes continuously, while engaged in the receiving or discharging of passengers.

Hospitals:

Vehicles may remain in the Valet Parking Zone of a hospital holding a Valet Parking Permit during the hours of valet parking listed on the permit for as long as necessary, while engaged in the receiving or discharging of passengers.

Section 3.0 Term and Public Comment

Valet Parking Permits shall be issued to establishments for the period July 1 through June 30. Special or one-day permits may be issued as provided in Section 10.0 below. All permits shall expire on June 30 of each year and must be renewed annually. The Department shall provide notice to the applicable District City Councilor on all initial applications and may convene a public hearing on any initial application and solicit comments on such application. Notice of any such hearings shall include a posting in City Hall and notice to the applicable District City Councilor.

Section 4.0 Coordination with other City Agencies and Departments

The Department shall coordinate its review and enforcement of valet parking operations with other City of Boston agencies including the Boston Police Department, the Licensing Board for the City of Boston and the Mayor's Office of Consumer Affairs and Licensing by exchanging and sharing information with these agencies.

Section 5.0 Application for Valet Parking

An application for a Valet Parking Permit shall be submitted on a form issued by the Department. Applications must be submitted by the establishment that will be serviced by the valet parking operation. Permits must be renewed annually and updated information must be submitted with a renewal application. The application form shall request the following information.

- 5.1** The name, address, and telephone and fax numbers of the establishment requesting a Valet Parking Zone.
- 5.2** The name and telephone and fax numbers, including the daytime and nighttime numbers of the owner or general manager of the establishment.
- 5.3** The name and address and telephone and cell phone numbers of the Valet Parking Operator that will be operating the valet service, and the daytime and nighttime telephone number and cell phone numbers of the owner or general manager of the Valet Parking Operator. The cell phone number of the owner or general manager of the Valet Parking Operator shall be accessible twenty-four (24) hours a day. If a Valet Parking Operator will not be used, the same information shall be provided for the Valet Permit Holder.
- 5.4** The location and number of linear feet requested for the Valet Parking Zone.
- 5.5** The days and actual hours of operation requested, the estimated number of vehicles that will be valet parked and the estimated number of valet attendants that will be present during each of the days and times requested.
- 5.6** A letter from the owner and/or operator of an off-street parking facility/area stating an agreement exists between the off-street location and the Valet Parking Operator or Valet Permit Holder for valet parking of vehicles. The letter must state the following information: the location of the facility/area; the total number of parking spaces in the facility/area; and the total number of parking spaces that will be available for valet parked vehicles from the Valet Permit Holder.
- 5.7** A plan or map and a description depicting the proposed route that valet parking attendants will use to and from the off-street parking facility/area shall be submitted.
- 5.8** Evidence related to the use of an off-street parking facility/area during the term of a current permit shall be submitted for all renewal applications.

Section 6.0 Evaluation Procedures and Criteria

Upon receipt of a completed application for an initial permit, the Department shall provide a copy to the local Boston Police Department District where the proposed valet operation will be located. Review, comments and hearings shall be as provided in Section 3.0. All applications for an initial permit or renewal of an existing permit are subject to an evaluation by the Department in order to ensure that there is safe and adequate vehicular access to and from the Valet Parking Zone and that the vehicular traffic expected to be generated by the valet parking operation will not cause undue traffic congestion, block or impede the flow of traffic or pose a public safety hazard by delaying or preventing access in or throughout the area of the Valet Parking Zone. The

evaluation shall be completed promptly but no later than sixty (60) days following receipt of a complete application. The evaluation shall consider the following:

