

40 C.F.R. § 52.1135

Regulation for parking freeze.

(a) Definitions:

(1) The phrase *to commence construction* means to engage in a continuous program of on-site construction including site clearance, grading, dredging, or land filling specifically designed for a parking facility in preparation for the fabrication, erection, or installation of the building components of the facility. For the purpose of this paragraph, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

(2) The phrase *to commence modification* means to engage in a continuous program of on-site modification including site clearance, grading, dredging, or land filling in preparation for a specific modification of the parking facility.

(3) The phrase *commercial parking space* means a space used for parking a vehicle in a commercial parking facility.

(4) [Reserved]

(5) *Commercial parking facility* (also called *facility*) means any lot, garage, building or structure, or combination or portion thereof, on or in which motor vehicles are temporarily parked for a fee, excluding (i) a parking facility, the use of which is limited exclusively to residents (and guests of residents) of a residential building or group of buildings under common control, and (ii) parking on public streets.

(6) *Freeze* means to maintain at all times after October 15, 1973, the total quantity of commercial parking spaces available for use at the same amounts as were available for use prior to said date; *Provided*, That such quantity may be increased by spaces the construction of which commenced prior to October 15, 1973, or as specifically permitted by paragraphs (n), (p) and (q) of this section; provided further that such additional spaces do not result in an increase of more than 10 percent in the total commercial parking spaces available for use on October 15, 1973, in any municipality within the freeze area or at Logan International Airport (“Logan Airport”). For purposes of the last clause of the previous sentence, the 10 percent limit shall apply to each municipality and Logan Airport separately.

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