PARKING METERS: A ROADBLOCK IN CHICAGO’S ABILITY TO TRANSFORM ITS STREETS

BRADLEY L. PELTIN*

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INTRODUCTION

The public safety need for social distancing during the COVID-19 pandemic spurred the City of Chicago to begin reimagining its public right of way.1 One program of particular success was the City’s “Make Way for Dining” program initiated in the summer of 2020.2 This program created temporary outdoor “Café Streets” and pedestrianized roadways for dining and shopping [FIG. 1] to support a reeling restaurant industry due to forced closures and prohibitions on indoor dining.3 The City’s plan to help revive the local economy did come at a cost, however,

*J.D. University of Iowa College of Law; B.A. Political Science and History, University of Wisconsin. Special thanks to Professor Gregory H. Shill.
2 Id.
3 Id.
as the City’s Transportation Commissioner, Gia Biagi, acknowledged that “street closings might require the [C]ity to compensate the consortium that leases Chicago parking meters for any taken out of service.”

Due to a hastily signed and poorly thought-out parking meter lease agreement, the City of Chicago is on the hook for nearly every parking meter that is taken out of commission. This is no small amount of money either. In 2018 alone, the City paid Chicago Parking Meters LLC (CPM) $20 million in what the lease agreement calls “true-up” payments due to out of service meters. Because it is so expensive for the City to take parking meters out of service, it has real consequences on the City’s ability to make changes to its streets for the duration of the seventy-five-year lease. Essentially, any potential street renewal project on a right-of-way with parking meters—whether it be the creation of bus lanes, bike lanes, street bulbs for pedestrian crosswalks, pedestrian refuges, or wider gathering spaces—will have to include consideration of the costs of parking meter relocation or removal.

This paper explores Chicago’s parking meter deal and its impact on street renewal projects. Part I will discuss the history of the parking agreement as well as its consequences. Part II explores non-transportation uses of City streets and the challenges this agreement may pose to street reform in Chicago. Part III examines Chicago’s Complete Streets initiative and the challenges the parking agreement may pose to the attainment of Complete Streets goals, particularly for the expansion of non-car-based transport.

I. THE PARKING AGREEMENT

A. Background

Back in 2008, the City of Chicago, as well as the rest of the country, was experiencing the worst economic downturn since the Great Depression. Cash strapped and looking for revenue to plug the budget,
the City began to look for other ways to raise revenue. Notably, Chicago’s budget crisis began well before the Great Recession, with researchers pointing to policies and practices contributing to its weak financial conditions beginning in the late 1990s. In 2005, then Mayor Richard M. Daley “began selling off public property for up-front cash payments without much scrutiny from the City Council or the public” in order to pay off debt. This process began with a ninety-nine-year lease of the Chicago Skyway for $1.83 billion in 2005, followed by another ninety-nine-year lease of the parking garages underneath Millennium and Grant parks for $563 million in 2006. But by 2008, the Great Recession was in full swing, only exacerbating Chicago’s existing budget crisis. So, in February of the same year, the City issued requests for bidders for the leasing rights over the City’s 36,000 parking meters. On December 2nd, Mayor Daley announced that Morgan Stanley had won the bid, bidding nearly $1.2 billion, and would be leasing the meters through a newly created entity called Chicago Parking Meters LLC (CPM). Aldermen briefed by City officials were given a summary which in part read, “City Council retains the right to set rates, hours of operation and designate meter locations. However, reduction in meters, rates or hours that negatively impact the overall value of the meter system could result in a payment by the City to the Concessionaire.” On Thursday, December 4, 2008 at 10:00 A.M., just seventy-two hours after the initial announcement of the winning bid, a special meeting of the City Council convened to vote on the lease agreement. Even as they met to consider the agreement, it was reported that “[m]any aldermen privately conce[de[d] they still d[id]n’t understand it.” Nevertheless, the parking meter agreement was passed by an overwhelming majority of the City Council.


9 Id. at 3, 25.
12 Joravsky & Dumke, supra note 10.
13 Id.
14 Id.
15 Id.
17 Joravsky & Dumke, supra note 10.
18 Special Meeting, supra note 16, at 50507.
B. The Contract

The Amended and Restated Chicago Metered Parking System Concession Agreement, dated as of June 5, 2013, is the current controlling contract between the City of Chicago and Chicago Parking Meters, LLC.\textsuperscript{19} The agreement provides that the City must compensate CPM for meters taken out of service.\textsuperscript{20} However, the City receives yearly closure allowances in which the City is able to take a meter out of operation for a set amount of time (it differs based on the location) without having to compensate the Concessionaire (CPM).\textsuperscript{21} Once the closure allowance is exceeded, the City will have to make a “Required Closure Payment”.\textsuperscript{22} True-Up Adjustments (as previously mentioned and the subject of this paper) “means a Quarterly Settlement Amount minus the portion of such Quarterly Settlement Amount that is a Required Closure Payment accrued in such Quarter.”\textsuperscript{23} Schedule 6 of the agreement contains the complex methodology for how each quarterly payment is calculated.\textsuperscript{24} Another facet of the 210 page agreement that might interfere with reimagining Chicago’s streets is a non-compete clause in which, within one mile of a CPM parking space, the City agreed not to operate any off-street public parking lot/garage—with the exception of those in connection with public buildings, sports arenas, park and ride facilities, temporary special event parking, and affordable housing developments.\textsuperscript{25}

C. Costly in Operation

Although the City retained its abilities to set street policy, including parking meter use and placement, the agreement with CPM made it extremely costly for the City to make changes to street use—as any changes affecting meters would result in the City having to compensate

\textsuperscript{19} AMENDED & RESTATED CHI. METERED PARKING SYS. CONCESSION AGREEMENT (WITH FIRST & SECOND AMEND. CHANGES), at i (June 5, 2013), https://www.chicago.gov/content/dam/city/depts/fin/supp_info/AssetLeaseAgreements/MeteredParking/AmendedRestatedConcessionAgreement1st_2ndAmendments.pdf [hereinafter Chicago Parking Meter Agreement].
\textsuperscript{20} Id. at 69.
\textsuperscript{21} Id. at 24–25.
\textsuperscript{22} Id. (defining “Required Closure Allowance” and “Required Closure Payment”).
\textsuperscript{23} Id. at 28.
\textsuperscript{24} Id. at Schedule 6-Page 1–6.
\textsuperscript{25} Id. at 48.
CPM for lost meter revenue. For example, when an alderman attempted revert 270 meters in his ward back to the old parking schedule, he was told that it would cost the city “$162,334 in the first year, $202,918 in the second, and $243,501 in the third, or $608,753 total.” Although in 2009, the City paid CPM a little under $6000 in true-up payments, by 2010, the cost was $2.1 million, and the year after that it ballooned to $14 million.

In 2013, Mayor Rahm Emanuel announced that the City and CPM had renegotiated parts of the agreement to settle “outstanding legal disputes” associated with the calculation of true-up payments. As part of the renegotiation, it was agreed that the City would take over the accounting of true-up payments. Nevertheless, true-up payments continued to be costly for the city. So, in 2016, in attempts to offset some of the true-up costs, the City installed 752 new parking meters. Under the agreement with CPM, the City gets to collect eighty-five percent of the revenues from the new meters it installs. However, the revenue from these meters went directly to funding the true-up payments to CPM. In 2018, the City still paid $20 million to CPM in true-up payments. In 2020, under Mayor Lori Lightfoot, the City approved a package of changes including the addition of metered parking for 750 parking spaces in Montrose Harbor.

