

Report No 94

Parking Policy for Delhi: Urgent review and response to the Affidavit filed by GNCTD on February 7, 2019

February 15, 2019

Environment Pollution (Prevention and Control) Authority for NCR (EPCA)

The Hon'ble Supreme Court on February 11, 2019 directed EPCA to file its response to the affidavit filed by the Government of the National Capital Territory (GNCT), Transport Department on the parking policy for the city. This report is being filed in compliance with these directions. In order to finalise its report, EPCA convened an urgent meeting with all key stakeholders on February 14, 2019, namely (see Annexure 1 for list of participants):

- a. The Delhi Traffic Police
- b. The South, East, North Delhi Corporations and New Delhi Municipal Council
- c. Union Ministry of Housing and Urban Affairs.

1. Background

It is understood that vehicles remain 'parked' for 95 per cent of their lifetime. This creates enormous demand for valuable urban land. Depending on the size of the cities and rate of motorisation, the annual demand for additional parking spaces can be equivalent to as much as 310 football fields in Delhi, 100 in Chennai, 58 in Chandigarh, 179 in Gurgaon and so on. Surveys in key commercial areas in Delhi indicate that personal vehicles occupy more than 85 per cent of the parking area but meet miniscule travel demand. Buses take up barely 4 to 5 per cent of the total equivalent car space (ECS) of parking spaces, but carry 20 times more people. Parking is thus taking away precious urban land from other essential services in cities.

Today, in Delhi, parking pressure is enormous on residential roads, walkways and virtually all available surface areas. It has become a law and order problem as much as a safety issue as parked cars block the movement of crucial emergency vehicles like fire-tender or ambulance. The global experience is to strictly regulate parking through demarcation and parking permits. It is also to ensure that free parking, which is a 'subsidy' to car owners is strongly discouraged.

Currently, while the Delhi Municipal Corporation Act gives the responsibility for setting parking charges to the local bodies, there is no guidance that establishes the basis for rate fixation or for parking management. This has led to the problems of unregulated parking on the streets of Delhi.

To address this lacunae the Delhi Maintenance and Management of Parking Rules, 2017 were formulated.

2. Chronology to finalise the current parking rules

August 2017: Government of Delhi constituted a special panel of experts to formulate the Parking policy/Rules

January 2018: Draft Parking Rules were issued for public comments, after approval from Minister (Transport) GNCT.

February-March 2018: Public comments were received and based on extensive consultation, Parking Rules 2017 were revised to take into account key concerns of stakeholders.

April-May 2018: Delhi Maintenance and Management of Parking Rules, 2017 were approved by the Minister (Transport), GNCT and were ready for notification.

June 2018 onwards: Final notification was awaited. File was sent to the law department to enquire if the notification needed approval from the Hon'ble LG. It was the view of the department that the Parking Rules were made exercising powers under the Motor Vehicles (MV) Act and that this would require approval of the LG.

January 18, 2019: The Hon'ble Supreme Court directed that the final decision on the parking policy/rules should be taken within 10 days from today and **“outcome submitted before this Court on or before 31.01.2019”.**

February 7, 2019: GNCT files affidavit seeking time to notify the finalised and approved Parking Rules 2017. It states that it has made changes to the Rules and as such these would have to be re-published to invite public suggestions and then the process of finalisation and notification would be done.

February 11, 2019: Hon'ble Supreme Court directs EPCA to review the proposed modifications and to submit a report.

3. Modification sought in parking rules 2017

According to the Affidavit filed on February 7, 2019, GNCT seeks to make the following modifications in the Parking Rules 2017:

1. Change the constitution of the Apex Monitoring Committee so that the chairperson is the Minister and not the Chief Secretary (Rule 2).
2. Delete Rule 11 (2), (3), (4), (5), which pertain to parking management and fees in residential areas.
3. Include elaboration under Rule 12 on electric vehicles.

EPCA has reviewed and discussed these proposed modifications with key stakeholders and its views are as follows.

