

CITY OF NEWTON

IN CITY COUNCIL

July 11, 2022

TO BE ISSUED July 11, 2022 to July 10, 2025

The City Council, pursuant to the provisions of Section 19-361 et. seq. of the Revised Ordinances, as amended, hereby grants the renewal of a license to

BOSTON COACH CORPORATION

1 Airforce Road
Everett, MA 02149

to operate motor vehicles for the carriage of passengers for hire over the following described ways in the City of Newton as further specified herein.

A. Designated Route:

Boston Route:

Description of Route: (From BC Chestnut Hill Campus) Route begins at the Boston/Newton line on Beacon Street heading west. Turn right onto College Road. Turn right onto Commonwealth Avenue heading east to Boston line.

- a. Type of Vehicle(s): Gillig
 1. Seating Capacity:
34 Seats plus 32 standees (66 total)
- b. Propulsion system: Diesel
- c. Days and hours of Operation: **(Fall and Spring Semesters, August 19, 2022 through May 31, 2025)**
 1. Monday – Friday: 7:00 a.m. – 2:00 a.m.
 2. Saturday/Sunday/Holidays: 8:00 a.m. – 2:00 a.m.
- d. Limitation on Total Number of Vehicles and Frequency of Service:

The number of vehicles in service and round trips per hour shall not exceed the limits stated below.

1. Daytime Schedule
Monday – Friday:

- 7:00 a.m. – 8:00 p.m.; no more than 4 vehicles; no more than 8 round trips
2. Night time Schedule
8:00 p.m. – 2:00 a.m.
no more than 3 vehicles per hour; no more than 6 round trips
 3. Saturdays/Sundays/Holidays
8:00 a.m. – 2:00 p.m.:
no more than 2 vehicles per hour; no more than 4 round trips per hour

2:00 p.m. – 2:00 a.m.
no more than 3 vehicles per hour; no more than 6 round trips per hour
 4. Stops: Recommended as follows, subject to approval of Police Chief:
 - a. On public ways:
 - i. McElroy @ Beacon Street
 - ii. Donaldson @ College Road
 - iii. Commonwealth Avenue @ Main Gate Curb Cut
 - b. Points of campus entry and exit:
 - i. Chestnut Hill: St. Ignatius Gate – entry
 - ii. Edmonds Gate - exit
 - iii. Other Operating Conditions:

The License term for this route shall commence on July 11, 2022 and shall terminate on July 10, 2025 unless renewed by the City Council, subject to the right of the City Council to make changes during the license term as conditions may require.

B. General Conditions:

1. The Licensee shall not operate buses or other vehicles on any routes or public ways in Newton other than those designated herein.
2. No changes shall be made in any of the conditions of this license, and, in particular, in the routes, termini, running schedules, stops or vehicles without the prior written consent of the City Council of the City of Newton. Licensee shall forward all requests for changes to the Clerk of the City Council in writing. The City Council shall approve or deny all such requests, except as otherwise provided herein. In the event of a maintenance issue with a bus, a Boston Coach Nova RTS will be used as a substitute until the bus is repaired. These temporary buses seat 33 and stand 15.

3. This license is valid only for the Licensee stated herein and shall not be transferred or otherwise assigned without the prior written approval of the City Council. In addition, this license shall remain in effect solely for the period that the Licensee continues to operate under contract with Boston College, and shall automatically terminate upon expiration or termination of contract.
4. All diesel powered vehicles operated by Licensee pursuant to this license shall meet the inspection standards of the Registry of Motor Vehicles.
5. Adjustments to Service during the License Term:

Council Approval: This license is valid for the purpose of inter-campus transportation for Boston College students, employees, and faculty over the routes designated herein. Other than adjustments to regular service as provided in paragraph A, and transportation for special events and athletic or entertainment events as hereinafter provided in paragraph B and C, respectively, of this provision, the Licensee shall not operate vehicles over these routes for any other purpose without first obtaining permission from the City Council. Except as otherwise provided below, all changes to the regular service shall require the approval of the City Council, including but not limited to, an increase in the number of vehicles to be used or an increase in the number of round trips per hour of vehicles over and above the numbers previously set forth in this license; a change in an approved route other than a temporary change approved as part of transportation to and from a special event as hereinafter provided in paragraph B; and the use of a new route, other than the temporary use of a new route pursuant to a special event as hereinafter provided in paragraph B.

