

703 CMR 2.00 ISSUANCE AND ENFORCEMENT OF PARKING VIOLATIONS BY  
MASSACHUSETTS BAY TRANSPORTATION AUTHORITY

Section

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2.01: Purpose, Scope and Effect

(1) Purpose. The MBTA establishes regulation 703 CMR 2.00 to promote revenue collection at MBTA Parking Facilities and to address public safety and other related issues associated with the illegal parking of vehicles on properties owned, maintained or controlled by the Authority, including MBTA Bus Stops.

(2) Scope. 703 CMR 2.00 regulates activity, and establishes procedures, requirements, and penalties relating to the charging of Parking Fees and the issuance and enforcement of Parking Violations at MBTA Parking Facilities and Bus Stops. A provision of 703 CMR 2.00 applies equally to each such Parking Facility and Bus Stop, whether or not the provision refers explicitly to a Parking Facility or Bus Stop, unless the provision states otherwise. 703 CMR 2.00 supersedes all previous rules and regulations with respect to the issuance and enforcement of Parking Violations at MBTA Parking Facilities and Bus Stops.

(3) Effect. The headings of 703 CMR 2.00 are provided for ease of reference only and should not be used to construe its provisions. A judicial determination that a provision of 703 CMR 2.00 is unenforceable does not affect another provision of 703 CMR 2.00 unless the provisions are integrally related and cannot be severed.

2.02: Definitions

The following terms and their grammatical counterparts are used in 703 CMR 2.00 as described below:

Authority or MBTA refers to the Massachusetts Bay Transportation Authority created by M.G.L. c. 161A.

Bus Stop refers to any posted MBTA bus stop or bus terminal area throughout the MBTA's service area.

Notice of Liability refers to a notice from a Violation Clerk to the registered owner of a vehicle stating that additional fines are owed pursuant to 700 PCMR 2.04 (h).

Parking Clerks designated by the Authority will record and collect data to identify a violating vehicle and certify that such violation occurred. Additionally, Parking Clerks may send Violation Notices by mail or affix Violation Notices to vehicles where appropriate and practicable.

Parking Facility refers to terminals, stations, garages, yards, shops, parking lots, or parking garages owned or operated by the Authority, but specifically excluding any streets, ways, highways, roads and parkways.

Parking Fee refers to payment required by the MBTA for parking in Parking Facilities. This includes any additional fees, including so-called convenience fees, charged to customers who elect, where available, to receive a monthly invoice in lieu of paying for their parking by phone or other electronic device.

Parking Fine refers to payment required by the MBTA resulting from any of the infractions set forth within Table 1 of 703 CMR 2.04(d).

Parking Violation refers to any of the infractions set forth within Table 1 of 703 CMR 2.04(d).

Violation Clerks designated by the Authority will review appeals, conduct hearings and make decisions with respect to Parking Violations issued on behalf of the Authority.

Violation Notice refers to a written notice issued with respect to a Parking Violation and certified by a Violation Clerk or Parking Clerk in accordance with 703 CMR 2.00.

### 2.03 Parking Fees; Methods of Payment; Evasion of Payment

(1) Pay for Parking. Vehicles parked at MBTA parking facilities shall be charged a Parking Fee. A vehicle that leaves a facility and re-enters shall be charged for each time it enters and leaves a parking facility. The MBTA will establish Parking Fees from time to time and will post such fees at Parking Facilities and on the MBTA's website. See [www.mbtta.com/riding\\_the\\_t/parking](http://www.mbtta.com/riding_the_t/parking)

(2) Methods of Payment. Subject to change in the Authority's sole discretion, customers may pay for parking by (1) paying by phone or other electronic device

where available; (2) paying by cash or credit card at attended parking facilities; or (3) paying an invoice or account statement within the time frame indicated on the invoice (statements will be mailed to the registered owner of a parked vehicle that has not paid by other methods).

(3) Evasion of Payment. No person may commit, or attempt to commit, any act with the intent to evade the payment of a Parking Fee or to defraud the Authority with respect to the payment of a Parking Fee.

## 2.04      Parking Violation Enforcement

Enforcement. The Authority or its designee shall enforce the provisions of 703 CMR 2.00.

- (a) Designation of Violation Clerks and Parking Clerks. The Authority may, from time to time, designate Violation Clerks and Parking Clerks to perform the functions specified in these regulations, including enforcing non-payment of Parking Fees, at the pleasure of the Authority and for such finite or indefinite period as the Authority deems desirable. The Authority may hire or designate such personnel, and organize such divisions as the Authority may deem necessary, or contract for such services, in order to carry out the provisions of 703 CMR 2.00.
- (b) Functions of Parking Clerks. A Parking Clerk will record and collect data to identify a violating vehicle and certify that a Parking Violation occurred. Parking clerks will also determine violations of parking restrictions such as parking in prohibited areas. A Violation Notice will then be mailed to the address of the registered owner of the vehicle, or will be affixed to the vehicle. Copies (electronic data or physical copy) of the Violation Notices will also be forwarded to the Violation Clerks for processing.
- (c) Functions of Violation Clerks. A Violation Clerk processes Violation Notices in accordance with 703 CMR 2.00, including reviewing appeals, conducting hearings and making decisions with respect to Parking Violations.
- (d) Content of Violation Notice.
  - (i) Information Regarding the Specific Offense. A Violation Notice will include, but not be limited to, the following information: the registration number and state of issuance of the registration number of the vehicle involved; the make and color of the vehicle; the date, time and place of the violation; the specific violation charged by reference to the appropriate entry in 703 CMR 2.04 (d): *Table 1*; the applicable fines or penalties that the Authority has established; an identifier for the Authority's designated representative who is certifying that the violation occurred; appeal procedures and such other information as the Authority may deem appropriate.