3.1: Suggested change in constitution of Apex Monitoring Committee

The role of the Apex Monitoring Committee, which is expected to meet at least once every 3 months, is to do the following:

- a. To review the proper implementation and compliance of these rules
- b. To determine the base parking fee (as recommended by the committee headed by Commissioner Transport in Rule 4).

EPCA is of the view that establishment and fixing the base parking fee is best done through the executive and administrative channels, based on the principles elaborated in the Rules 2017 (4.2). Setting the base parking fee is a technical exercise and does not involve policy decisions. Similarly, monitoring the implementation of the provisions of the Parking Rules on a regular basis is administrative work and is done periodically through the executive (see Annexure 2 on how Indian cities are setting base parking fee).

EPCA is of the view that this there is no need to amend Rule 2, which allow the Chief Secretary to be accountable for the implementation of the Rules and setting of the base parking fee.

3.2: Deletion of Rule 11 (2), (3), (4), (5) pertaining to management and charging for parking in residential areas

The Parking Rules 2017 have provided for Parking Area Management Plans in all neighborhoods across the city to identify and demarcate on ground legal parking areas; to introduce residential parking charges on public roads and set

conditions for enforcement against illegal parking. Draft Rules do not allow parking on footpaths, green areas, parks, near bus stops, and intersections. The Area Management Plan would also determine the carrying capacity of the residential area for number of parking slots and these would be allocated based on certain conditions. These would then ensure that multiple car ownership is disincentivized as there will be either no parking or higher parking charges for this. The demarcation and charges for parking in residential areas would also ensure that there is provision for emergency vehicles. The objective of the Parking Area Management Plan is to maintain quality of life and road safety and prevent congestion in neighborhoods.

The following provisions of the Rules are sought to be deleted:

11 (2): Parking only in demarcated areas on public spaces and open surfaces in residential areas against parking charges to be decided by civic agencies on the basis of Base Parking Charge. This civic agency will consult RWAs before deciding the charge.

11 (3): Mode of management and collection to be decided by civic agency in consultation with RWAs (this would allow for RWAs to manage parking)

11 (4): Management and charge for residential parking must be designed to prevent parking spill over from neighbouring commercial areas. Parking for commercial establishments in residential areas shall be separately marked and charged for.

11 (5): Where residents have built stilt parking (and therefore gained FAR as per the bye-laws) but still park vehicles in public streets, parking charges will be twice the normal rate fixed for other residents.

The proposed deletion of these Rules was discussed in the EPCA meeting on February 14, 2019 with key stakeholders and the views were as follows:

1. **It was unanimously agreed that the deletion of these provisions would defeat the very purpose of the parking policy/rules.**
2. Representatives of the Delhi Police stated that the entire city has become a parking lot; **and that we need to encourage public transport and disincentivize ownership of multiple vehicles by single households.** They were of the firm opinion that this rule, which provides for giving permits and

charging for parking in residential areas and provides for differential rates for multiple ownership of vehicles and restrictions based on carrying capacity of the area is critical. It will provide the conditions for restraint on parking on public land and will regulate the numbers of vehicles, through prices and permits.

3. Parking pressure in residential areas has become a serious law and order problem. Neighbourhood brawls over parking have become commonplace. As per media reports, around 250 calls are made to Delhi Police everyday concerning fights related to parking; at least one death per month due to parking scuffle has been reported in Delhi ¹.

4. There will be spill-over from commercial areas. As rates are enhanced in commercial areas, people will park in residential areas and this will defeat the very purpose of parking management/Rules. If the Rules are enacted (without deletion) then residents will benefit as demarcation of legal parking areas and parking charges will help to contain the spill over of vehicles from already saturated neighbouring areas as well as from nearby commercial areas that have priced parking. Mixed land-use areas are particularly vulnerable to this problem.

5. Taxis (Uber and Ola etc) are growing in number and these will be parked in residential areas, leading to further congestion. In a recent EPCA meeting it was stated that there are roughly 2.5 lakh taxis registered and plying under Uber and Ola. These vehicles will be parked 'free' in the residential areas if there is no management and demarcation of parking in these areas.