- 6.1** The existing parking regulations on the block and in the general vicinity of the Valet Parking Zone.
- 6.2** The anticipated number of vehicles that are proposed to be accommodated at the Valet Parking Zone during each of the operating periods listed in Section 5.5 and the corresponding number of valet parking attendants that are proposed to be used during each such period.
- 6.3** The width and configuration of the streets at and in the general vicinity of the Valet Parking Zone.
- 6.4** The accessibility issues such as turning movements required for vehicles that will enter and leave the Valet Parking Zone.
- 6.5** The existing vehicular volumes on the streets and the on-street parking demand at and in the general vicinity of the requested zone during the time periods listed for the operation.
- 6.6** Pedestrian volumes at and in the general vicinity of the Valet Parking Zone.
- 6.7** An assessment of the proposed route to and from the off-street parking facility/area under the following criteria: how direct is the route and whether the distance between the establishment and the parking facility/area is within a reasonable walking distance for valet parking attendants.
- 6.8** The overall demand for Valet Parking Zones at and in the general vicinity of the requested location during the operating periods listed on the valet parking application.

6.9 The record and history of valet parking operations for the Valet Parking Operator that will be providing the service. If a Valet Parking Operator will not be used, the same information as to the Valet Permit Holder.

Section 7.0 Determination and Issuance Procedures and Criteria

The Department shall determine whether and to what extent an application should be approved based upon the Department Rules and Regulations and its statutory authority. The Department may accept and consider comments from elected officials, residents and other city agencies and departments. Under the provisions of these rules and regulations, an application may be approved in whole or in part, it may be denied, or it may be approved subject to specific additional conditions related to location and use characteristics such as the number of linear feet, the exact location of the Valet Parking Zone, the estimated number of vehicles that will be valet parked during each operating period listed in Section 5.5, the required number of valet attendants during each such operating period and use of a single Valet Parking Zone by more than one establishment. An approval notification shall be the Valet Parking Permit and it shall include the information on the permit application, the information set forth below and such additional information as the Department may determine. If an application is denied in whole or in part, or if it is approved subject to specific additional conditions, the grounds for such action shall be in writing and become part of the permit. The permit shall include the following:

- 7.1** The term of the permit, the exact location and the number of linear feet of the Valet Parking Zone, the approved days and hours of operation, the minimum number of valet attendants required during each of the approved operating periods, the name and address of the designated off-street parking facility/area and the permit fee. Valet parking shall be allowed only during the approved days and hours of operation; and if the Valet Parking Zone is not being used for a valet parking operation for all or part of the approved time periods, the permit may be modified or revoked. The Valet Permit Holder or Valet Parking Operator may request permission to place signage in the Valet Parking Zone during the hours listed on the permit, but only Department-approved signage shall be placed on the street.
- 7.2** The requirement that all vehicles shall be parked at the off-street parking facility/area listed on the permit and not parked in the Valet Parking Zone for longer than the allowed time limit or in any other on-street parking space.
- 7.3** That the operation of any valet parking operation is the responsibility of the Valet Permit Holder, and a statement that the Valet Permit Holder agrees to comply with the terms and conditions on the permit, these rules and regulations and other regulations of the Department.
- 7.4** That the permit shall be available for inspection at the establishment at all times.
- 7.5** Copies of new permits shall be provided to the Boston Police Department District where the proposed valet operation will be located, the applicable District City Councilor and other city agencies including the Licensing Board for the City of Boston and the Mayor's Office of Consumer Affairs and Licensing. An inventory of new, suspended and/or revoked permits shall be provided upon request to the Department.
- 7.6** The permit shall be issued upon approval and payment of the applicable fees. Once approved, the Department shall install valet signage. Unless a permit is renewed, the valet parking

signage will be removed upon expiration of the current permit.

7.7 The Department may determine that a Valet Parking Zone should be designated or shared by more than one establishment. In this case, the Department shall list all of the establishments sharing the Valet Parking Zone as the Valet Permit Holder(s) on the Valet Parking Permit.

Section 8.0 Fees

The fees for the use of the curb space and signage are established by way of City of Boston ordinance. Fees as of May 1997 are as follows: \$40 per linear foot of curb space per year and \$150 per sign for a five year period. The payment of the fees shall be on a schedule as determined by the Department.