**Table 1**

Fines will be imposed for violation of the rules and regulations as follows:

<u>Violation</u>	<u>Fine*</u>
Parking in Restricted or Prohibited Area	\$15.00
Parking Without Paying Required Parking Fee	\$10.00**
Not in Marked Parking Space	\$15.00
Employee Permit Parking Only	\$15.00
No Parking Zone	\$15.00
Parking in “Drop Off/Pick Up” Area	\$15.00
No Stopping/No Standing	\$15.00
Parking on Center or Median Strip or Island	\$15.00
Handicap/Disabled Veteran Parking Only	\$200.00
Blocking Handicap Ramp	\$200.00
Parking Within Ten (10) Feet of Fire Hydrant or Standpipe	\$50.00
Parking in a Bus Stop or Bus Terminal Area	\$100.00
Overnight Parking (Between 1 AM and 5 AM)	\$15.00
Occupying More Than One (1) Parking Space	\$15.00
Parking Within or Obstructing a Fire Lane	\$50.00
Parking so as to Obstruct Public Transportation Vehicles	\$100.00
Parking in Designated “Emergency Vehicle” Parking Only	\$50.00
Blocking Access to a Terminal, Garage, Yard, Parking Lot	\$25.00
Parking in Taxi Stand or Private Shuttle Bus Stop	\$15.00
No Valid/Expired Registration Plate	\$100.00
No Valid/Expired Inspection Sticker	\$50.00

\* Parking Fines will not exceed the above listed amounts if paid within 30 days of the date of the Violation Notice. Parking Fines will not exceed the above listed amount plus \$35 if paid thereafter but before the Violation Clerk reports to the registrar. Parking Fines will not exceed the above listed amount plus \$50 if paid after the Violation Clerk reports to the registrar. These other fines are in addition to the unpaid Parking Fees. The General Manager may adjust the fines listed herein from time to time.

\*\*Note: the maximum fine amount for Parking Without Paying Required Parking Fee in any calendar year shall be \$500.00 per registered vehicle, exclusive of Parking Fees and Registry of Motor Vehicle hold/release fees.

### Immobilization

Unlawfully parked vehicles and vehicles accumulating three (3) or more unpaid Parking Violations are subject to immobilization (including booting), or towing and impoundment at the vehicle owner's expense. Impounded or immobilized vehicles will not be released until all Parking Violations, MBTA costs, expenses and charges (including towing, daily impoundment fees and Registry of Motor Vehicles fees) are paid in full.

### **End of Table 1**

- (ii) Notice of Requirement to Respond. A Violation Notice will state that the registered owner must pay the fine stated in the Violation Notice or appeal the violation within 30 calendar days after the date of the issuance of the Violation Notice and will describe the means and content of the response for payment or appeal. Payments or appeals shall be received by the Authority by the due date listed on the Violation Notice.
- (e) Delivery/Issuance of Violation Notice. A Violation Notice shall be sent to the address of the registered owner of the motor vehicle if the vehicle is registered in the Commonwealth of Massachusetts. If the motor vehicle is not registered in the Commonwealth, the Violation Notice shall be sent to the official of the relevant state in charge of the registration of such motor vehicle. A Violation Notice also may be affixed securely to the motor vehicle.
- (f) Prima Facie Evidence of Notice. A Violation Notice mailed by regular mail, or affixed to a motor vehicle as provided in 703 CMR 2.04(e), shall be deemed a sufficient notice and a certificate of a Parking Clerk that such notice has been mailed, or affixed in accordance with 703 CMR 2.04, shall be deemed *prima facie* evidence thereof and the facts therein and shall be admissible in any judicial or administrative proceeding as to the facts contained therein.
- (g) Payment or Appeal of Violation Notice. Within 30 calendar days after the date of the issuance of the Violation Notice, the registered owner to whom the Violation Notice is issued must make one of the following responses: pay the

Parking Fees and Parking Fines as provided by 703 CMR 2.04(g)(i).; appeal by mail or electronic means as provided by 703 CMR 2.04(g)(ii).; or request a hearing as provided by 703 CMR 2.04(g)(iii).

- (i) Payment of Fees/Fines. The registered owner shall pay Parking Fees and Parking Fines as specified in the Violation Notice. Payment shall be received by the Authority by the due date listed on the Violation Notice and in the manner described on the notice.
  
