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## **Management Committee COST 342**

### **Parking Policy Measures and their Effects on Mobility and the Economy**

**Subject:** Overview of national and regional parking policies in Italy

**COST 342/19 - I**

**This chapter presents a summarised countrywide overview of the legal and financial context relevant to the planning and the realisation processes inherent only to public parking infrastructures.**

**A specific chapter treating in a more comprehensive form parking policies (general regulation, on-street organisation, enforcement) recently introduced by many Italian municipalities will follow.**

### The legal framework and the historical background

To characterise the parking concept we have to go back to the national law 765/07.08.1967 where are defined the infrastructural standards that are related to every new construction (residential, commercial, industrial, for leisure, etc.) as a minimum fixed rate. Among these standards an important role is played by private vehicles parking areas to be compulsory provided in a certain amount related to the gross surface figure of the building.

This law didn't consider the parking provision as a component of the more comprehensive and general urban mobility theme, but only as a pure town-planning rule, with the aim to guarantee an adequate equipment (or reserve) in terms of surfaces for primary and secondary urbanisation facilities as schools, green areas, parking, social activities centres, etc, in order to cope problems related to the high rates of building developments experienced in these years.

The change from this static concept is related to the more recent Parliament law n° 122, dated 24.03.1989 and named "legge Tognoli" from its first proponent, where it has been introduced the consideration of people mobility as one of the most important items of human activities. This law is still the fundamental planning and regulatory tool regarding private and public parking sectors in Italy, even if the transfer of legislative powers from national to regional governments recently experienced or in progress on this matter will probably create some differentiation from the regulatory point of view among the different geographical areas.

According to the definitions contained in law 211/89 parking areas are classified in three basic categories:

- "pertinence" parkings: they are inside the property or near a property and are addressed specifically to residents for long stay parking (daily or/and night);
- "destination" parkings: they are located near central business areas or historical centres where there is an high concentration of commercial, leisure, tourist activities and there is the need for short or medium stay parking;
- "Park and ride" parkings: areas where people interchange with public transport service, in order to reduce the incoming of private cars in the city centres.

From the utilisation and legal point of view, we can also distinguish private parkings from public parkings.

It is important to point out that – due to a widespread shortage of private parking spaces in most of the Italian towns – the above mentioned law has been conceived purposely to give impulse to the construction of new private parkings, allowing real estate owners to built boxes or parking stalls (only for uses strictly tied to the residential activity) even in derogation from general urban planning rules. In particular, the law gives private owners the possibility to avoid to acquire the "building concession", asking only a simple "free of charge" authorisation from the municipality and also to

use for this purpose public soils under the assignment of the "right of surface" for a prefixed period (in any case non exceeding a 99 years period).

On the other hand, in the late 80'thes an increasing and widespread consciousness of the negative mobility-related effects on the urban environment experienced have brought the central administration to promote and to introduce at a local level more effective tools for the governance of urban traffic related issues, setting a new framework of technical instructions, notably addressed to the principal municipalities.

Furthermore, it has to be reported that in this period public referendums were promoted in the larger Italian towns (among them Milan, Rome, Bologna, Florence, etc) asking the political support to introduce traffic restrictions. So, traffic demand control policies were utilised as first attempt to fight traffic negative effects, the shortest way to prevent urban degradation and safeguard the historical heritage of the city centres - especially in medium size towns - threatened by air pollution and congestion, restoring them a better liveability and the possibility to be enjoyed; in this way preventing the feared disappearance of their tourist appeal.

In fact, the referendums succeeded (everywhere polls gave in excess of 70% of votes the OK to "shut" city centres to vehicle circulation) in giving the political viability to adopt what is a very peculiar Italian policy founded on "Traffic Limited Zones" (Z.T.L.) which have been largely implemented since then in almost all medium and large towns and often in little villages.

This process has happened in parallel to the general revision of the national "Code of the road" dating back to 1959 that was carried out in 1992 with the formal approval of the "new" Code and its Rules of application.

This work was completed in 1995 with the emission of technical recommendations regarding the "Instructions for the redaction and implementation of the General Urban Traffic Plan" by the Ministry of Public Works (Directorate for safety and road circulation) that, accordingly to art.36 of the "Code of the road" obliging all the municipalities with more than 30.000 residents and tourist centres indicated by each Region to adopt this type of plan, fixed among other some important principles in the utilisation of public spaces, given their recognised scarcity and high value in urban areas.

In particular, for the first time it was clearly established the legal power for local authorities to define areas inside the urban border (apart from city centres already classified as historical districts - accordingly to Ministry Decree 1444, dating back to 1968 - where automatically can be applied restrictions on vehicle circulation and the imposition of on-street parking tariffication); declaring this zones of "particular urban interest" (from whatever point of view) they could be subjected to on-street parking payment, without respect to guarantee an equivalent provision of free parking spaces for residents as used previously.

