

University of British Columbia welcomes proposed legislation that clarifies right of universities to regulate parking



“The proposed regulation would address significant issues of fairness, safety and sustainability,” said Stephen Owen, UBC Vice President, External, Legal and Community Relations in a statement released today.

The University of British Columbia, on October 8, 2009, welcomed proposed provincial legislation that would clarify the right of BC post-secondary institutions to regulate parking on their campuses. This right has been challenged in a series of class action lawsuits that called into question the universities’ right to issue parking fines to parking violators.

Fairness

Visitors, students, faculty and staff all benefit from a system of parking regulation that ensures that a scarce resource is fairly allocated. The vast majority of people using university parking facilities are prepared to pay their fair share for parking, and agree that those who do not pay their fair share should be fined.

Parking facilities have always been cost-neutral, with money from fines used to pay for the cost of enforcement. Without fines, people who obey the regulations end up paying for the misbehavior of others. The universities believe that those who already pay their fair share of building and maintaining the parking facilities should not subsidize enforcement costs.

However, were the class action lawsuits successful, it would have cost taxpayer-funded universities millions in lost fines, a huge expense that would ultimately be borne on the backs of students in terms of reduced access to programs because of the diversion of resources.

By making the legislation retroactive to the class action lawsuit, the government is protecting the rights of students who are the main reason for the institutions’ existence.

As a result of such lawsuits, the universities have had no option but to tow or immobilize vehicles because of the questions raised about their ability to levy fines for violations. The legislation would allow universities to resume the more preferable and less draconian option of issuing tickets rather than immediate towing or immobilization.

Safety

Imagine how hazardous municipal streets would be without simple rules about where people could park, for how long, and the consequences for flouting those rules. Indeed, an immediate consequence of the lawsuit was a significant increase in the number of parking violations.

The new legislation would return to the universities the practices of regulation to avoid these hazards that they had prior to the lawsuit. The legislation would recognize, for example, that there must be financial consequences for inappropriate use of disabled parking spaces, for blocking fire and ambulance vehicle access, for blocking vehicle or pedestrian access, and for preventing others from using parking spaces.

Sustainability

The legislation would return orderliness to parking by sending a strong and enforceable message that parking at universities is not a free-for-all invitation to avoid personal and social responsibilities.

To do their part in reducing greenhouse gas emissions, universities have worked hard to reduce single-occupancy vehicle traffic to their campuses and to provide incentives for use of public transit and other travel options.

In pursuing these sustainability objectives, the number of parking spaces has been adjusted commensurately, which causes greater demand for space, and a greater need for fairness and safety considerations. ■