30 Id.
33 Cherone & Ali, supra note 31.
34 See Lentino, supra note 5.
35 Gregory Pratt & John Byrne, Parking Meters Coming to Chicago’s Montrose Harbor as Part of Mayor Lori Lightfoot’s Budget Plan, CHI. TRIB. (Mar. 18, 2021),
D. Implications for Future Transportation Projects

Chicago’s parking meters were never just a source of revenue but were a key component in the City’s ability to regulate traffic flow. Parking meters are defined by the Illinois Vehicle Code as “traffic control device[s].”36 There is no doubt that this power to regulate traffic flow was intended to be conferred exclusively to the city. The Illinois Municipal Code states, “[t]he corporate authorities of each municipality may regulate the use of the streets and other municipal property.”37 The Illinois Vehicle Code further adds, “[t]he provisions of this Code shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from . . . regulating the standing or parking of vehicles. . . .”38 But because of the City of Chicago’s shortsightedness back in 2008, it for all intents and purposes did give up some of its power to regulate the streets through these “traffic control devices” due to the high costs of true-up payments.39 In The Public Interest (ITPI), a national nonprofit research and policy organization that studies public goods and services, concluded that the compensation clause and true-up formula in the agreement “limit[ed] or eliminate[d] the public’s ability—for decades—to make critical decisions necessary to improve transportation systems and other public services.”40 At a time when cities around the country are rethinking the place of the car in land use planning and modern transportation systems,41 the parking meter agreement will likely cement the prominent status of the car on Chicago’s streets for years to come. Until 2083, any potential project on a street featuring meters leased by CPM is now in some part dictated (and likely limited) by parking meters.

II. SHARING THE STREETS: NON-TRANSPORTATION USES OF CITY


39 Lentino, supra note 5.
STREETS

A. 20th Century Street Design

As cars began to dominate the transportation space in the early 20th century, American streets became seen as vital infrastructure for commuters going to and from work in the city. In the preindustrial period, streets tended to be narrow and winding, with uses reserved for pedestrian travel, socializing, and shopping in open air markets. Many European cities of today still have some of these hallmark features, meandering cobblestone streets and public squares or plazas used for a host of social purposes. Many American streets on the other hand, were designed during the industrial revolution and the age of the automobile. As street use became focused on cars, street designers constructed wider and straighter arterial roads with an eye toward motorists—a use “incompatible with [the] traditional street functions” of recreation and socialization. The influx of cars on city streets also meant that they needed to be put somewhere when not in use, so cities began to designate parts of the road for car parking. However, the allocation of public space for individuals to store their car had some unintended consequences. Downtown business owners began to complain that cars left all day in front of their shops by commuters made it difficult for other driving patrons of their businesses to park and shop. Thus, the parking meter was invented as a simple infrastructure solution to a modern spatial allocation problem. By using the meter to allocate set amounts of time for street parking, cities could create higher turnover in shopping districts and allow more drivers to use the parking spaces.

Parking, whether metered or unmetered, is still a “major consumer of street space” as personal automobiles not only occupy the space “when moving in travel lanes” but also when they are not in use. In fact, streets alone “make up more than 80% of all public space in cities” so does it

43 Id. at 2.
44 See id.
45 See id. at 21.
46 Id. at 228.
47 See id.
49 Id.
50 Id.
51 NACTO, GLOBAL STREET DESIGN GUIDE 120 (2016).
make sense to designate so much of it to drivers?52 Over the last few decades, the growing real estate trend towards walkable neighborhoods has led some to look at the spatial allocation of street parking with a more critical eye.53 Maybe it doesn’t make sense for cities to give such valuable real estate to cars, especially when public parking spaces can “create positive externalities” when used for other activities.54 “Property values are appreciating much faster in [walkable neighborhoods] than they are in car-dependent areas, suggesting people are becoming increasingly willing to pay a premium to live, work, and play in walkable environments.”55 This is not to suggest that this is a market trend towards automobile-free streets altogether, but instead that cities and planners should look for ways to reincorporate the recreational and social aspects of street design (that tended to allow for more pedestrian-centric activity) that were lost at the beginning of the 20th century. This section explores the movement for reallocation or repurposing of public spaces once primarily dedicated to parking and driving and the challenges the movement faces in Chicago due to the parking meter agreement.

B. A Global Pandemic Spurs the Reimagination of City Streets

As a result of the COVID-19 pandemic and the need for social distancing, crowded sidewalks once seen as an annoyance, became a public health issue.56 With roads mostly clear of car traffic due to stay-at-home orders and remote work, cities across the country were given a rare opportunity to reimagine the use of street space.57 “[R]eimagination of the roadway starts with articulating a different vision about who streets are for, but also requires rethinking the technical standards for how street spaces are constructed, allocated, and situated in urban context.”58 One group dedicated to such work is the National Association of City

54 Shill, supra note 41, at 547 (noting that “cities have moved to repurpose the space entirely, reclaiming it for activities that create positive externalities and enhance property values, such as tiny parks in parking spaces (‘parklets’), bus lanes, and shared bike stations.”). “A single parking space, if repurposed into a studio apartment, would rent for about $300 a month in Iowa, $630 in California and nearly $900 in the nation’s capital.” Id. at 550.
55 Sobel & Ross, supra note 53.
57 Id.
58 PRYTHERCH, supra note 52, at 140.
Transportation Officials (NACTO). In May of 2020 NACTO published Streets for Pandemic Response & Recovery, a guide to help leaders and planners quickly adapt city streets to keep people safe and moving and to support economic recovery during and after the pandemic. The guide notes that with more people staying at home and avoiding crowded indoor public spaces due to COVID-19 transmission being significantly higher indoors than outdoors, streets have reverted to spaces for recreation and social services as opposed to commuting:

[A]s COVID has made clear, our streets support more than just movement . . . streets are providing space so people can safely access food and essential services . . . streets can provide room for restaurants and shops to serve customers outdoors . . . . [o]ur streets are key to our mental, physical, and immunological health. In cities across the globe, streets are places for essential outdoor respite for people without yards or balconies.

Cities have always had the street space for physical distancing, recreational areas, or outdoor dining—it’s just that a significant amount of that space has been allocated to driving or storing motor vehicles. NACTOs pandemic guide suggests that cities can rebalance street use to accommodate both transportation and recreation—during the pandemic and beyond—through one or more of the following actions: removing parking spaces or lanes, narrowing motor vehicle lanes, shifting parking away from the curb “even where it requires closing a vehicle lane,” and/or closing vehicle lane(s) or entire streets. During the first wave of the pandemic, Auckland, New Zealand created sidewalk extensions [Fig. 2] by converting either curbside parking or motor vehicle lanes into pedestrian spaces. By creating more space for pedestrians, these extended sidewalks could then be used for a host of purposes such as outdoor cafes, markets, queuing outside stores with limited indoor capacity, or other recreational activities. Goiânia, Brazil, took a different approach when implementing the city’s “Safe Fairs” pilot project. There, the city promoted open air markets on some of its streets to make fresh agricultural products available to the public. In order to cater to both drivers and pedestrians, part of the market was designated

\[59\] NACTO, Streets for Pandemic Response & Recovery 2–3.
\[60\] Id. at 6.
\[61\] Id. at 14.
\[62\] Id. at 18.
\[63\] Id. at 18–19.
\[64\] Id. at 29.
\[65\] Id.
as a Drive Thru, while the other part was designated for pedestrian grocery shoppers. The COVID-19 pandemic has spurred the reimagination of streets in the United States too. The following section explores how American cities, Chicago (and its parking meter issue) included, have been able to expand non-transportation uses of their streets during the pandemic.

C. Spatial Reimagination in Practice in American Cities

Street projects in American cities tend to be characterized by hyper-localism and dysfunction due to the self-imposed review processes and procedures that “tilt local politics against new development.” While City Departments of Transportation (DOTs) typically have the “sole authority to redesign streets,” they often defer their authority to sublocal bodies, going well beyond legally mandated procedural requirements, in which neighbors are given a “quasi-veto over projects.” By ceding decision-making to a small number of voices opposed to new development—through endless public hearings dominated by the angriest opposition to change in the status-quo—“[c]ities routinely . . . hand the public the tools to defeat their own plans.” Noah Kazis, a Legal Fellow at the New York University Furman Center for Real Estate and Urban Policy, has offered that alternative options available to City DOTs, such as pilot programs, are a better processes when seeking to alter city streets. By testing out new streetscapes first and then seeking public comment, many fears will be proven to be overblown and the public will be able to experience the benefits of the changes before they submit their comments.

