

ADMINISTRATIVE POLICIES - POLICY 0010

State of Vermont

Agency of Administration

Department of Buildings & General Services

Policy 0010

Title: Parking Regulation & Towing Procedures in State Parking Lots

Date of Issue: October 21, 2021

Supersedes and Combines:

Policy 0010, "Parking Regulations", dated April 21st, 1999

Policy 0011, "Towing Procedures", dated September 19th, 2001

Policy 0037, "Montpelier Capitol Complex Parking", dated December 30, 2005

AUTHORITY

29 V.S.A. § 153, Parking rules, 29 V.S.A. § 170, Parking in State Parking Lots.

PURPOSE

This policy establishes parking provisions for employees and visitors utilizing state parking facilities under the jurisdiction of the Commissioner of the Department of Buildings and General Services (BGS).

DEFINITIONS

1. **State Parking Lot:** Any paved or unpaved parcel of land, lot, or structure owned or leased by the State of Vermont and under the control and/or jurisdiction of the BGS Commissioner.
2. **State Vehicle:** A state vehicle is owned and/or managed by state agencies/departments. These vehicles are generally either assigned to BGS Fleet Management Services or are vehicles permanently assigned to agencies and departments.
3. **Operator:** Any individual who operates any vehicle in any state parking lot either as the owner or as the agent, employee, or permittee of the owner, or otherwise.
4. **Parking Permit:** A parking permit issued by the BGS Office of State Safety and Security, hereinafter known as 'SS&S', that grants permission to park in certain state parking lots in compliance with this administrative policy.
5. **Parking Violation:** An administrative document issued by SS&S for non-compliance with this administrative policy.
6. **Repeat Offender:** Any individual who is identified by SS&S as having two (2) or more parking violations on state property.

7. **Reviewing Official:** An individual designated by the BGS Commissioner to consider any appeals for issued violations.

POLICY

1. **General Protocol:** All vehicles in state parking lots and/or areas are to be parked in accordance with applicable state and local parking rules and laws and follow all posted signs and road markings. Parking of any vehicle in any parking lot shall be within a delineated parking space or conform with other directions posted on the site.
2. **Loading Docks/Platforms:** Parking at loading docks and platforms shall be restricted to commercial and other service/delivery vehicles.
3. **Persons Authorized to Park in State Parking Lots:**
 - a. Parking in state parking lots shall be limited to state government vehicles and to vehicles operated by state employees or those authorized by a state office, who have been issued a parking permit by SS&S. This includes contractors and visitors to that office.
 - b. Vehicles owned by government entities other than the State of Vermont are authorized to park in state parking lots when the vehicle license plate identifies that the vehicle is registered as such, or the vehicle is operated by a law enforcement agency.
 - c. It is the responsibility of each state employee to secure a parking permit for themselves through the SS&S for state parking lots that require permits.
 - d. Vehicle operators who have not been issued a parking permit but are meeting with or performing official duties for a state office may have the hosting office request a parking permit on their behalf. Issuance of the permit is at the discretion of the BGS Commissioner.
 - e. The general public may park private vehicles in non-gated state parking lots from 4:00 PM to 12:00 PM on weekdays and 6:00 AM to 12:00 PM on weekends and state holidays when not otherwise restricted by local signage and/or barriers. Overnight parking is prohibited except by state and personal vehicles that are operated by state employees who are traveling on temporary duty for the state or during unforeseen events.
 - f. During special events and/or incidents, the BGS Commissioner may authorize the general public to park in state parking lots during times outside of this policy.
 - g. Privately owned recreational vehicles (RVs), trailers, boats, and other specialty vehicles are prohibited in state parking lots without prior approval from the BGS Commissioner.
4. **State Vehicles:** State vehicles are authorized to park in state parking lots statewide and without a permit. In some locations, there are designated parking spaces for the state vehicles. State vehicles are encouraged to be parked in these spaces but parking in other parking spaces shall not be considered a violation of this policy.

5. **Assigned Parking Spaces/Areas:** The BGS Commissioner may designate and assign parking spaces to agencies, departments, or positions.
6. **Parking Permits:** All personally owned vehicles must display a current parking permit issued by SS&S when parked in the following state parking areas:
 - 1) All state parking lots in the Montpelier Capitol Complex,
 - 2) The Zampieri State Office Building Indoor Parking Garage, 108 Cherry St, Burlington,
 - 3) The Brattleboro State Office Building, 232 Main St, Brattleboro, and
 - 4) The Chittenden Regional Correctional Facility, 7 Farrell St, South Burlington.
 - a. It is the responsibility of the agencies, departments, and individual employees to submit requests for renewal of parking permits.
 - b. The parking permit shall be displayed from the rear-view mirror or on the dashboard in a clearly visible location. To enable an operator's unobstructed view, it is recommended that the permit be removed from the rear-view mirror when the vehicle is in motion.
 - c. Only one parking permit will be issued per state employee, contractor, or approved visitor. Employees are authorized to temporarily transfer the permit to another vehicle, such as a rental vehicle, if the state employee is the operator of the vehicle for the day. Permits are not allowed to be passed to other people, including other state employees.
 - d. A parking permit authorizes parking in a controlled lot on a space-available basis. In Montpelier, the Department of Labor (DOL) parking lot on Green Mountain Drive is designated as an overflow parking area.
7. **State's Liability:** Use of state parking lots is at the risk of the owner or operator.

