

March 21, 2016

Joseph C. Heap II, State Marshal  
Chair, State Marshal Advisory Board  
34 School Street  
New London, CT 06320  
[heap@snet.net](mailto:heap@snet.net)

**Via First Class Mail and Email**

**RE: Enforcement of Parking Regulations in the City of Hartford**

Dear Marshal Heap:

I write on behalf of the Board of Commissioners of the Hartford Parking Authority ('HPA') to thank you and your colleagues for taking the time to meet with HPA's Board Chair, Bill Breetz, and me on March 2, 2016 at HPA's offices. We hope you are willing to share this letter with any of your members that conducts business in the City of Hartford. Bill and I both feel that the meeting provided a useful opportunity to exchange views with you and your colleagues on whether, and to what extent, Connecticut State Marshals are subject to the parking regulations that HPA enforces. It also provided us an opportunity to discuss several related matters, including whether HPA and your members could agree on:

- Creation, use and system maintenance of a 'one design' State Marshal placard that could not be replicated and which would therefore avoid what HPA believes is widespread abuse by persons who are not State Marshals;
- Locations near the buildings where your members regularly serve process in this City which HPA might treat as 'safe harbors' where State Marshals might park without risk of receiving parking tickets for obstructing traffic amongst other things; and
- The identity of alternative bank locations, other than those branches near the intersection of Main and Asylum Streets in Hartford, where legal process might be served on those banks without risk of interfering with the heavy traffic in the vicinity of that intersection.

From HPA's perspective, the meeting did produce some limited areas of agreement. We were able to agree, for example, on the importance of a single placard design, although we were unable to identify a design that you and we agree is not subject to being readily duplicated, or how that system might be maintained over time. Similarly, we agreed that making additional parking spaces that HPA has tentatively identified for use by State Marshals would be desirable, although we were unable to agree that State Marshals would be subject to citations when they failed to use either those spaces or available City parking spaces. And, finally, we agreed that finding alternative bank locations for service of process would be a useful alternative to serving legal papers at branches located at Asylum and Main Streets. However, again, we were unable to agree on the consequences of State Marshals parking in areas marked as 'no parking' in the vicinity of that intersection.

It appears to HPA that the core matter in dispute with your members is the extent to which State Marshals are exempt from Hartford's parking regulations under C.G.S. § 14-290 (a). That sub-section reads in its entirety as follows:

**Sec. 14-290. Exemptions from motor vehicle laws.** (a) Motor vehicles in the custody and use of officers in the performance of their duties shall be exempt from any traffic regulations of any town, city or borough, and from the provisions of this chapter and of chapter 246, so far as such exemption is necessary for the effective enforcement of any of the provisions of the statutes.

HPA acknowledges that State Marshals are 'officers' within the meaning of § 14-290 (a). However, we do not understand that Marshals are exempt from Hartford's parking regulations when they may be at lunch, engaged in social activities or otherwise are not engaged "in the performance of their duties" - a statutory condition to the claimed exemption.

Similarly, even when they are engaged in performing their duties – most commonly for our purposes, when State Marshals are serving legal process during the work day in Hartford – the statutory exemption exists only "so far as ... necessary for the effective enforcement of any ... statutes."

Unfortunately, in the face of such a general statement of principle, your members and HPA are left with uncertainty about a variety of important matters affecting public safety and other significant public policies. For example, it is common knowledge there is a considerable surplus of public and private parking spaces available throughout the City at any time of day. If a State Marshal choose to park at any of these available spaces there would be no disagreement between us. However, we recognize that at any given time, these available spaces may not be as convenient to a State Marshal as a nearby handicapped parking space, a marked cross walk, a fire hydrant, a bus lane, a high density travel lane during rush hour, or the curbside immediately adjacent to a courthouse, bank or State office building where parking is generally prohibited. In practice, your members sometimes choose to park in these more convenient locations – and on occasion receive tickets for doing so.

In considering the meaning of § 14-290 (a), HPA is obliged to ask whether the relative convenience and time savings to State Marshals in any of these examples meets the statutory standard: i.e., your members' convenience is 'necessary to the effective enforcement' of state law. And if it does, how would a court, or the General Assembly, reconcile the State Marshals' claim that "convenience equals necessity" under § 14-290 (a) with the equally compelling claims of handicapped persons, pedestrians in cross walks, bus drivers unable to provide a safe location for waiting passengers, or commuters' inconvenience when a travel lane is blocked at rush hour?

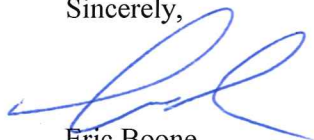
Apart from these competing claims of convenience, your members also claim that when they are able to locate an unoccupied parking space at a parking meter, § 14-290 (a) provides they are exempt from paying at that meter. Presumably, a State Marshal's exemption from the general obligation to pay for parking is based on the claim that free parking is, again, 'necessary to the effective enforcement' of state law. Regardless of the merits of this claim, payment at the meters would likely be the easiest of matters to resolve if we had a reliable placard system and an agreement regarding the other matters of public safety.

At present, however, all these issues remain unresolved, and in that connection, you have a copy of the resolution that HPA adopted on February 18 and the Hartford Corporation Counsel's office approved on February 23. The resolution provided there would be no tickets issued to State Marshals (except for violations in handicapped spaces, fire hydrants and bus lanes) during a thirty day period beginning on the day of its final approval. I am informed that some State Marshals may have received tickets after February 23 and before today; if so, I hope you will ask the affected State Marshals to call me to discuss their circumstances.

In any event, the hiatus provided in that resolution, by its terms, will end on March 23. In the absence of any extension of that resolution or an agreement between HPA and the State Marshals regarding the substance of our relationship, your members should be aware that HPA will resume enforcement of all its parking regulations regarding your members on March 24. State Marshals receiving citations may wish to appeal their citations at a hearing overseen by the City's Corporation Counsel's Office as is the standardized process for addressing citation concerns.

It goes without saying that HPA remains open to a continuing dialog with the appropriate representatives of the State Marshals on all these matters if you believe such a dialog might prove helpful in resolving the matters on which our opinions presently differ.

Sincerely,



Eric Boone  
CEO