One consequence of the emergency-nature of the COVID-19 pandemic is that the quick and urgent need to act has caused more City DOTs to embrace pilot programs and seek written comment later in lieu of public hearings—surely the fact that in person public hearings have mostly been paused has helped this along as well. This has led to a burst of creativity across the United States as cities tackled the need to create more space for pedestrians on City streets. Oakland, California’s “Slow

68 Id. at 2349, 2359.
69 Id. at 2360.
70 Id. at 2358. For example, Boston and neighboring cities implemented pilot projects like “pop up” bus lanes with trial periods prior to seeking public input.
71 Id.
Streets” and “Essential Places,” programs are great examples of a city using pilot programs to reimagine streets and incorporating community feedback as a public process to improve upon the changes.72 The City of Oakland began by closing twenty miles of streets to provide more public space for residents.73 A few weeks into the Slow Streets initiative, the city evaluated the program and sought feedback from residents.74 What they found was that the program was not meeting the needs of the city’s historically black neighborhoods.75 What resulted was the Essential Places initiative, which involved pedestrianizing some streets to provide residents with safer access to essential services such as food distribution sites, COVID-19 tests, and safe spaces for outdoor exercising.76

Other areas in the United States focused on reimagining on-street parking. The Massachusetts DOT launched the state’s “Shared Streets & Spaces Program” to provide funding for towns to “conceive, design, and implement tactical changes to curbs, streets, on-street parking... in support of public health, safe mobility, and renewed commerce.”77 The town of Brookline received funds from the program to extend the sidewalks into the parking lane along four high volume streets to allow for pedestrian social distancing, while Lynn received funds to repurpose on-street parking for outdoor dining.78 In San Francisco, California, the city’s “Shared Spaces” pilot program extended the sidewalk into select parking lanes for use by business and cultural organizations to operate in outdoor spaces.79 The initiative was so popular that the city’s mayor introduced legislation to make the program permanent.80

Both the City of Chicago and City of Indianapolis also launched pilot programs to repurpose on-street parking during the COVID-19 pandemic. What’s unique about these cities is that both of them had privatized their parking meters, which makes it difficult for these pilot programs to become anything more than temporary emergency measures.

73 Id. at 24.
74 Id.
75 Id.
78 Id.
80 Id.
Indianapolis’ pilot program was immensely popular with the public and businesses, but the city concluded there is “no financially feasible way to permanently close streets within downtown parking meter zones governed by the 2010 contract.”81 While the Indianapolis deal was much more favorable to the city than Chicago’s (in fact, Indianapolis actually makes millions of dollars in profit every year), it is estimated that the cost to permanently remove a single meter would range between $100,000 to $500,000 depending on the location.82

Chicago is put in a more precarious position as the city already loses millions of dollars per year on the contract.83 As previously stated, Chicago also relaxed its rules to allow restaurants to create expanded sidewalk cafes by pedestrianizing on-street parking spaces.84 To help support the struggling restaurant industry, the City also waived fees and streamlined the permitting process.85 As part of this support, “the city is not requiring the businesses to pay for compensating the parking contract concessionaire for lost revenue,”86 meaning that the City will be solely responsible for the true-up fee for any metered spaces taken out of commission for expanded sidewalk cafes. A Freedom Of Information Act (FOIA) request was made to the City’s Department of Finance87 and it was found that the City has not necessarily been tracking the true-up payments used to “fund” this program but it was projected these payments would be in the six figures.88 True-up payments on streets used for expanded outdoor dining on just a few blocks in the Fulton Market district alone [Fig. 3] were estimated to be $58,462.48 between June and November 2020.89 For the fiscal year of 2020, the City paid $6,250,816

82 Id.
83 See supra Part I.C.
84 See supra notes 1–3.
86 Id.
87 FOIA request on file with the author. Phone Call with Benjamin Davidson, City of Chicago (Apr. 28, 2021). Author’s note: the spreadsheet and explanation provided by the City of Chicago only showed the closure payment amounts for each block of metered parking. It did not provide the reason for every closure, so closures due to street construction or other reasons outside sidewalk expansion cannot be excluded from the data. The Fulton Market district was chosen as an example for this paper as it was one of the streets participating in the Cafe Streets program so the likelihood of closure specifically due to the program is high.
88 Id.
89 Id.
to Chicago Parking Meters.90 When looking at the City budget, $58,000 for a few blocks of restaurants might seem worth the price during the pandemic, especially when it is used to keep restaurants in business and employees receiving a paycheck, but it certainly does add up when aggregating all the costs for Cafe Streets around the city. What is more disheartening is that these programs have been immensely popular,91 but the cost to make these expanded pedestrian areas permanent is likely more than a City budget (and taxpayers) can manage.