These new rules have permitted to overcome legal claims and to support the actual possibility to adopt economic levies (on-street paid parking, road pricing) instead of, or in addition to, traffic restrictions to control traffic or parking demand.

Last but not least, to implement these policies it was necessary to adopt efficient forms of enforcement. This became reality only in 1997 with the legal definition of the "ausiliari del traffico" (traffic wardens), that is personnel specifically trained and appointed with the status of "criminal police officer" limitedly to parking fees or parking regulations offences.

## Financing procedures

One of the main goals of the “Tognoli” law is to incentive the realisation of new public parkings through the creation of a specific fund, addressed to the larger towns and to the Regions.

In fact public parkings are often infrastructures that could benefit from private initiative for their construction and operation, this is especially true in the Italian contest where many of the more important towns are under equipped (with respect of parking facilities) and the availability of suitable public spaces in the inner parts of the towns is scarce.

So, there is a good perspective for private operators to invest in the realisation of this type of infrastructures, provided that public authorities could guarantee a stable behaviour in the medium-long period in terms of mobility policies (traffic schemes, circulation rules, etc.).

Under this perspective, for the first time, therefore, the law 122/1989 has established real and attractive conditions to draw private capitals in public parking construction and management.

The incentives are formed by:

- concessions to build and operate;
- constitution of real rights;
- possibility to resell up to 30% of the total amount of places built to private subjects;
- Public financial contributions on a long-term basis (15 years term).

This financial contribution from the state is determined on the basis of standard costs, that are fixed for each type of possible realisation (underground, in elevation, at ground) referring to a single parking stall. It is reviewed and updated periodically by the Ministry of Public Works. Now it corresponds to about two thirds of the actual total costs (construction, marketing, overheads, engineering, etc.)

The public financial support is equal to 4.20% of the standard cost (20 millions lire =10.000 euros for each car place in an underground car park, for instance) with six-month instalment for the duration of 15 years.

## Administrative and technical procedures

The planning activity provided by the law prescribes to the local authorities to follow a series of procedures.

For the first thing their technical bodies have to make a detailed assessment of the quantitative requirements of public and “pertinential” parking for each zone of the town, on the basis of specific surveys and analysis, fixing for each different type of parking the relevant amount of needed places.

As second task, every municipality interested in obtaining financial support has to perform the adoption of the Urban Traffic General Master Plan (Piano Urbano del Traffico), to be drawn up accordingly to the technical specifications given by the Ministry of Public Works and intended to improve traffic circulation, reduce roads accidents, guarantee better environmental conditions and energy efficiency utilisation by adopting the suitable actions on urban mobility items (demand control, optimisation of traffic flows, parking management, bus corridors, separated bicycle lanes, on-street paid parking realisation, etc.).

On the basis of the two previous actions, the local authorities has to approve and to put in operation a specific program, named “Urban Parking Program” - Piano Urbano Parcheggi (PUP). This document lasts 3 years and contains the program of realisation for parking infrastructures,

specifying the locations, their capacity, legal and contractual conditions for the realisation of each structure, financial procedures, scheduling of works, etc.

### Some initial considerations

The law 211/89 has been subjected to a very different implementation process, depending from one Region to another, and finally has obtained only partial success for different reasons.

First of all we have to account for the poor planning and design practices put in place by the local municipalities in the initial phases; in fact a recent survey made by the Authority for the public budget control (Corte dei Conti), has examined the situation collecting data from each Region and has draught a picture at the date of 31 December 1998 – showed in Table 1 - where this point is stressed as a main reason for the delay in the progress of the realisation process.

Anyway, many others facts has hindered the implementation process; we can mention the difficulties connected to dig underground structures in historical and archaeological areas, the uncertainties on the respect of the scheduled timing due to opposition of local communities, the changes asked during the design phases, the strong opposition of some local branches of the Ministry for Monuments and architectural buildings, the over estimation of parking demand and the subsequent lacking of private promoters for some B.O.T. cases.