Regular Service:

- a. Subsequent to the annual approval of the license, the Licensee shall be authorized to make adjustments to the regular bus service, Monday through Friday, from 7:00 p.m. to 10:00 p.m., provided that any increases in the number of bus round trips shall not exceed the "baseline" as specified in paragraph 2 of this provision and provided that the maximum number of bus round trips per hour shall not exceed 15 round trips per hour. The Licensee shall notify the Director of Planning and Development (hereinafter the "Director") and the Chief of Police (hereinafter the "Chief") within five (5) business days of any adjustment in the number of bus round trips per hour and per week, Monday through Friday, from 7:00 to 10:00 p.m. The Director shall maintain a file of all such requests in order to verify the total changes to the service at the end of each license term. And other changes to the regular services shall require the approval of the City Council.
- b. Baseline: For the purposes of this provision, Baseline shall be defined as the total number of vehicle round trips per week, Monday through Friday, from 7:00 a.m. to 10:00 p.m. The Baseline shall not include round trips added after the commencement of the License term which commences *July 1, 2006*. The Baseline number of round trips per week shall be determined annually by the City Council to be effective as of the date of the

commencement of the license term. The Baseline for the **2022-2025** License Term shall be as follows:

Boston Route: a maximum of 601 round trips per week Monday through Friday, from 7:00 a.m. to 10:00 p.m.

Special Events Scheduled After Commencement of License Term:

a. Notice Required: The requirement for advance Council approval shall not apply to transportation to or from a special event, not including athletic or entertainment events as hereinafter provided in paragraph C, which event is not scheduled as of the beginning of the license term and which requires the use of not more than two (2) vehicles over a particular route subject to the provisions of this license and which requires no more than three (3) trips per hour on such route. Special events requiring the use of more than two (2) vehicles over such route or more than three (3) trips per hour, or the use of more than one route subject to the provisions of this license, or the use of new route shall require the approval of the Director. In addition, for special events requiring the use of ten (10) or more buses, the Licensee shall route all such buses onto the internal roadways or within the boundaries of the Boston College Chestnut Hill and/or Law School Campus and require all such buses to remain within the campus boundaries whenever such buses are idling. Licensee shall also require that all such buses pick-up and discharge passengers within the Boston College Chestnut Hill and/or Law School Campus and not on Newton streets.

b. Monthly Approval of Special Events(s) Permit: On or before the 15th of the preceding month, but in any event no less than three weeks prior to any such event, Boston College, on behalf of Licensee, shall provide the Director with a list of temporary or one-time event(s) to be held during the next month which will require the use of more than two (2) vehicles, or more than three (3) round trips per hour or more than one route licensed herein or a route not currently licensed pursuant to this license. Such list shall include the number and type of vehicle(s), frequency of service, bus stop locations and route(s) to be used. Such list shall constitute a request for a monthly event permit, which shall be deemed approved unless denied in writing within 15 days of receipt of said list. Such monthly event permit shall constitute a one-time approval for each event as stated in the permit.

c. Director Approval: In a situation in which the Licensee cannot obtain approval through the monthly approval process as provided in paragraph 2 of this section, the Licensee, or Boston College on behalf of Licensee, may apply to the Director for approval of transportation to and from a special event. The Director shall be authorized to approve transportation to and from a special event upon no less than one week's prior written notice from Boston College on behalf of Licensee, provided, however, that the Director may authorize transportation for no more than two such special events each semester. For the purposes of this provision, a request for approval of transportation to and from a post season hockey or basketball tournament shall not be included in said two request

limit. The request for approval of transportation shall contain the number and type of vehicle(s), frequency of service, bus stop locations and route(s) to be used. No later than one week following receipt of such request, the Director shall notify the applicant and the Chief of Police in writing of such approval along with any conditions that may apply including the valid dates of the approval.