III. COMPLETE STREETS: THE EXPANSION OF NON-CAR-BASED TRANSPORT

A. Complete Streets Chicago: An Overview

Another area in street reform that has only accelerated under the COVID-19 pandemic has been efforts to create Complete Streets. Complete Streets, as defined by the U.S. Department of Transportation, are streets designed and operated to enable safe use and support mobility for all users. Those include people of all ages and abilities, regardless of whether they are travelling as drivers, pedestrians, bicyclists, or public transportation riders. The concept of Complete Streets encompasses many approaches to planning, designing, and operating roadways and rights of way with all users in mind to make the transportation network safer and more efficient.92

Regardless of possible parking meter constraints, the City of Chicago has moved ahead with its own commitment to building Complete Streets.93 The City of Chicago’s most recent Complete Streets Guidelines, issued in 2013, calls for a pedestrian-first modal hierarchy.94 Meaning, all future transportation projects will favor pedestrians first, followed by

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90 Id.
transit riders, bicyclists, and then automobiles (private motor vehicles).\textsuperscript{95} However, it is envisioned that Complete Streets will be able to accommodate all four categories.\textsuperscript{96} The City favors a “Pedestrian First” policy because almost all trips begin and end with walking.\textsuperscript{97} This is an important change from what was the City’s development policy over much of the 20th century, which focused on optimizing automobile traffic while neglecting other modes of transportation.\textsuperscript{98} This policy does include some noteworthy exceptions, one of which may apply to the parking meter lease: “it is prudent to deviate from the requirements [when] . . . [t]he cost of establishing facilities for a particular mode would be excessively disproportionate to the need or probable future use.”\textsuperscript{99}

\textbf{B. Design Guidance}

There are a number of design manuals (which the City classifies as “legal resources”), that a city in Illinois must follow when designing streets.\textsuperscript{100} While these resources sometimes allow for some flexibility, municipalities have historically stuck to the letter of the manual out of liability concerns—protecting themselves from lawsuits (hence why the City of Chicago calls them legal resources).\textsuperscript{101} If a city does choose to “utilize designs that fall outside the guidelines of nationally recognized documents, they need to use additional care (ie. document everything, follow a logical and reasonable process, monitor results) to ensure they do not expose themselves to liability.”\textsuperscript{102} Due to current state law, local Illinois municipalities have limited ability to deviate from the Manual on Uniform Traffic Control Devices (MUTCD) and the state supplement to the MUTCD outside what is allowed.\textsuperscript{103} Critically, the MUTCD establishes warrants (minimum thresholds needed before a traffic control device is installed) that make it very difficult to make street changes that are favorable to pedestrianization such as adding crosswalks, flashing beacons, and stop signs.\textsuperscript{104} In other words, it is oriented toward providing

\begin{itemize}
    \item \textsuperscript{95} Id. at 79.
    \item \textsuperscript{96} Id. at 13.
    \item \textsuperscript{97} Id.
    \item \textsuperscript{98} Id. at 13–14.
    \item \textsuperscript{99} Id. at 17 (emphasis omitted).
    \item \textsuperscript{100} Id. at 20 (listing a non-exhaustive list of resources, including: the AASHTO’s ‘Green Book’, the Illinois DOT’s Bureau of Design and Environment Manual, the Illinois DOT’s Bureau of Local Roads and Streets Manual, the Manual on Uniform Traffic Control Devices (MUTCD), the Illinois Fire Code, and the Illinois Vehicle Code).
    \item \textsuperscript{101} Id. at 22.
    \item \textsuperscript{102} Id.
    \item \textsuperscript{103} Id. at 24.
efficient and safe automobile access over all other road users. According to the City of Chicago’s Complete Streets Guidelines, the city may “modify those [warrants] suggested by the MUTCD” under special circumstances, so long as reasons for the exception are documented.

While many of these manuals look at streets from an engineering perspective, Chicago’s Complete Streets Guidelines notes that street design “is not simply a technical or quantitative exercise. . . . rather, [it] requires observation of how people use the space. . . .” By pivoting to a pedestrian-first modal hierarchy, Chicago’s Complete Street Guidelines seek to exploit any flexibility provided by the various design manuals (or legal sources) to reimagine roads that optimize the movement of all people, not just automobiles. For example, the Chicago Department of Transportation found that the MUTCD warrant “limiting pedestrian signals to a spacing of 300 feet and subjugating them to auto flow [is] contrary to the [new] mod[al] hierarchy. . . .” Instead the Guidelines call to locate crosswalks simply where pedestrians want to cross and where drivers should reasonably expect pedestrians to cross. By assessing each situation according to the walking network (as opposed the driving network as is done with the MUTCD), Complete Streets will provide for a higher quality walking environment.

C. Complete Streets and On-Street Parking

What’s interesting about the Complete Streets Guidelines, is that on-street parking is viewed as both a positive and negative aspect. While parking may support retail and provide for a buffer zone between pedestrians and vehicle traffic, it also takes up valuable space that could instead be used instead for curb extensions and bus shelters. Furthermore, it may cause problems such as blocking driver view of pedestrians crossing the street or causing bicycle riders to be ‘doored’ by parkers. Interestingly, the Guidelines state that “[o]n-street parking does not make a street more or less complete, therefore these policies and

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107 Id. at 79 (emphasis added).
108 Id. at 113 (citing MUTCD at 442).
109 Id. at 104.
procedures offer no opinion on its inclusion.”110 That being said, we do know that street space is finite, especially in the neighborhoods and shopping districts.111 So, when on-street parking is included on a given street, it means that there is less space for other component parts [FIG. 4] of a complete street such as a bike lane or a bus lane.112 This is especially important when thinking about the modal hierarchy laid out by the Complete Streets Guidelines. Installing a bike lane or a bus-only/Bus Rapid Transit (BRT) lane might be a higher priority, however, in areas governed by the parking-meter agreement, high cost of removing on-street metered parking, is likely to be disproportionate to the need of a bike lane or bus-only lane and will warrant an exception to the modal hierarchy.

Since on-street parking is here to stay in Chicago until 2083, street planners may need to think creatively. For example, one possible alternative might be creating diagonal or angled parking spaces on one street, while eliminating parallel parking lanes on the street the next block over. Diagonal parking would allow for more parking spaces on a single street, thus making up for the parking spaces eliminated on the next street.113 This would condense parking into a smaller area, freeing up other streets for other purposes, and have a traffic calming effect, which is ideal for a Complete Street.114 Per the agreement, the City can eliminate a parking space if it creates another parking space in a similar area in the ward as a replacement.115 Since it is unlikely that the City would create a BRT lane down every block anyway, this might be a sufficient compromise. One concern, however, is that there are only so many spaces for replacement meters. The Chicago Transit Authority (CTA), for example had at one point been planning a network of twenty Bus Rapid Transit (BRT) lines.116 While the CTA had found enough replacement sites for parking meters for its first few BRT routes, it became clear that there would not be enough replacement sites for every Complete Streets project.117

110 Id. at 93.
111 See id.
112 Id.
114 Id.
115 Chicago Parking Meter Agreement, supra note 19, at 59.
116 Perils of Privatizing, supra note 40, at 3.
117 Id.
D. Chicago’s Complete Streets in Progress

During the COVID-19 pandemic, the City of Chicago, like other cities, has taken advantage of the reduction in vehicle traffic to begin converting streets into Complete Streets. 118 While future phases to make these changes permanent will likely require more heavy-duty construction, the initial phase can be done fairly quickly and cheaply with street paint and plastic posts (and given the City’s budget troubles, the initial phase may last for some time). A few years ago, the City experimented with these cheaper materials at the six-way intersection at Wellington, Southport, and Lincoln Ave. in the Lakeview neighborhood. 119 Paint-and-post bump-outs made it easier for pedestrians to cross the street, create wider turning radiiues resulting in calmed traffic, and created new seating areas [Fig 5]. 120 The success of this pilot allowed the city to expand its use of these materials into the loop at nearly two-dozen intersections during the second wave of the pandemic [Fig 6]. 121

CONCLUSION

The City of Chicago is committed to reimagining its streets for the 21st Century. But a combination of a lack of funding and high expenses due in part to the Parking Meter Agreement means that the City is going to have to make some difficult choices as well as think creatively about how it will achieve its goals. As was illustrated by the COVID-19 pandemic, continuing with a car-centric streetscape is not sustainable, and the City will need to adapt its rights of way to accommodate all its citizens, not just its drivers. The City should continue implementing its Complete Streets goals wherever possible, following a pedestrian-first modal hierarchy. This may mean expanding sidewalks or mass transit lanes at the expense of additional lanes of car traffic if parking lanes cannot be removed due to the meter agreement. Even as the sun begins to set on automobile-centric streets, the parking meter issue will remain as a constant reminder of 20th century priorities no matter how City chooses to proceed.

119 Greenfield, What Other Intersections, supra note 118.
120 Id.
121 Greenfield, Eyes on the Street, supra note 118.
[Fig. 1] Map of Chicago’s Slow Streets and Cafe Streets Program during Summer 2020.

[Fig. 2] Visualization of sidewalk extensions.
NACTO, *STREETS FOR PANDEMIC RESPONSE & RECOVERY 18 (2020)*
**[Fig. 3]** Visualization of a small section of the raw data for parking meter true up payments by the City of Chicago. The map shows Fulton Market street closures for the Cafe Streets program during the Second and Third Quarters of 2020. The table shows the cost of closing each parking meter block per quarter. Courtesy of the FOIA request *supra* note 87.

<table>
<thead>
<tr>
<th>Block</th>
<th>Closure Amount</th>
<th>Quarter</th>
</tr>
</thead>
<tbody>
<tr>
<td>803 - 825 W Fulton Market</td>
<td>$914.09</td>
<td>Q2</td>
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<tr>
<td>834 - 848 W Fulton Market</td>
<td>$399.91</td>
<td>Q2</td>
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<tr>
<td>839 - 855 W Fulton Market</td>
<td>$285.65</td>
<td>Q2</td>
</tr>
<tr>
<td>904 - 928 W Fulton Market</td>
<td>$985.50</td>
<td>Q2</td>
</tr>
<tr>
<td>909 - 927 W Fulton Market</td>
<td>$0.00</td>
<td>Q2</td>
</tr>
<tr>
<td>935 - 953 W Fulton Market</td>
<td>$342.78</td>
<td>Q2</td>
</tr>
<tr>
<td>936 - 948 W Fulton Market</td>
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<td>Q2</td>
</tr>
<tr>
<td>803 - 825 W Fulton Market</td>
<td>$10,512.00</td>
<td>Q3</td>
</tr>
<tr>
<td>834 - 848 W Fulton Market</td>
<td>$5,256.00</td>
<td>Q3</td>
</tr>
<tr>
<td>839 - 855 W Fulton Market</td>
<td>$6,570.00</td>
<td>Q3</td>
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<tr>
<td>904 - 928 W Fulton Market</td>
<td>$17,082.00</td>
<td>Q3</td>
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<tr>
<td>909 - 927 W Fulton Market</td>
<td>$1,501.71</td>
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<tr>
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<td>$7,739.60</td>
<td>Q3</td>
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<tr>
<td>936 - 948 W Fulton Market</td>
<td>$6,873.23</td>
<td>Q3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$58,462.48</strong></td>
<td>Q2 &amp; Q3</td>
</tr>
</tbody>
</table>

**[Fig. 4]** Cross-section elements. Complete streets divide streets into four component parts to show how a street is assembled. **CHICAGO COMPLETE STREETS GUIDE** at 89.