**Table 1: Car parking realisation program under Law 211/1989 (state at 31 Dec.1998)**

Region	Planned parking			In progress or in operation			
	Projected sites (N)	Vehicle places (N)	Costs (Mio.Euro)	Parking sites (N)	Total car places (N)	Rate of realisation (%)	Places in underground multi-storey parks
ABRUZZO	13	4.266	18.6	8	3.187	74.7	602
BASILICATA	35	3.765	38.9	1	70	1.8	-
CALABRIA	87	15.683	51.1	54	7.754	49.4	65
CAMPANIA	59	19.312	159.7	-	-	-	-
EMILIA-ROMAGNA	51	13.299	(*) 59.7	34	7.192	54.0	2.174
FRIULI	15	8.356	55.8	2	1.557	18.6	1.557
LAZIO	87	31.035	(*) 169.7	10	4.654	15.0	550
LIGURIA	15	3.283	17.4	4	917	27.9	917
LOMBARDIA	96	36.190	292.1	24	7.983	22.0	664
MARCHE	15	5.555	27.1	11	3.705	66.7	1.477
MOLISE	19	1.577	7.3	6	825	52.3	60
PIEMONTE	77	20471	(*) 120.1	55	16.997	83.0	12.624
PUGLIA	34	14.233	81.3	9	2.656	18.6	990
SARDEGNA	24	5.682	(*) 26.6	-	-	-	-
SICILIA	40	18.070	133.3	-	-	-	-
TOSCANA	93	27.722	138.0	66	18.591	67.1	5.149
UMBRIA	6	2.395	20.7	6	2395	100.0	1.668
VALLE D'AOSTA	6	1.097	16.8	3	512	46.7	484
VENETO	52	22.850	(*) 87.0	15	4.526	19.8	1.225
TRENTINO/A.A.	3	2.181	18.5	1	1.281	58.7	1.281
<b>TOTAL</b>	<b>757</b>	<b>257.049</b>	<b>1539.7</b>	<b>309</b>	<b>84.802</b>	<b>33.0</b>	<b>31.487</b>

(\*) Authorised expenditure

Source: Corte dei Conti - Relazione al Parlamento sui risultati dei controlli eseguiti su gestioni di enti locali (Report for the Italian Parliament on local administration management - Jan. 2000)

In any case, as reported in Table 1 that summarises the state of implementation of the program at the end of 1998, on a total of 757 parking structures planned, corresponding to a capital expenditure of 1540 millions of Euro, about 40% (309) are in operation or under construction representing one third of total car places planned.

It has to be pointed out that the majority of the parking are surface parking belonging to two different types: park and ride areas in large towns and little parking dispersed in a long list of medium-little sized cities. This is supported by the fact that the mean number of car spaces per parking area is equal to 274, while the mean number of car spaces for parking areas till to be started is 384 (figure about 40% bigger with respect to the above mentioned figure).

In fact, of the total of 84.800 car places realised (or under realisation) only 31.500 are located in underground or "mixed" (underground and superelevated) structures, with a score of 37% on the total stall figure; this fact demonstrates the difficulties encountered in the realisation of parking of "destination", located inside the urban built areas and near the city centres where the demand for parking spaces is higher and more necessary and needed.

With reference to the quoted report there is also to be noticed an unequal rate of performance comparing northern and central regions with southern regions: only 10.480 (12,3%) out of 84.800 car places realised are located in the South of Italy.

This put in evidence another time that without a clear vision of the real needs and a proper coordination of parking construction programs along with town planning documents and general circulation schemes it becomes very difficult to assure a sufficiently sound technical and financial basis for their realisation.

Referring to these considerations some regional governments have promoted a revision of the national legislation and in two cases (Liguria and Lombardy) have introduced new regulations that apply only to their territories. In particular, Liguria Region, due to the great difficulties tied to the particular geographical situation of many places – steep coastline near the sea side - and the more high construction costs connected, has issued the law 10/ 1997 for the "planning and implementation of parking and transport infrastructures in the urban areas".

Regarding this law, it is interesting to mention the requirement that submits the possibility for local municipalities to acquire public financing only if they provide together new parking structures and on street payment schemes and the parking areas are inserted in a more comprehensive general traffic plan that has to be formally adopted. Moreover it denies the possibility to obtain automatically - as in the national legislation – the variation of the town-planning document: every new parking program has to be coherent to the urban plans.

From the financial point of view, this law improves the procedure to obtain the financial resources guaranteeing a better distribution of payment rates and elevating the subsidy up to 60% of the capital investment.

Main legal references:

- L. 765/ (1967): parking standards for different types of buildings.
- D.M. 1444 (1968): fixes parking provision in terms of minimum standards (for public and private facilities or buildings).
- L. 122/ (1989) "legge Tognoli": regulates conditions and public funding procedures for parking infrastructures subvention or investment.
- D.M. 41/ (1990): defines financing procedures, transferring some type of power to regional level.

- L.537/ (1993) and L.549/ (1995): financial laws that transfer the jurisdiction to allow public parking subventions from central government (Dep. of urban areas) to each Region, meanwhile cutting 15% of the total budget at disposition and establishing to use incomes from petrol tax to guarantee financial support to the parking program.

### Parking policies overview

(To be completed)