



Public Safety & Transportation Committee Report

City of Newton **In City Council**

SPECIAL MEETING

Monday, March 16 , 2020

Remote Participation:

Present: Councilors Auchincloss (Chair), Lipof, Downs, Bowman, Ciccone, Malakie, Grossman and Markiewicz

Also Present: Councilors Humphrey and Gentile

City Staff: Sergeant Bob Lee, Newton Police Department; Jason Sobel, Director of Transportation and David Olson, City Clerk

Others Present: Emiliano Falcon-Morano, Policy Counsel, Technology for Liberty Program American Civil Liberties Union (ACLU) of Massachusetts; and Jenn Martin, Safe Routes to School

#74-20 **Requesting a discussion regarding the policy on facial surveillance technology**
COUNCILORS HUMPHREY, ALBRIGHT AND AUCHINCLOSS requesting a discussion with a representative of the ACLU of Massachusetts regarding the current policy environment on facial surveillance technologies.

Action: **Public Safety & Transportation No Action Necessary 7-0, Councilor Ciccone not voting**

Note: Emiliano Falcon-Morano, Policy Counsel, Technology for Liberty Program ACLU of Massachusetts and Councilor Humphrey remotely joined the Committee for discussion on this item.

Councilor Humphrey introduced the item to Committee members. He stated that this is a discussion item to obtain expert advice on facial surveillance technology to determine whether the City Council would desire changing the City Ordinance.

Mr. Falcon-Morano stated that the ACLU works with municipalities and country-wide organizations to provide information on facial surveillance technology. The technology analyzes images of human faces for the purpose of identification. The ACLU's main concern is that the technology is dangerous when it works and when it does not work. The technology poses serious threats to privacy, expressions and rights. The technology enables the tracking of

people's movements in public places. The technology does not work well with racial gender or bias issues. Currently, the technology is regulated in Massachusetts. Newton would not be allowed to regulate the technology because the City cannot control vehicles or prosecutors, but they can regulate the protection of civil rights. The facial recognition technology in public spaces is banned in Somerville, Cambridge, North Hampton, Springfield and Brookline, Massachusetts. Last June, the ACLU created a plan named "press pause on face surveillance" was launched seeking to educate the public on the civil liberties concerns posed by face surveillance technology and the need to pass a statewide moratorium on the government's use of the technology, state wide. This moratorium is sponsored by Senator Creem and Representative Rogers. There are three goals including education, passing municipal bonds and to pass a statewide moratorium. Education is necessary to educate the public, lawmakers and City Councilors around the persuasive use of technology. Mr. Falcon-Morano then stated that he welcomes the opportunity working with the City of Newton with drafting ordinance language, if desired.

Committee members questions and answers:

- Can the facial surveillance technology ban be controlled in private corporations? Mr. Falcon-Morano answered that he does not think there is a way for municipalities to control the private use of facial surveillance technology. Perhaps, the legislation will address private corporations.
- Do you think the legislation will pass across the Country and will media companies be against passing the facial surveillance technology? Mr. Falcon-Morano answered that he feels we are distant from a federal legislation. Bills are being proposed with the State regarding the technology. Last November, during the hearings on Beacon Hill, there was one opponent and more than forty in favor of the Bill.
- What is it we are trying to prevent? Mr. Falcon-Morano answered that the ACLU is mostly concerned with the use in schools due to student images constantly changing. The "press pause on face surveillance" seeks to educate the public on the civil liberties concerns posed by face surveillance technology and the need to pass a statewide moratorium on the government's use of the technology.
- How does the face surveillance technology affect drivers' licenses? Mr. Falcon-Morano answered that the City of Newton cannot control the Registry of Motor Vehicle (RMV) actions. This will affect how the Police Department relates to face surveillance technology. The Police Department would also be prohibited from the RMV database to retrieve facial analysis recognition information.
- The City of Newton is reviewing the concept of installing traffic cameras to photograph license plates. Is there a conflict between the Bills? Mr. Falcon-Morano answered that traffic

cameras do not have facial recognition capabilities; this will not be covered by this Bill. The use of camera footage may be used to run a facial recognition.

- Do you know if colleges are using facial recognition to monitor attendance at classes? Mr. Falcon-Morano answered that he did not know this information.
- What are circumstances that you might feel comfortable with using this technology regarding terrorism and serious public safety implications? Mr. Falcon-Morano answered that the Bill should be authorized by the State Legislature and which entities are permitted to use the biometrics surveillance system. The purpose, uses, prohibited uses, standards for use and management of information including but not limited to data retention, sharing, access and trails. There should also be auditing requirements including standards by race, gender, age and color. The ACLU is finding that Police Departments are using this technology but are not notifying offenders. This is a weakness, not knowing who the witness is and making it unable to cross reference protecting privacy. The Police Department and FBI should not be able to identify people in protests because it goes against free speech. Research shows that people are less prone if they know they are being watched or when exercising their rights.

Chair Auchincloss asked Committee members if they would support pursuing an Ordinance reflecting Cambridge and Somerville, Massachusetts ban on facial recognition? Five committee members answered that they were supportive of pursuing an Ordinance.

Committee members thanked Mr. Falcon-Morano for joining the discussion this evening. Mr. Falcon-Morano said that he would provide information on Senator Creem and Representative Rogers moratorium and how Police Departments use facial surveillance technology. Perhaps in the future, facial surveillance technology will be used but it should be used under regulation.

Without further discussion, Councilor Downs made a motion for no action necessary. Committee members agreed 7-0, Councilor Ciccone not voting.

#106-20 **Requesting a discussion on multiple crossings around Memorial Spaulding School**
COUNCILOR LIPOF requesting a discussion with the Police Department and Traffic Engineers to discuss multiple crossings around the Memorial Spaulding School.

Action: **Public Safety & Transportation No Action Necessary 8-0**

Note: Sergeant Bob Lee, Newton Police Department and Jason Sobel, Director of Transportation remotely joined the Committee for discussion on this item.

Committee members were provided with draft minutes, dated February 7, 2020 from Jenn Martin, Safe Routes to School. The draft minutes are attached to this report.

Councilor Lipof introduced the item to Committee members. He stated that this item was docketed after a crossing guard was hit by a vehicle near the Memorial Spaulding Elementary School. Issues around *each school* are major concerns due to the increasing amount of traffic in the City. It is necessary to discuss the Memorial Spaulding Elementary School area since the increased amount of traffic directly travels directly in front of the school. Speed is a problem and enforcement is necessary. A holistic approach is necessary at *each school* location in the City. It is necessary to discuss what should be done and what changes can be made to make school situations safer and less concerning.

Councilor Lipof then stated that the Memorial Spaulding Elementary School's situation is unique; there is a blue zone in front of the school and drop off areas in the back of the school. There is a sidewalk from Clifton Road to the back of the school which parents use to drop off their children.

Committee members questions and answers:

- A Committee member asked Mr. Sobel and Sergeant Lee what has the City done to improve this area since the February 7, 2020 Safe Routes to School meeting? Mr. Sobel answered that the Department of Public Works is in the planning process and ready to implement additional safety features. Solutions include adding flex posts and shorten some sidewalks at Hartman Road and Spaulding Lane. By providing short-term flex posts this would 'bookend' the area by the school and signal drivers that this is a school zone and slower speeds are necessary. DPW is in the process of ensuring that school zone flasher signs are working correctly and are effective. Once new equipment is received, equipment will be replaced on both sides of the street. DPW will also be installing speed feedback signs. The intersection of Brookline Street and Oak Hill Street is a signalized crossing over Brookline Street.
- Regarding the bullet in the notes specifically "crosswalks are not safe - cars use flashing light of the crosswalk to clear traffic for turns (exactly when students are in the crosswalks, with a crossing guard)..." Please clarify how crosswalks are being used. Can the City change street signage or change street rules to prevent these concerns in this area and at other locations? Mr. Sobel answered these concerns are referring to Brookline Street and Oak Hill Street where there is a signalized intersection with two crosswalks. One crosswalk is located across from Oak Hill Street at the stem of the "T" intersection and one crosswalk is located across the eastern leg of Brookline Street. The concern with the crosswalk across the eastern leg of Brookline Street is that the Right Turn on Red happens during the pedestrian phase for either northbound rights coming from Oak Hill Street turning right onto Brookline Street or east bound rights turning right from Brookline Street onto Oak Hill Street. The best way to address this concern is to file a docket item for Traffic Council's consideration to review and discuss the No Turn on Red regulation. A resident stated that this bullet is concerning because it happens when a crossing guard is present in the morning. Vehicles continue traveling despite the crossing guard holding signs and their presence in the crosswalk.

- Are crossing guards located at Newton South High School, Brown Middle School and Oak Hill Middle School to assist students crossing Spaulding Lane, Brookline Street, Vine Street and other busy streets to reach these schools? Sergeant Lee answered that the four dedicated crossing guards for the Memorial Spaulding Elementary School do not move to other locations. After arrival or dismissal times, students cross on their own. It was said that high schoolers cross on their own 30 minutes before the crossing guard arrives.

- It appears Brookline Street has become the highway off ramp bypassing local streets and using Newton streets as cut through streets. It is concerning that students are crossing with drivers traveling fast. Would it be appropriate to install speed tables or roundabouts at this location to assist with speeding and perhaps deterring drivers from using Brookline Street? Mr. Sobel answered that during the Safe Routes to School meeting, traffic calming evaluation processes were discussed. The City previously evaluated a separate section of Brookline Street on the other side of Dudley Road, by taking traffic volumes and speeds which would be included in the traffic calming process. Data collected is not available at this time. Since the Safe Routes to School meeting, the traffic calming priority list has been placed on the City's web site. The Department Public Works decided on short-term measures because traffic calming actions and the operating budget will not happen immediately, these need to be evaluated and compared to other priorities for traffic calming measures throughout the City. The speed table and round-about suggestions may go beyond the traffic calming operating budget and may need to be a capital improvement plan.

- Regarding the intersection of Oak Hill Street could an item be docketed for Traffic Council's consideration to discuss the possibility of making the intersection a No Right Turn on Red since it is in a school zone? Mr. Sobel answered yes and stated that he is supportive of making it No Right Turn on Red 24/7.

- Do drivers ignore the yield sign at Brookline Street and Vine Street? A resident answered that the sign has proven to be beneficial.

Sergeant Lee stated that there are four crossing guards dedicated to the Memorial Spaulding Elementary School during arrival and dismissal times at the following locations:

- One crossing guard is located at Oak Hill and Brookline Streets.
- Two crossing guards are located at Spaulding Lane and Hartman Road to assist students crossing Brookline Street to Spaulding Lane.
- One crossing guard is assisting students crossing Hartman Road continuing onto Brookline Street.
- One crossing guard is located at the rear of the school at the rear entrance pathway.

Sergeant Lee then stated that the Police Department has been performing traffic enforcement at this location during the morning hours. This area is very congested. Police officers have been stopping violators, many violators are parents of the school, not many commuters.

Drivers behavior is different when they see a marked police cruiser. A resident said that commuters bypass the front of the school, travel on Vine Street to access Brookline Street.

Committee members comments:

- It is necessary to think about this neighborhood as it connects from Memorial Spaulding Elementary School to Oak Hill Middle School and Newton South High School. We would like to encourage additional walking and biking from that area. Hartman Road is a direct route but also a major cut-through street with large volumes of traffic. It is important to promote student and neighborhood safety.
- Student safety for biking and walking is top priority, rather than drivers using streets as cut through streets. Students should be encouraged to walk and bike on neighbor-way streets (quieter streets).

Outstanding Committee members questions:

- How do you evaluate where No Turn on Red regulations are safe and appropriate?

Suggestions from Committee members:

- Please forward Committee members a summary of items that can be accomplished immediately and a summary of items which are recommended for the future at this location.

Public Comment:

- Sarah Morton, 161 Brookline Street, stated that she has two children attending the Memorial Spaulding Elementary School. Vehicles on Vine Street travel at high speeds and the street is used as a cut-through street. She stated that she would appreciate efforts on Vine Street as well.
- Jenn Martin, Safe Routes to School, asked what can be done to make students travel safer to and from Oak Hill Middle School and Newton South High School because students are expected to walk or bike as they live too close to be bussed. Student safety is necessary on Hartman Road. Hartman Road did not make the list for traffic calming measures. What can be done to advocate Hartman Road as a capital improvement plan?
- Jesse Corey, 64 Oak Cliff Road, stated that he read the Newton Police online accident report regarding the crossing guard being hit by a vehicle near the Memorial Spaulding Elementary School. He said that the report indicated there was a traffic backup on Brookline Street. The driver who hit the crossing guard saw the vehicle in front proceed and thought that they could proceed as well.

Without further discussion, Councilor Lipof made a motion for no action necessary. Committee members agreed 8-0.

At approximately, 7:10 p.m. Councilor Lipof made a motion to adjourn. Committee members agreed 8-0.

Respectfully submitted,

Jacob D. Auchincloss, Chair

Safe Routes to School Task Force meeting – Draft Minutes
7 Feb 9:30-10:45 Waban Library