Section 9.0 Enforcement

9.1 The Department shall maintain a complete file for each Valet Parking Permit issued. The files shall include all information relevant to the Valet Parking Permit including application(s), approval letters, complaints, correspondence, reports, Valet Parking Operator information, and other related documents and information.

9.2 Conducting or operating a valet parking operation without applying for and receiving a Valet Parking Permit issued hereunder shall subject the establishment serviced by the valet parking operation and the valet operator to a fine not exceeding three hundred dollars (\$300). Each day on which a violation exists shall constitute a separate offense.

9.3 Valet Parking Permits may be suspended or revoked as set forth below, provided, however, that where a violation is a threat to public safety or welfare, a permit may be suspended or revoked prior to initiating the procedures below.

9.4 Transportation Department employees and Boston Police Officers are authorized to enforce these regulations. The Department shall maintain within the file referenced in Section 9.1 all valet parking complaints from elected officials, residents and other city agencies and Boston Police Department Incident Reports.

9.5 Complaints may be taken in person, by telephone or in writing. A complaint form, as determined by the Department, shall be used whenever practical. Copies of complaints and incident reports received by the Department shall be provided to the Valet Permit Holder and the Valet Parking Operator.

9.5.1 Valet vehicles that are parked in violation of these rules and regulations may be subject to issuance of a parking citation. A licensed premise violation may also be issued to a Valet Permit Holder licensed by the Mayor's Office of Consumer Affairs and Licensing or the Licensing Board for the City of Boston for any violation of these rules and regulations.

9.6 The Department may issue a written warning to a Valet Permit Holder on the basis of any complaint, compliance inspection, written violation, parking citation, or incident report. A written warning shall identify the nature of the problem and may state corrective action. Copies of written warnings shall also be provided to the Valet Parking Operator associated with the particular Valet Permit Holder receiving the warning.

9.7 The Department may undertake compliance inspections from time to time and it may undertake investigations based upon complaints, incident reports or violation notices. On the basis of inspections or investigations the Department may issue a written warning to a Valet Permit Holder, as described in Section 9.6.

9.8 Following the issuance of at least one written warning to a Valet Permit Holder, the Department may schedule a hearing if it receives an additional complaint or incident report or if a compliance inspection reveals a problem. The purpose of the hearing will be to receive additional information and to determine if additional enforcement measures are warranted. The Valet Permit Holder and Valet Parking Operator shall be provided prior written notice of the hearing and both shall be required to attend. The Valet Permit Holder and/or the Valet Parking Operator may present information at the hearing. Following a hearing, the Department shall issue its determination as to what, if any, additional enforcement measures to take. Such measures may include an additional written warning or a modification, suspension or revocation of the permit. The Department may also schedule a hearing for any of the following purposes: to hear applications for new Valet Parking Permits; to hear requests from an existing Valet Permit Holder to increase or decrease the days or hours of its valet parking operation; requests from existing Valet Permit Holders to decrease or increase the size of the Valet Parking Zone; or to address complaints or violations occurring after written warnings are sent out and that the Department determines warrant immediate attention.

9.9 Actions involving the modification, suspension or revocation of a Valet Parking Permit shall be based on a number of factors including the number of violations, the number of occasions on which the violations occurred, or the severity of an incident resulting in a violation. A first suspension shall be for a period of not more than five (5) days and a second suspension for a period of not more than ten (10) days Following the second suspension, the Department may revoke the Valet Parking Permit.

9.10 Copies of written warnings, suspensions and revocations issued by the Department under this section shall be provided to other city agencies including the Boston Police Department, the Licensing Board for the City of Boston and the Mayor's Office of Consumer Affairs and Licensing.

9.11 Parking citations received as a result of a violation of these rules and regulations are the responsibility of the Valet Permit Holder. Parking citations shall be processed and may be appealed pursuant to the procedures spelled out in Article IV-B of the Department Rules and Regulations.

