

# Supreme Court Okays Restrictions on Commuter Parking

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## Repository Citation

*Supreme Court Okays Restrictions on Commuter Parking*, 3 Wm. & Mary Env'tl. L. & Pol'y Rev. 6 (1977), <http://scholarship.law.wm.edu/wmelpr/vol3/iss1/6>

In a per curiam opinion, the Court noted that the preamble to the Arlington ordinance set as goals the protection of residential neighborhoods from air and noise pollution, the preservation of the value of property, and the protection of the personal safety of children and other pedestrians. "The Constitution," said the Court, "does not outlaw these social and environmental objectives." To meet these goals, "a community reasonably may restrict on-street parking available to commuters, thus encouraging reliance on car pools and mass transit." The Court held that the ordinance met the permissive "rational basis" test of the equal protection clause, stating that the Constitution does not "presume distinctions between residents and nonresidents of a local neighborhood to be invidious. The Equal Protection Clause requires only that the distinction drawn by an ordinance like Arlington's rationally promote the regulation's objectives. On its face, the Arlington ordinance meets this test."

SUPREME COURT OKAYS  
RESTRICTIONS ON COMMUTER PARKING

The United States Supreme Court recently ruled that local governments may prohibit commuter parking in residential areas. On October 12, in County Board of Arlington County v. Richards, --U.S.--, 98 S.Ct. 24 (1977), a unanimous Virginia Supreme Court decision which had held that an Arlington commuter parking ban violated the equal protection clause of the 14th Amendment, and thus unconstitutionally discriminated against commuters, was overruled. The ordinance, first established in 1972, had made it a misdemeanor for anyone without a permit to park in a restricted area on weekdays between 8 a.m. and 5 p.m.

The decision appears to be a major step towards more rational transportation planning in urban areas. Cities are now free to go forward with efforts to deal intelligently with the role of the automobile and with the environmental problems which it brings. Restrictions of the type involved in the Arlington case are an important element of the transportation control plans recommended by the EPA for compliance with the Clean Air Amendments of 1970. Laws similar to Arlington's have been adopted in cities throughout the nation, including Washington, D.C., Atlanta, Baltimore, San Francisco, Boston, Wilmington (Delaware), Richmond, and Charlottesville. All of these regulations are designed to prohibit commuters from parking all day in residential neighborhoods and to encourage them to utilize public transportation.