6. Regulation and demarcation of parking in residential areas is critical to ensure movement of emergency vehicles like fire-tender or ambulance.

7. The collection of parking charges will provide funds local area improvement, management of parking areas, pedestrian facilities etc (as stated in Rule 13).

8. It was also noted that under the Delhi Municipal Corporation Act parking fees have to be determined by local civic bodies. Therefore, under Parking Rules 2017, the mode of management and collection as well as the parking rate has not been decided. This will be done by the local civil agency but will be based on the principles set by the Parking Rules 2017 and the Base Parking Fee determined by the Apex Committee. However, deleting these provisions will

¹ <https://www.indiatoday.in/mail-today/story/delhi-ready-to-kill-for-a-parking-slot-1429742-2019-01-13>

make parking completely free and without any regulation in residential areas and will cripple all efforts to manage the growth of vehicles in the city.

9. Parking regulations and permits are essential in residential areas to ensure that space is re-claimed for pedestrians.

10. The challenge of enforcement will remain, but the Rules provide the basis for ensuring compliance. The Rules also provide for the active involvement of residential welfare associations (RWAs) and this will increase oversight and regulation.

11. URJA the independent body, which connects with around 2500 RWAs has sent EPCA a strong representation against the proposed deletion of the provisions concerning parking in residential areas. (see Annexure 3).

12. The South Delhi Municipal Corporation (SDMC) has taken an initiative to implement a pilot project based on parking area management in Lajpat Nagar (see box). But this initiative, which is improving conditions in this extremely congested and chaotic market-residential area, will be de-railed without the enactment of the provisions on charging and permits for residential parking in Rules 2017.

Parking management initiative in Lajpat Nagar

South Delhi Municipal Corporation (SDMC) has taken the lead to implement Parking Area Management Plan in Lajpat Nagar to decongest the area and to create a model for replication in other areas of Delhi. The key elements include traffic area circulation plan and organised residential parking.

SDMC has taken several steps in consultation with the Resident Welfare Association and Traders Association to determine carrying capacity of residential lanes to have parking spaces. The parking lots are being demarcated on ground. Lajpat Nagar Traders Association is managing the parking area. They have installed CCTV cameras, deployed free e-rickshaw services from metro station for last mile connectivity. They have created free valet parking facilities in an adjacent area where shopkeepers park their cars and take E-rickshaws. Shop keepers voluntarily park their cars at parking lot at a distance and have thus freed up spaces for shoppers. They have also adopted parking App for e-ticketing and e-payment. As of February 2019, 100 per cent computerized operations using handheld devices has been achieved. There are no operational manual slips for payment any more. This has helped to address

over charging and corruption. Once fully implemented this initiative will significantly reduce overcrowding and enhance quality of life

EPCA is of the strong view that the deletion of the provisions concerning residential parking will make the parking policy toothless and will allow for free (subsidized) parking to car owners in the city. It is critical to regulate residential parking through permits and fees and without this even the efforts to regulate parking in commercial areas will be negated.

3.3: Addition of Rules concerning e-vehicles

In its affidavit dated February 7, 2019, GNCT has stated that it would like to elaborate on the Rule 12, which is regarding charging facilities for electric vehicles.

Parking Rules 2017 (Rule 12) provides the following:

Charging Facilities for Electric Vehicles. – (1) The civic agencies shall identify and provide exclusive night parking places for the purpose of parking of E- rickshaws and other electric vehicles. A facility of legal charging of such vehicles shall also be made available at these parking places.

(2) General parking spaces shall also be provided with charging facilities for electric vehicles as per deemed requirement, which is likely to increase over time.

GNCT has sought elaboration of these provisions by inserting Rules on identification and leasing of area.

In EPCA's view the elaboration proposed by GNCT are not substantial and can be included in the E-vehicle tender or through additional notifications. The Parking Rules 2017 provide the legal framework for parking infrastructure for e-vehicles and this can be detailed through notifications.