Section 10.0 Special or One-Day Permits

The Department may, in its discretion, issue special or one-day permits for valet parking. Such permits shall, as determined by the Department, comply with all of the provisions hereunder, and applications for such permits shall be submitted no later than five (5) days prior to the date of the event. The Department shall consider requests less than five (5) days prior to the event only in extraordinary situations.

Section 11.0 Severability

If any section or part hereof is held invalid, the remainder shall not be affected by such holding.

Section 12.0 Public Safety

In the interest of public safety, each Valet Parking Operator operating within the City of Boston must annually, on or before July 1 of each year, provide a copy of its company's policy regarding handling intoxicated drivers to the Department.

Section 13.0 Identifying Jackets for Valet Parkers.

As specified in sections 16-49.1, et seq., of the City of Boston Code, no Valet Parking Operator who is engaged in providing valet services, including but not limited to receiving or discharging passengers or loading or unloading baggage from a vehicle, making arrangements to remove the vehicle to a designated off-street parking facility, parking a vehicle, or otherwise in control of a vehicle subject to valet parking requirements, may engage in such activities unless the Valet Parking Operator is wearing a jacket or shirt clearly marked "VALET" across the back in reflective lettering that shall be highly contrasting with the background/field/screen (i.e. dark-colored reflective lettering on light-colored background or light-colored reflective lettering on dark-colored background); each individual letter of the word "VALET" shall be no smaller than three inches (3") in height. The front of the jacket or shirt worn by the Valet Parking Operator shall include the name of the person, business, establishment, or corporation granted a Valet Parking Permit.

Compliance with these sections shall require the jacket or shirt required in this section to be the outermost garment worn by the Valet Parking Operator.

Enforcement of and exemptions from the provisions of this Section 13.0 shall be as set forth in City of Boston Code, sections 16-49.1, et seq.

Section 14.0 Effective Date.

These amendments to the Department Rules and Regulations shall take effect on November 1, 2012.

City of Boston Valet Parking Permit Application

DATE _____

(Issued July 1 to June 30 and must be renewed annually)

Applicant Information (location where valet operation is proposed, a location may include more than one street provided that it is contiguous)

1. Business Name _____
 2. Address: Street _____ City: _____ Zip Code: _____
 3. Owner/General Manager _____
- Day Phone # _____ Fax # _____ Evening Phone # _____ Pager # _____

Valet Information

1. Valet Company _____
 2. Address: Street _____ City: _____ Zip Code: _____
 3. Owner/General Manager _____
- Day Phone # _____ Fax # _____ Evening Phone # _____ Pager # _____
4. Valet Zone Location _____ Linear Feet _____
 5. Off-Street Facility to be utilized (Name and address of facility) _____

6. For the Applicable Days and Hours of the Valet Operation, please list the Estimated Number of Vehicles during the Time Period and the Estimated Number of Valet Attendants that will be assigned during those periods.

Daytime Monday to Friday:

(HOURS)

(# OF VEHICLES)

(# OF ATTENDANTS)

Daytime Saturday and Sunday:

(HOURS)

(# OF VEHICLES)

(# OF ATTENDANTS)

Evenings Sunday to Wednesday:

(HOURS)

(# OF VEHICLES)

(# OF ATTENDANTS)

Evenings Thursday to Saturday:

(HOURS)

(# OF VEHICLES)

(# OF ATTENDANTS)

Required Attachments

Please identify by name and street address and attach a map or plan and a description showing the proposed route that valet parking staff will use to and from the off-street parking facility.

Please attach a copy of the agreement between the valet company or the establishment with the owner or operator of an approved off-street parking facility where the valet vehicles will be parked. Said agreement must include the following information: the total number of parking spaces in said facility; and the total number of parking spaces available for use by valet parked vehicles from the establishment.

Sign below & submit to City of Boston, Transportation Dept, Off-Street Parking Division, 721 City Hall, Boston, MA 02201

SIGNATURE OF APPLICANT