Transportation for Athletic or Entertainment Events:

- a. Transportation for athletic or entertainment events held at Boston College facilities for which tickets are sold may be provided for ticket holders, students, faculty and staff, provided that on or about June 30 of each year of this license, Boston College, on behalf of the Licensee, shall provide the City Council with a schedule of such events, and shall also provide for each such event, in a format to be determined by the Council, the proposed routes, proposed number and type of vehicles, proposed frequency of service, and the proposed time and duration of operation, each of which must then be approved by the Council as a special addendum to this license, which addendum shall specify the terms of such events license. Once adopted, modifications to the terms of such addendum must be made in accordance with the applicable provisions of section 5.B of this License.
 - b. The approved transportation schedule for **Fall 2022** Varsity Football Games and currently scheduled special events are stated in Appendix A, attached hereto and incorporated herein in fulfillment of the above condition for the period ending **June 21, 2025** with the College using school buses with a preference for non-diesel vehicles.
6. A copy of this license shall be issued to the driver of each vehicle and presented upon request to any City of Newton police officer and such other enforcement officials as may be designated by the City Council, provided that the Licensee shall be notified in writing prior to the designation of such other enforcement officials.
7. **TERM:** This license renewal is valid beginning July 11, 2022 and shall expire on July 10, 2025 Subsequent one-year license renewals shall be granted in the discretion of the City Council pending satisfactory completion of the provisions of section 8 below.

Periodic Review:

- a. No later than **November 15, 2019 and March 15, 2020** of the License Term, the Licensee shall meet with the City Council to review any concerns related to the service and shall make such adjustments as deemed necessary by the City Council. The review shall include the following items:
 - i. Nothing in this license shall prevent the College from altering allowed service on Newton Streets around the Chestnut Hill Campus in favor of use of internal roads within the Chestnut Hill Campus during the license term, provided that any proposed left turns across traffic shall first be noticed to the Chief of Police.

- ii. Consolidation of Routes: The Licensee shall cooperate with the appropriate committee(s) of the City Council in determining the appropriateness of consolidating routes and schedules in an effort to reduce and to eliminate excessive service. Consolidation of routes and reduced schedules shall be based on the level of ridership and such other factors as deemed relevant by the appropriate committee(s) of the City Council and College. If routes are to be consolidated or if the College and the appropriate committee(s) of the City Council determine that there is a reasonable basis to request schedule reductions, Boston College, on behalf of the Licensee shall provide ridership data in the manner set forth in paragraph 8(2) of this license.
- iii. The Licensee shall equip vehicles with two-way radios and shall maintain contact between a dispatcher and all vehicles while in operation on the routes described herein.

8. Violation of any of the above specific or general conditions shall be cause for revocation of this license in accordance with procedures to be established by the City Council.

9. Boston Coach Corporation, Boston College and the officials, trustees, agents, servants and employees of each shall hold harmless and defend the City of Newton from and against all claims, damages, demands and actions of every kind arising out of the exercise of this license.

10. The provisions of this license are severable. If any of the provisions of this license are held invalid by a court of competent jurisdiction, the remaining provisions of this license shall not be affected by such invalidity and shall remain in full force and effect, provided that upon such a finding or invalidity the City shall have the right to initiate proceedings to revise the remaining provisions of the license in a manner not inconsistent with any such finding of invalidity.


11. The Chief of Police shall be charged with the enforcement of the provisions of this license.

Under Suspension of Rules

Readings Waived and License Approved

23 yeas 0 nays 1 absent (Councilor Noel)


(SGD) CAROL MOORE
City Clerk


(SGD) RUTHANNE FULLER
Mayor

Date: 7/18/2022