

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC SAFETY & TRANSPORTATION COMMITTEE AGENDA

WEDNESDAY, APRIL 7, 2010

7:45 pm
Room 202

ITEMS SCHEDULED FOR DISCUSSION:

#80-08(3) ALD. SALVUCCI AND DANBERG requesting that the City's one-year trial commercial parking permit program (City Ord. 19-205) be made permanent, with associated modifications based on the trial results. [01/12/10 @ 4:23 PM]

ITEMS NOT SCHEDULED FOR DISCUSSION:

#101-10 PLANNING DEPARTMENT requesting presentation and discussion of the Pedestrian Mobility Project to be completed by the Worcester Polytechnic Institute Pedestrian Mobility Project Team.

#65-10 ALD. YATES, SHAPIRO, JOHNSON, SWISTON AND HARNEY asking the MBTA to provide safer access to bus route 52 for residents of Nahanton Woods, and employees and students of Mount Ida College. [2/17/10 @ 10:29 PM]

#64-10 ALD. YATES, SHAPIRO, FULLER, JOHNSON, CICCONE, SWISTON AND HARNEY requesting the City Traffic Division, Tree Warden and Urban Tree Commission to review the Nahanton Woods property around its driveway and make recommendations to the Nahanton Woods Trust as to how to improve the visibility of the driveway to and from Nahanton Street. [02/17/10 @ 10:29 PM]

#49-10 NEWTON BICYCLE/PEDESTRIAN TASK FORCE seeking a discussion on a proposal to make changes to the City of Newton's bicycle-related ordinances in order to better align them with State Law and to make it possible for Newton's Safe Routes to School program to develop bike routes suitable for children. [02/09/10 @ 9:11 AM]

REFERRED TO PUB SAFETY & TRANS AND PROG & SERV COMMITTEES

#20-10 ALD. HESS-MAHAN AND HARNEY requesting special legislation prohibiting the use of handheld mobile devices to send, read or receive electronic messages while operating a motor vehicle within the City of Newton and in order to protect its citizens and to limit unnecessary motor vehicle accidents, injuries, and fatalities, and that the appropriate committees conduct a public hearing to examine the feasibility thereof. [01/04/10 @ 5:07 PM]

PROGRAMS & SERVICES HELD 7-0 on 01/20/10

- #19-10 DAVID KOSES, Traffic Council Chair, requesting discussion of a stationary radar sign program. [01/11/10 @ 3:55 PM]
- #11-10 ALD. ALBRIGHT requesting a discussion relative to providing parking during a snow emergency for residents who live in housing without on-site parking. [12/21/09 @ 1:15 PM]

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #376-09 HIS HONOR THE MAYOR submitting the FY11-15 Capital Improvement Program, totaling \$140,377,285 and the FY10 Supplemental Capital budget, which require Board of Aldermen approval to finance new capital projects over the next five years.
- #264-09 ALD. HESS-MAHAN proposing to amend Sections 19-166, 19-219 and 26-16 of the Revised Ordinances to allow certain two wheel vehicles, including motorized vehicles that must register as limited use vehicles pursuant to the MGL ch. 90 as amended by Chapter 523 of the Acts of 2008, to continue to park on sidewalks. [09/01/09 @ 11:40 AM]
- #263-09 ALD. BRANDEL & LINSKY requesting a discussion with the city traffic engineer and a representative of the management of the Avalon Bay apartment complex relative to the status of the traffic signal on Needham Street, including funding, application, the approval process, and an anticipated date for installation. [08/10/09 @ 8:34 AM]
- #261-09 ALD. JOHNSON requesting a review of the City of Newton Ordinances Chapter 24, Sections 26–34 Alarm System Regulations to more clearly express the fines and penalties to residential and commercial property owners for false alarms. [08/19/09 @ 9:53 AM]

REFERRED TO PS&T COMMITTEE by TRAFFIC COUNCIL on 10/23/08

- #235-09 ALD. SANGIOLO, HARNEY & GENTILE on behalf of residents on
TC2(2)-08 Wolcott Street requesting that the traffic control signal located at Wolcott and Lexington Streets be moved to a different location or removed altogether. (Ward 4)

ITEM RECOMMITTED TO PUBLIC SAFETY & TRANSPORTATION on 10/19/09

- #196-09 ALD. MANSFIELD AND SANGIOLO requesting rescission of Sec. 19-99 (b), Speed humps of the Revised Ordinances of the City of Newton. [06/17/09 @ 11:24 PM]
- #196-09(2) PUBLIC SAFETY & TRANSPORTATION COMMITTEE requesting to broaden Sec. 19-99, Speed humps of the Revised Ordinances of the City of Newton to cover all vertical deflection: raised intersections, raised crosswalks and speed humps, regardless of dimension. [01/20/10]