- Memorial Spaulding Safety (Cove and Kirsten mostly)
 - Considerations from SRTS Reps and parents
 - Back-ups on Hartman and Brookline that cause long waits for Blue Zone drop off
 - Two blue zones – one more active and one less active
 - Kids also arrive at back entrances to avoid Blue Zone
 - In the back of the school, there is no blue zone. People stop in the crosswalk and block visibility in the crosswalk, with cars driving around those stopped, and into the crosswalk
 - Brookline leads to 95 on-ramp.
 - People are going very fast down Brookline St
 - Crosswalks are not safe – cars use flashing light of the crosswalk to clear traffic for turns (exactly when students are in the crosswalks, with a crossing guard)
 - Drivers are behaving in non-safe ways – in a rush and aggressive, U-turns, letting kids out on wrong side of street
 - Very short window of time to get kids in the school (8:20-8:25)
 - Location of crosswalks across Hartman is challenging – especially for those going to Oak Hill
 - (Sarah) 100 cars between 8 and 8:20 and only 5 looked right – where there's a crosswalk. Crosswalks painted and signs up, but people are going too fast and not paying attention
 - Memorial Spaulding principal (Tom Morris)– 4 years on the job and a kid was hit his first week
 - Happy to support any way we can make walking and biking to school safer
 - Covered bike parking at the school
 - New bike rack in the back
 - Promoting walking to school
 - Advocate for safety as much as possible
 - DPW Response (David and Jason)
 - Will check and possibly replace/update the school zone flashing sign
 - Add Brookline Street into traffic calming list to review (Hartman was there already). Will investigate (with small, hidden black boxes) actual speed of vehicle traffic, volume, proximity to school, village center, crash reports, etc. then see how it compares to all of the other priorities. Will start investigating next week.
 - Once the evaluate the challenges then they begin to come up with solution.

- Recent changes to traffic patterns in this zone, thus they should be reviewed anew:
 - New on-ramp to I-95
 - Paved Vine St.
 - Construction vehicles in the area w many active projects
 - Could do a trial using flex posts as what they did at Newton South HS and Lowell and Austin St
 - Perhaps move crosswalk to bottom of hill on Vine St – if fairly flat could be done quickly, if complicated, needs to be surveyed and takes time
 - Different solutions require different processes
 - Changing parking or turning restrictions goes to traffic council
 - Crosswalks are through transportation committee
 - City councilor from affected ward 8 (Rick) is happy to help and believes in a holistic approach
 - Communication
 - Explain where people can drop kids if it's outside of Blue Zone
 - Communicate clearly what the options are for kids
 - Role of principals vs pto
 - Arrival and Dismissal
 - (Margaret) Arrival time for kids is at the discretion of the principals and superintendent. Superintendent will discuss with principals to see if they want to possibly extend it. 5 minutes to get more than 400 kids into school is very challenging.
 - Arrival plan for each school – students arriving on buses – this window, walking in this window and cars in this window. Requires a change in culture.
 - No policy on dismissal – varies and determined by principals. Principals could discuss best practices together. People are unaware of options at dismissal. Clear communication is critical.
 - Jenn will send communication to suggest to PTOs to develop arrival policies and communicate them this spring. Map is great to include. Include clear communication on arrival and dismissal expectations and options
 - (Jenn) Electronic dismissal plan technology – Angier, Zervas and Cabot use this. Cost split by PTO and after school program
 - (Margaret) – Principals at the new school buildings have recently changed policies and practices and are very on top of what works. Other principals should use them as resources
- Vision Zero (Mike)
 - Vision zero - started in Sweden in 93 and adopted as policy in 97
 - Design transportation to limit injuries and fatalities
 - Complete streets is Mechanism for how vision zero is implemented
 - How to engage the community – want to help effectively let people contribute

- Equity concept – we need to look at 1 or 2 schools
- Labels road safety as a public safety issue – bring public safety in
- Data will help drive the process
- California had a zero fatalities vision – came up with a plan with what is most effective – i.e. reducing speed limits, publicize traffic enforcement
- Mike will let us know what the mechanism is to support this – TAG propose it to the city council – public safety and transportation committee
- (Andreae) Committee currently identifying priorities. Vision zero might help make this happen. Low stress mobility network so access to schools, parks and transit stops is made safe.
- Quiet streets mobility (Barbara and Alicia)
 - Identifying routes throughout the city that are safe routes for biking or other transportation beyond cars
 - Orange lines on their map that bike advocates have identified for access – quiet streets
 - Want to looking at this from a school catchment area – Currently the quiet routes are to stores and community buildings and want to do this with a i.e. 1 mile radius of schools
 - Looking for form a task force
 - Would like to have suggestions to present in April
- Idling
 - Yard Signs – can borrow from SRTS or \$20 to print our own at graphics. March campaign on distracting driving
 - (Andreae) City focusing in idling – info to city staff to be aware of
 - (Jenn) Flyer w idling law – police can hand out. Will put up in library and make available elsewhere in town
 - (Jenn) – put reminders in PTO newsletters on idling
 - (Lucia) Why is the attitude of police that don't want to fine?
 - Flyer is first step. Education based – but w the flyer they would be willing to ticket.
 - If education doesn't work, would use data that it's not working – then push the police to fine