4. EPCA's recommendations for consideration of the Hon'ble Supreme Court

EPCA is of the view that the Delhi Maintenance and Management of Parking Rules, 2017 have been formulated after due process and consultation. The Minister has approved the current Rules twice during this lengthy process. Public consultations and comments have already been invited and duly considered. There is no reason now to further delay the notification of the Rules, which are critical for ensuring regulated parking in the city – in commercial and residential areas.

It is also clear that once the Parking Rules 2017 are notified and implemented, there may be causes for modification. This can be done through subsequent amendments and must not hold up the already finalized Rules 2017.

EPCA is also of the view that deleting the provisions regarding charging and permits for parking in residential areas will be detrimental and will defeat the very purpose of the Parking Rules 2017.

EPCA would like to recommend for the consideration of the Hon'ble Supreme Court that the Government of Delhi may be directed to notify the Delhi Maintenance and Management of Parking Rules, 2017 without modifications or deletions at the earliest.

Annexure 1

Participants to EPCA meeting on February 14, 2019 to discuss the Delhi government affidavit of February 7, 2019

1. Dr. Bhure Lal, Chairman, EPCA
2. Ms. Sunita Narain, DG, CSE and Member EPCA
3. Ms. Varsha Joshi, Commissioner, North MCD and Member EPCA
4. Sh. Alok Kumar, IPS, Joint Commissioner of Police (Traffic) and Member EPCA
5. Prof. Umesh Kulshrestha, Professor, Jawaharlal Nehru University and Member EPCA
6. Sh. Atanu Ganguli, Dy. Executive Director, SIAM, representing member EPCA
7. Sh. Raajiv Yaduvanshi, Pr. Secretary (UD) / Director of Local Bodies (DLB)
8. Ms. Sunita Kushwaha, MoHUA
9. Ms. Anumita Roy Choudhury, ED CSE and member of drafting committee of Parking Rules 2017
10. Sh. K.K. Dahiya, Special Commissioner, Transport Dept., GNCTD and representing member EPCA
11. Sh. Umesh Tyagi, Additional Commissioner, SDMC
12. Ms. Ankita Anand, Deputy Commissioner, (RP Cell, EDMC)
13. Sh. P.S. Jha, Deputy Commissioner, SDMC
14. Sh. Ravinder Soni, ACP, Delhi Traffic Police
15. Sh. Pankaj Gupta, UTTIPEC
16. Sh. Shivledhari Meena UTTIPEC
17. Dr. Dwarkanath, Environment Department Delhi
18. 10. Sh. Shalabh Kumar CE, DJB and member EPCA
19. Sh. A.M. Sharma, DJB

Annexure 2

How base parking charges are fixed in other Indian cities

Chandigarh The draft parking policy for Chandigarh proposes to consider several aspects for fixing parking charges. The base price of parking for each type vehicle is determined on the basis of space occupied by each vehicle, cost incurred in maintaining the parking space, and circle rates (prevailing collector guideline rates for the residential plot) of land in that particular area. The following formula is used for determining the base tariff of parking per hour for any area:

Base tariff = Tariff as determined for the core area * (circle rate of interest/circle rate of core area) The actual parking fee per hour is calculated for each area of the city or town as follows:

Actual parking tariff = Base tariff * Public transport factor * Congestion factor

where,

Transit factor =

1.25, if the parking location is within the 600 m service area of a public transport stop 1, if the parking location is outside the 600 m service area of a public transport stop 1.5, if the parking location is within the 600 m service area of a mass rapid transit stop

Congestion factor =

1.5, during peak hours of traffic

1, during non-peak hours of traffic

Parking pricing in parking-benefit districts

Parking to be priced for every half hour slots, increasing exponentially as per the formula $(1.5 X + 10)$, where X is the charge for the previous hour, up to a maximum of three hours.