- #147-09 ALD. VANCE, HESS-MAHAN AND DANBERG requesting discussion with members of the Administration of such possible adoption by Newton's city government of a program such as Zipcar's Fast Fleet vehicle-sharing and management system as a means of reducing the costs of vehicle usage by city employees and the impact of such usage on the environment. [05/11/09 @ 9:58 AM]
- #127-09(2) IRA KRONITZ appealing the Denial of TC20-09 Traffic Council Decision on 6/25/09: ALD. SCHNIPPER proposing two stop signs at the intersection of Jackson and Daniels Streets.
Appeal Approved 6-1 (Vance opposed; Coletti not voting) on 10/21/09. Item returned to Traffic Council to reverse its vote. Motion To Suspend The Rules To Allow The Committee Chair To Poll The Committee Approved By Voice Vote on 11/02/09.
- REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE on 05/04/09**
REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES on 02/17/09
- #60-09 ALD. SANGIOLO, GENTILE AND HARNEY requesting the installation of traffic islands on CONCORD STREET to be funded with the Cabot, Cabot and Forbes Traffic Mitigation Fund for Lower Falls (Ward 4). [02/03/09 @ 1:01 PM]
FINANCE NO ACTION NECESSARY 7-0 on 03/08/10
- #113-08 PLANNING DEPARTMENT requesting a presentation and discussion of the Newton Corner Phase 2 Study to be conducted by the Central Transportation Planning Staff. [03-07-08 @ 3:45 PM]
- #21-08 ALD. LINSKY AND DANBERG requesting discussion with appropriate personnel from the Massachusetts Bay Transportation Authority (MBTA) relative to ongoing service levels and conditions on mass transit and rail lines affecting Newton residents. [01-04-08 @ 10:19 AM]
- #477-04 ALD. LENNON, GERST, MERRILL AND VANCE requesting traffic study/safety analysis of ST. JAMES STREET and CHARLESBANK ROAD, from the Mass Pike on-ramp at exit 17 to NONANTUM ROAD, Newton Corner. Analysis should include traffic improvements/safety enhancements to provide for increased pedestrian and vehicle safety in this very busy, densely populated area. Said study should also include review (and possible upgrade) of the traffic island and lights the intersection of ST. JAMES STREET/ST.JAMES TERRACE/CHARLESBANK ROAD as well as possible capital improvements for increased vehicular safety at the intersection of CHARLESBANK ROAD/NONANTUM ROAD.
(Public Hearing held on 03/30/05)

REFERRED TO PUBLIC FACILITIES & PUBLIC SAF. & TRANS. COMMITTEES

#35-04 ALD. SAMUELSON AND DANBERG requesting an ordinance amendment to Section 26-8 of the City of Newton Revised Ordinances, 2001 to require all property owners or residents to remove snow from sidewalks abutting their property.

(Public Hearing held on 11/17/04 and 02/06/08)

PUBLIC FACILITIES NO ACTION NECESSARY 8-0 on 12/09/09

Respectfully submitted,

Allan Ciccone, Jr. Chairman

DRAFT FOR DISCUSSION PURPOSES:

CITY OF NEWTON
IN BOARD OF ALDERMEN
ORDINANCE NO.

April , 2010

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2007, as amended, be and are hereby further amended with respect to Chapter 19 MOTOR VEHICLES AND TRAFFIC as follows:

1. Delete in its entirety Section 19-205 **Commercial parking permits**, as most recently amended by Ordinance Z-53, and insert in its place the following section:

19-205. Commuter parking permits.

(a) Commuter Parking Permit Administration

- (1) There shall be a Commuter Parking Permit program (hereafter, "program"), which shall be operated in accordance with the terms of this section. Such program shall commence on June 1, 2010.
- (2) The program shall be administered by the chief of police or his designee, for all businesses and residents which meet the program criteria for eligibility.
- (3) Commuter parking permits shall be issued for parking spaces as specified by subsection (a) (4). The Commissioner of Public Works shall determine the exact location of parking spaces to be made available for commuter permit parking.
- (4) Commuter Parking Permits shall be issued at the following locations:
 - a) Up to 75% of all metered spaces, with a time limit of greater than four hours, located both in municipal lots and on streets in the following village centers: Auburndale, Newton Corner, Newton

Highlands, Newtonville, Newton Centre, Nonantum and West Newton.

b) Up to 75% of all unmetered spaces in the following municipal parking lots: Adams Street and Chapel Street (Nonantum).

c) The above spaces will continue to operate as metered parking spaces (4a) or as unmetered time limit spaces (4b) unless a commuter parking permit is purchased.

