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**COST 342**

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

**Subject:** Parking Policy: National Overview in Portugal

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## **1. INTRODUCTION**

In Portugal, the framework law of the local autarchies conferred to the municipalities a wide range of competencies concerning the planning and the management of the territory, and of the transport system. This power was highlighted by the inexistence of an intermediary level of decision between the Central Government and the local autarchies, effect of the scores of the national referendum on this issue, which pointed out to the non-establishment of the administrative regions in Portugal.

At the level of transport and parking policies, the municipalities have an almost total autonomy, which is framed through a set of planning instruments.

All the municipalities, in this context, are obliged to draw a Master Municipal Plan, which is an obligatory condition to apply to the European Commission financing funds. Those plans (PDMs), are approved by the central government and accompanied through the Regional Co-ordination Commissions (depending on the Ministry of Planning), in charge of controlling the application of the planning rules and criteria set by the government. There are five CCRs, covering all the Portuguese mainland territory. The most important issues covered by these rules are:

- Preservation of sensitive environmental areas.
- Protection of space channels main infrastructure nets (e.g. spaces integrating traffic lanes, sewage infrastructures, etc).
- Application of a set of rules and index regarding town-planning, envisaging sustainable and balanced urban development.

In order to cover specific problems raised in complex areas, it were conceived the Regional Plans of Territory Organisation (PROT). These plans are a kind of matrix containing a group of guidelines to be followed by the included PDMs.

## **2. POLICIES OF PARKING MANAGEMENT AT LOCAL LEVEL**

The PDM, trough its rules, provides the legal framework for land use in the area of jurisdiction. Regarding the parking systems, it is important to say that the PDM regulation set up the parking places index according to the use foreseen for each zone or according the characteristics of each building.

The values established for the generation of parking places does not follow any national/central guideline, being the municipalities completely free to adopt the most suitable types of classes and values, however not exempting the CCR agreement. From that, it is not really possible to speak about a national parking policy, not at least, a common guideline seeking the harmonisation of local strategies for the parking systems.

In the case of the functions strongly responsible for traffic generation (e.g. in commercial zones with more than 4000 m<sup>2</sup> of raw area) there are national laws, which jump over the PDM regulations and which oblige to carry out specific studies on traffic and on parking systems serving the mall. The adopted solutions for the parking systems serving the commercial centres have the unique aim of satisfy the parking needs in those sites.

The size of the parks are structured taking into account the peak hours (generally in weekends), observing that during the work days the capacity is not exceeded in more than 70%, resulting in a waste of use of those big parking sites (commonly over 2000 parking places) for other functions as, for instance, Park & Ride systems.

Regarding the financing support measures, it could be object of financial participation by the central administration the construction of vehicles parking in sites that could be used for:

- Interface between public and private transports
- Interface between different means of transport
- Allow a better traffic flow within locations

From another point of view, it should be mentioned the legal provision that set up the framework for the transference of a wide range of attributions and competencies from the central power to the local autarchies. One of the competencies is the planning, the management and the investments in structures supporting road transport. As the municipalities are, since 1998, free to start companies dedicated to the exploitation of activities within their competencies, as long as the public sector remain major stockholder, the gate to a flexible form of parking management in the cities was open. In fact, an increasing number of autarchies are implementing that kind of scheme as a part of their overall planning and management strategies.

Another issue that deserves to be covered is the tax benefit granted to public underground parking declared as of municipal utility. That fiscal benefit consists in the exemption of

payment, for a period of 25 years, of the municipal annual tax over property. This is clearly a measure that encourages the construction of underground parking.

### **3. POLICY OF PLANNING**

In order to cope in an extensive way the problems related to land use it was published in 1990 a legal provision defining the elaboration, the approval and the ratification of the Municipal Plans. These municipal plans are threefold:

- The PDMs, which cover all the territory of the municipality.
- The town-plans, which are mainly dedicated to urban areas.
- The detail plans, dealing with particular areas of the two other kinds of plans.

The municipalities are the organisms responsible for the development of the above mentioned plans. On the other hand, the ratification of the plans is on the side of the central government, more specifically under the field of action of the Ministry of Planning.

The needs in terms of parking offer are defined taking into account the possible uses, being the quantitative values applied to the different projects.

The search for new solutions for the problem of parking in cities, which could allow a better traffic flow in a sustainable manner, is an issue of our days. The most used technical solution, in Portugal, is the construction of underground parking, considering that it is a good way of preserving the urban landscape, without deterioration of the buildings use and without reduction of the area reserved for green spaces. These parking sites shall be built according the security rules in force and planned in a way that should reduce to the lowest possible level the impact on the landscape. On the other, the underground parking is expected to help in the reanimation of the life in historical centres of the cities, seriously damaged by the well-know constraints associated to vehicles parking. However, the implementation of that kind of projects requires, in general, big capital investments, so it is was felt the need to encourage private action in this domain. For that purpose, it was published in 1991, a legal provision, aiming at clarify the Civil Law, in the domain of the so-called “right of surface”. The practical effect of the provision was to grant to the private (and also public) initiative a broaden scope of action for the construction and exploitation of underground parking, by elimination of the legal doubts on the “right of surface” issue.

#### 4. ENFORCEMENT

The primary source of legislation concerning road parking is the portuguese road code. The enforcement of parking is a topic reflected in this code. The most important general aspects referred are:

- The exclusive allocation of parking sites to a certain vehicles class or type and the limitation of the parking time, as well as the fixing of the tax to charge, is made trough resolution.
- The penalty for undue parking is set from 25 to 1.250 Euros

In order to stay in tune with the evolution in the field of parking, some changes were introduced in the code in 1998. From that date, the enforcement of the accomplishment of the road code provisions (parking issues included) and further legislation are an incumbency of the:

- a) Directorate-General of Transport and Transit Division of the National Republican Guard in all public roads.
- b) National Republican Guard and Public Security Police.
- c) Autonomous Council of Roads, in the public roads under his jurisdiction.
- d) City Councils, in the public roads under his jurisdiction.

The competence referred in c) and d) is a task of the enforcement staff assigned for that purpose, which will have the same status as the authority. The competence referred in d) is also a task of the municipal polices, when they exist.

In addition, it was published in 1998 the Legal-Decree n. 327/98, detailing the role of the municipalities in the control and enforcement of limited duration parking. Thus, it is compared to agent of administrative authority, for the exercise of control functions, the employees of the entities that, in the autarchic scope, shall be in charge of performing the control of the limited duration parking in the public lane. One of the practical effects of this decision is that is no longer indispensable the intervention of the police agent or other law enforcement agent to fine someone.

## 5. CONCLUSION

The parking policy in Portugal is based on a decision platform centred in the municipality conveniences and needs. In fact, the law in this domain gives to the local power a broad range of action, as long as there is the agreement of the responsible central organism, which plays more the role of supervisor of the system. The exceptions to this rule can be found when we are dealing, for instance, with big commercial areas or sensitive environmental areas.

On the other hand, one of the most common adopted technical solution for city parking, and counting with institutional support, is the underground parking, which is expected to reduced negative impacts on the environment, among others.

Regarding the parking control in urban areas, it is important to stress out the power granted to specific municipality staff to act in the field of enforcement and control, gathering the formal attributions of the law agents. This measure is expected to improve the effectiveness of the limited duration parking schemes, by providing more people affected to the control function, giving at the same time a better awareness of the system to the citizen.