- (ii) Appeal of Parking Violation. The registered owner may, without waiving the right to a hearing before a Violation Clerk as provided by 703 CMR 2.04(g)(iii). and, without waiving judicial review as provided by M.G.L. c. 30A, § 14, appeal by mail or by electronic means a Parking Violation and receive a review and disposition of the violation from a Violation Clerk as set forth within the Violation Notice. The appeal must contain a signed statement from the registered owner explaining the basis for the appeal. The signed statement may be accompanied by signed statements from witnesses, police officers, government officials or other relevant parties, or photographs, diagrams, maps or other relevant documents that the registered owner determines to submit. Statements or materials sent to a Violation Clerk for review must have attached to them the name and address of the registered owner as well as the number of the Violation Notice and the date of the violation. All information submitted by the registered owner will become part of the violation record. Appeals submitted by mail or by electronic means shall be received by the Authority by the due date listed on the Violation Notice. The Violation Clerk shall, within 60 days of receipt of such material, review the material and dismiss or uphold the violation and notify the registered owner of the disposition of the hearing in writing by mail. If the appeal is denied, the Violation Clerk shall explain the reasons for the determination. The review and disposition handled by mail or electronic means is informal, the rules of evidence do not apply, and the decision of the Violation Clerk is final, subject to the hearing provisions provided by 703 CMR 2.04(g)(iii), and to judicial review as provided by M.G.L. c. 30A, § 14.
  
- (iii) Request for Hearing. Consistent with the provisions of M.G.L. c. 30A, a person issued a Violation Notice may make a written request for an appeal hearing before a Violation Clerk. Requests for a hearing shall be received by the Authority by the due date listed on the Violation Notice. The Violation Clerk will notify the registered owner in writing by first class mail of the date, time, and place of the hearing. The hearing is informal, the rules of evidence do not apply, and the decision of the Violation Clerk is final, subject to judicial review as provided by M.G.L. c. 30A, § 14. Parties will be notified by mail, or in person, of the decision following the hearing. Each written appeal

decision will contain a statement of reasons for the decision including a determination of each issue of fact necessary to the decision. Appeal decisions shall inform the appellant that judicial review is available as provided by M.G.L. c. 30A, § 14. Failure to appear at the date, time, and place specified on the hearing notice automatically will result in the denial of the appeal.

- (h) Failure to Comply. Failure to comply with the requirements of 703 CMR 2.04(g) shall result in the following sanctions against the registered owner.
  - (i) Additional Fines or Penalties. The Authority may assess additional fines or penalties for late payment, failure to pay, or for otherwise failing to respond to a Violation Notice as provided by 703 CMR 2.04(g) and 703 CMR 2.04(d) Table 1.
  - (ii) Failure to respond within 30 days after the date of issuance of a Violation Notice. A registered owner who fails to pay the Parking Fine specified in a Violation Notice or who fails to appeal a Violation Notice as provided by 703 CMR 2.04(g) within 30 calendar days after the date of the issuance of the Violation Notice shall pay an additional penalty as indicated on the Violation Notice and/or 703 CMR 2.04 (d): *Table 1*. The Violation Clerk will notify the registered owner by first class mail of this Notice of Liability and, in addition, will provide the Notice of Liability to the Registrar of Motor Vehicles who shall place the matter on record. Upon receipt of a Notice of Liability, the Registrar shall not renew the registered owner's license to operate the vehicle or the registration of the vehicle until after notice from the Violation Clerk that all such notices of liability have been disposed of in accordance with applicable law or regulation. If the registered owner is a resident of another state or jurisdiction, the Registrar shall revoke the registered owner's right to operate a motor vehicle in the Commonwealth until the matter has been disposed of in accordance with applicable law or regulation.
  - (iii) Civil or Criminal Action. The Authority may pursue such civil or criminal action as it deems appropriate to collect the fine initially assessed in the Violation Notice as well as such additional fines or penalties as the Authority may assess in accordance with 703 CMR 2.04.
- (i) Program Enforcement. Any Violation Notice based in whole or in part upon the written certification by the Authority's designated representative for the purposes of recording such a violation, and/or a Violation Clerk, shall be *prima facie* evidence of the facts contained therein and shall be admissible in any administrative or judicial proceeding to adjudicate the liability for such violation. Nothing in 703 CMR 2.00 shall require a violation to be recorded by photographic or other recorded means. A violation may be based in whole upon the written certification of the Authority's designated representative that such violation has occurred.

- (j) Prima Facie Responsibility. The registered owner of record of the motor vehicle is prima facie responsible for the payment of the fees, fines and/or penalties that the MBTA assesses unless:

Stolen Vehicle. The registered owner of record has reported in a timely manner to a police agency that the subject vehicle has been stolen, and the subject vehicle remained stolen at the time of the Parking Violation.

#### REGULATORY AUTHORITY

703 CMR 2.00: M.G.L. c. 161A, §§ 3(e) and 46.