(b) Eligibility for Commuter Parking Permit

The following individuals shall be deemed eligible for a commuter parking permit:

- (1) All owners of businesses including non-profit organizations (hereafter “business” or “businesses”) operating from an address within a district zoned for business in the city of Newton may apply for a commuter parking permit that authorizes its holder to park in an assigned space located no further than 1,500 feet from the location of said business. A permit holder must be an owner or employee of the business, and need not be a Newton resident to qualify for a commuter parking permit.
- (2) A resident of the City of Newton who applies for a permit for a vehicle which is registered to an address located within the City of Newton.
- (3) Applicants shall produce such evidence as the Police Department considers reasonable to verify eligibility.
- (4) The vehicle to which a commuter parking permit is affixed must be a passenger vehicle registered in the Commonwealth of Massachusetts, for Newton business applicants, or within the City of Newton, for resident applicants. Commuter parking permits may not be used for the parking of commercial vehicles as defined in section 19-174.

(c) Issuance of Commuter Parking Permits

- (1) Prior to the start of a new permit year, existing permit holders shall be given a reasonable opportunity to renew their permits. Thereafter, permits shall be issued on a first-come, first-serve basis until the maximum number of permits for a village center has been issued. If the maximum number of permits has been issued for a village center, the Police Department shall maintain a chronological list of all owners who indicate in writing their interest in a commuter parking permit for a particular location. When a commuter parking space becomes available at the

requested location, it shall be offered to the first eligible applicant whose name appears on the chronological list for that village center.

- (2) A commuter parking permit application must be submitted to the Police Department. Thereafter, in order to renew a commuter parking permit, a renewal application must be submitted with payment of the corresponding fee.
- (3) A commuter parking permit shall be valid for a period of not more than one year from its date of issuance.

(d) Commuter Parking Permit Fees

- (1) An annual fee will be charged for the issuance of each commuter parking permit. The fee shall be \$960.00 per year if paid in a single installment prior to issuance of the permit. The fee shall be \$1,040 per year if paid in quarterly installments of \$260 each. If a quarterly payment is not received, the Police Department shall revoke the associated permit. If late payment is received and the permit is reinstated, an additional charge of \$25.00 may be administered to defray the cost of reinstalling a parking meter and then removing it.
- (2) For a nominal fee to be determined by the chief of police, permit holders may purchase duplicate permit stickers for the assigned space to allow for shared use of that space by multiple users. All duplicate permit holders shall meet the criteria defined in subsection (a).
- (3) The annual fee for the commuter parking permit shall be payable prior to issuance, and shall be pro-rated if issued after June 1.
- (4) No commuter parking permit shall be issued under this section unless and until the applicable permit fee has been paid.

(e) Display of Commuter Permit

The chief of police shall establish rules governing the display of commuter parking permits. A commuter parking permit that is not placed in the required location or visible shall not be a valid permit.

(f) Effect of Commuter Permit

- (1) A commuter parking permit shall provide its holder the right to park in an assigned space between the hours of 6:00 a.m. and 6:00 p.m. Monday through Friday.

- (2) A commuter parking permit shall not be valid during the period of a declared snow emergency.
- (3) The holder of a commuter parking permit shall immediately notify the Police Department if the business to which it is assigned ceases to operate or changes its business location, or if the holder no longer resides in the City of Newton and/or owns a vehicle registered to an address in the City of Newton.
- (4) Until its expiration, surrender or revocation, a commuter parking permit shall remain valid for the length of time the assigned holder continues to meet the criteria of subsection (a).

(g) Conditions for revocation of commuter parking permit.

- (1) A commuter parking permit shall be revoked if it is found that it has been transferred to another business, or is being utilized by a person that is not an employee of the business to which it was issued, or in the case of a resident applicant, is being utilized by a non-resident or on a vehicle not registered in the City of Newton.
- (2) A commuter parking permit shall be revoked if the business to which it is assigned ceases to operate or changes its business location, unless such change in location is within the 1500' distance from the assigned lot as determined by the Police Department.
- (3) A commuter parking permit may be revoked if it is found that the vehicle on which the permit is affixed is parking regularly at a location to which it was not assigned.
- (4) A commuter parking permit shall be revoked if the applicable permit fees are not paid when due.
- (5) It is the responsibility of the owner of the business to which the commuter permits are issued to ensure that employees use the permits in accordance with this section and the terms of their permits.

(h) Penalties.

The penalty for parking in violation of the provisions of this section shall be \$25.00 per offense as provided in section 19-9(2). Such vehicle shall be removed or towed to a convenient place and the owner of the vehicle so removed or towed away shall be liable for the cost of such removal and storage, if any, within the limits set forth in 19-226. The owner of any vehicle removed or towed under the provisions of this section shall also be subject to the penalties provided in section 19-8 of this chapter.

2. Delete, in its entirety, the last clause in paragraph (2) of Section 19-9 and insert in its place the following language:

“parking in a designated commuter parking space without a permit (section 19-205).”

Approved as to legal form and character:

DONNALYN LYNCH KAHN
City Solicitor

Under Suspension of Rules
Readings Waived and Adopted

EXECUTIVE DEPARTMENT
Approved:

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor