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'Emergency no parking' signs prompt expensive surprises, constitutional violations

March 3, 11:32 PM DC Libertarian Examiner Kris Hammond

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This sign design may soon be extinct.

One Monday this past January, Kevin Knarr departed his Georgetown residence at 5 a.m. for a flight to Minneapolis. A frequent business traveler, Knarr had often left his 2006 Volkswagen Touareg SUV parked near his home on O Street N.W. without incident.

But when Knarr returned to his vehicle on Wednesday evening, he discovered that it had been hit twice: A moving truck had collided with his bumper and a D.C. parking enforcement officer had affixed a \$50 ticket to his SUV for parking in violation of an "emergency no parking" sign. Knarr says that no such sign was posted at the time he departed for his flight--and no sign was present when he retrieved his ticket either. The truck driver left a note, but the sign hit and ran.

The requirements for obtaining the various permits are posted on the District of Columbia Department of Transportation (DDOT) website. Applicants should visit 941 North Capitol Street N.E., Suite 2300 to apply for a

permit and acquire the no parking signs. Until very recently, the D.C. Metropolitan Police Department (MPD) also issued emergency no parking signs at any police station, a route many residents chose due to the convenience of around-the-clock service and the waiver of DDOT's permit fees. As of Wednesday, some stations, such as the Fifth District police station located at 1805 Bladensburg Rd. N.E., were still distributing the signs.

Applicants, not D.C. employees, are required to post the "emergency no parking" signs at least 72 hours before the appointed "no parking" hours begin.

A casual reader of the DDOT website may not comprehend a key wrinkle in the public space permit process: applicants, not D.C. employees, are required to post the "emergency no parking" signs at least 72 hours before the appointed "no parking" hours begin. Residents reserving the parking space may also be preparing for a big event, suffering from the stress of a funeral or moving hassle, or displaying a common human trait, procrastination. Anecdotal evidence suggests that the no parking signs are often posted with little notice to residents.

Last July, a private event took place at the

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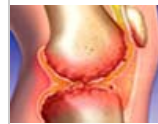
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Harry Thomas Recreational Center, located on Lincoln Road N.E. in Eckington. According to Chy McGhee, who lives near the corner of Lincoln Road and Seaton Place N.E., she didn't see any no parking signs on Lincoln Road on the Friday evening before the event. The following morning, emergency no parking signs were in place, and a tow truck was towing vehicles. "We went knocking on neighbors' doors telling them that they needed to move their cars," McGhee says. At least three cars received tickets and a \$100 tow to a lot located in Adams Morgan.

When asked what steps the District takes to ensure that the signs are posted 72 hours prior to the no parking period, DDOT Director of Communications Karyn LeBlanc said, "If the signs are not posted then the signs are not valid. The signs require, as one of the data fields, the date the sign was posted." Although signs apparently issued by the D.C. MPD were posted in Penn Quarter in downtown D.C. on Wednesday without this information, signs with new designs have begun to appear throughout the District.



Alternative Emergency No Parking sign design.

*In order to dismiss a ticket for parking in a emergency no parking zone, "I have to prove that sign didn't go up in time," Knarr said. "They won't believe me."*

According to an employee with DDOT's Public Space Management Branch, residents may call (202) 645-7050 to report no parking signs that do not conform with the 72-hour notice rule. Knarr, the Georgetown business traveler, scoffs at the suggestion that he should have called the DDOT inspection office to report the violation and seek a waiver of his ticket. "I have to prove that sign didn't go up in time," Knarr said, "They won't believe me." When asked what a resident whose vehicle is towed and ticketed should do if another resident failed to post the signs in advance, LeBlanc responded: "There is little incentive for a resident to get a permit and get the signs and then fail to post on a timely basis."



Emergency No Parking sign, tree work edition.

Is the District's parking space permit system, which places the responsibility for posting no-parking signs solely on the individuals who stand to benefit, vulnerable to a legal challenge based on the United States Constitution? "Absolutely," answers [Ilya Shapiro](#), Senior Fellow in Constitutional Studies and Editor-in-Chief of the Cato Supreme Court Review at the Cato Institute. "It's an arbitrary rule enforced in an arbitrary manner," he said. In addition, Shapiro wonders whether it is "unjust" for the government to grant a private citizen the power to force someone to move a vehicle he previously parked.

Knarr, McGhee, and Shapiro all agree on a solution to the regulatory malaise. "The City should probably be the one putting up the signs," McGhee says. According to Knarr, "The people who enforce the signs should be the people who post the signs."

Ultimately, Knarr paid his \$50 ticket even though he receive no advance notice of the parking restriction. Knarr previously wrestled with the parking ticket bureaucracy four years ago when someone stole his license plate while he was away on a business trip, and parking enforcement ticketed his plateless vehicle. Knarr appealed the ticket by mail, but received a letter informing him his appeal had been denied.

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He wasn't willing to "waste a 44 cent stamp" this time around. "It's more painful to suffer the rejection than to pay the \$50," Knarr said.

*Disclosure: The author's vehicle was ticketed and towed in July 2009 as a result of a no parking sign. A challenge to the ticket and reimbursement for the towing charge are currently pending before the District of Columbia Office of Risk Management.*

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