VIOLATIONS AND PENALTIES

State Employees' Progressive Enforcement of Parking Violations

- 1st Offense: An administrative ticket placed on the offending vehicle.
- 2nd Offense: An administrative ticket placed on the offending vehicle and an email sent to the offender by the BGS Commissioner. The administrative ticket and email will apply only to those vehicles with two or more parking violations within a 6-month period.
- Subsequent offences may result in notification of the offender's supervisor, notification of the offender's Appointing Authority, loss of parking privileges, and/or towing of the offending vehicle. Loss of parking privileges and towing of the offending vehicle will be based on the nature and seriousness of the parking violation, frequency of previous violations, the vehicle operator's willingness to correct the violations, the availability of authorized parking spaces, the

resulting effect on traffic flow and others' use of the parking lot, and other aggravating or mitigating circumstances.

Non-State Employees' Progressive Enforcement of Parking Violations

- 1st Offense: an administrative ticket placed on the offending vehicle indicating that because the vehicle is not registered to a state employee that their vehicle may be towed for subsequent violations within a state parking lot.
- Subsequent offences may result in towing of the offending vehicle. Towing of the offending vehicle will be based on the nature and seriousness of the parking violation, frequency of previous violations, the vehicle operator's willingness to correct the violations, the availability of authorized parking spaces, the resulting effect on traffic flow and others' use of the parking lot, and other aggravating or mitigating circumstances.

Exceptions to Progressive Enforcement of Parking Violations

Any vehicle is subject to immediate removal under the following circumstances:

- Parking in individual reserved parking spaces as marked by signs.
- Parking in violation of posted signage.
- Parking in fire lanes.
- Restricting emergency vehicle access or access to a fire hydrant or fire standpipe.
- Parking in handicapped parking spaces or ramp access without a state issued handicapped or disability placard.
- Impeding the flow of traffic or another vehicle from leaving a state parking lot or parking space
- Abandoned vehicles (as defined in 23 V.S.A. § 2151).
- Vehicles that are wrecked, inoperable, leaking fluids, vandalized, or significantly damaged.

The State of Vermont or any state employees enforcing this policy shall not be responsible for any costs or other expenses occasioned by such removal.

PROCESS FOR TOWING A VEHICLE

If SS&S is unable to locate the owner of the vehicle or the vehicle is not moved in a reasonable time, typically 1-2 hours, SS&S shall:

1. Determine that the vehicle is subject to towing per this policy.
2. Request the BGS Commissioner's approval to have the vehicle towed.
3. If approved, contact a towing company to have the vehicle towed at the owner's expense.

4. Notify the law enforcement agency having jurisdiction that a vehicle has been towed and provide the offending vehicle's description and license plate number, owner's name (if available), what company towed it, and where it has been towed.
5. If the operator is known SS&S will attempt to notify the operator that his or her vehicle has been towed.

APPEALS PROCESS FOR PARKING VIOLATION OFFENSES

Appeal Procedure

A parking violation may be appealed by submitting an appeal, in writing, within fifteen (15) days of the issue date of the administrative parking violation ticket to the following address:

Department of Buildings and General Services, Commissioner's Office
Attn: Parking Enforcement Appeal
133 State Street, 5th Floor
Montpelier, VT 05633-5801

The reason for the appeal should be written as precisely as possible and should include the operator's defense and/or extenuating and mitigating circumstances for rescinding the parking violation, along with any supporting evidence. Lack of knowledge of applicable laws or this policy is not considered a mitigating circumstance.

Consideration of Appeal

The BGS Commissioner may designate a Reviewing Official who shall review the merits of each appeal. The Reviewing Official shall render a written decision within thirty (30) days of receipt of the appeal. The appeal decision may uphold the administrative parking violation, modify it, or vacate it. The decision of the Reviewing Official shall be final.

Department Approval: Jennifer Fitch, Commissioner, Department of Buildings and General Services, October 21, 2021



Agency Approval Required: Susanne R. Young, Secretary, Agency of Administration