Pune

The Pune Municipal Corporation, in its parking policy, linked the rates with rise in vehicular registration numbers and ready-reckoner rates (these rates are the prices of residential or commercial property and land for a given area and are published and regulated by the respective state government). The annual parking rates are derived using the formula given below:

Revised parking charge = Base parking charge + $(0.6 R1 + 0.4 R2)$

Where,

X = Base parking charge

R1= Percentage rise in vehicle registration in a financial year

R2= Percentage maximum rise in ready-reckoner rates applicable in the city for that year

Auctioning for parking pricing

This system has not been adopted in India yet. Globally, auctions for parking permits have a well-established precedent. Uniform-price auctions are often used when selling a large number of identical items. The lowest bid among the selected bids is chosen as the base price. This ensures that the selected bidders have to pay the lowest amount possible. The bid determines whether a car user receives a permit but not what they pay for it.

Annexure 3: Representation received from URJA

Thu, Feb 14, 2:24 PM (18 hours ago)

Atul Goyal

Dr. Prashant Gargava

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Subject: Draft Parking Rules Delhi-URJA's Stand

Dear Sir

For years urban planners and environmentalists as well as responsible citizens have asked for Parking to be made both chargeable and expensive. This was reflected in the draft parking policy as well. The decisions of GNCTD to make parking free in free in residential areas as against chargeable in the draft parking policy is condemnable in no uncertain terms.

The already beleaguered Municipalities will lose a large chunk of revenue for public services leading to an overall reduced quality of life. It is understandable to see selfishness and greed for freebies at the cost of society by individual car owners, but it is disappointing to see the Government of the Capital of a large economy (and State with the 2nd largest per capita income) treat it's citizens like slum dwellers or inhabitants of remote villages.

It is disappointing that the Municipal Corporations too would keep quiet because of this regressive politics. This short-term populism is no cause for celebration and blunts the capacity of the citizen in asking for better parking management.

The very idea of demanding free parking on public land outside their house, in the colony, is prima facie an immoral proposition. The land does not belong to the house owner. The same set of people demand the Government to pay for maintenance of colony Parks outside their house and seek to park freely on footpaths. Land in Delhi is frightfully expensive and any free parking means that the car owner is being provided crores worth of land free of cost.

Again, this is the same set of people who complain about subsidies for the poor while arguing for free public land worth crores for their private cars. Even if we ignore the moral proposition, here is a set of direct damages that will now descend as a result of free parking in Residential area

- RWA or residents who support free parking for themselves may well have cut off their nose, only to spite their face. The Parking policy proposes that funds collected from parking will be spent in that local area.

Clearly in seeking free parking some RWA have once more surrendered to this entrapment by Politicians and will remain at their mercy for seeking petty benefits from LAD funds.

- Commercial Vehicles and Cab drivers-The moment space is vacated in residential colonies with cars going for work; these vehicles will come and park free.

- Fights and friction between cab drivers, tempo drivers, residents and fighting for free space is a recipe for violence
- The police simply do not have the capacity to police or control this amount of violation and more chaos will ensue
- Since Municipal officers will be allowed to challan as per new policy one can imagine the avenues this has opened for corruption within residential area. We already see this with existing parking mafia that reserves space outside offices for preferred users
- The idea of reducing car load in the city by making parking more expensive will be lost. Now the owner of multiple cars will take advantage of getting many times the land to park free as compared to owner of one car or bike. The Single car owner will be made a fool of.
- Users of public transport have been cheated by this decision. Multiple car users have been given a subsidy to use prime public land free. A single car is being given public land worth a crore and more, completely free of cost
- The cost of security guards, already a burden on RWA will increase as Parking Area Management Plan (PAMP) will not include these costs in management of parking.
- A family which does not own a car is now give up their fair share of public land and sacrifice it to car owners for free. Revenue worth crores to develop local areas is being thrown away to give free benefits to car owners
- As PAMP will not apply, mixed use Streets and housing in vicinity of commercial areas will suffer from people parking free in areas deemed as residential.

In effect, the Delhi Government has tricked the people of Delhi and it is unfortunate that RWA groups have fallen straight into the trap. The already strained Municipal revenue due to unauthorized colonies and political conflict will be ill placed to offer better civic services but will find it impossible to speak out against freebies.

This is a truly bad and backward decision and URJA strongly condemns it. We demand that the policy originally set for notification be put in place and this irresponsible free parking decision be immediately rescinded.

Sincerely

Atul Goyal
President