



## Public Safety & Transportation Committee Report

### City of Newton In City Council

**Wednesday, March 21, 2018**

Present: Councilors Ciccone (Chair), Auchincloss, Cote, Downs, Markiewicz, Noel, Lipof and Grossman

Also Present: Councilors Lappin, Greenberg, Schwartz and Kelley

City Staff: Sgt. Jay Babcock, Newton Police Department; Stephen Simoglou, Traffic Engineer; David Koses, Transportation Coordinator and Ouida Young, Acting City Solicitor;

Others Present: Scott Oran, Austin Street Partners, LLC; Lisa Cinella, TransAction Corporate Shuttles, Inc. and Attorney Frank Stearns, Holland & Knight, LLP

#### **#189-18 Appeal of Traffic Council Decision TC9-17 Lagrange Street**

COUNCILOR LAPPIN, appealing the approval of Traffic Council petition TC9-17 on February 15, 2018 for flashing warning lights at Lagrange Street, 75 feet west of the Brookline Town Line: Flashing red (southbound from driveway at 200 Estate Drive) and flashing yellow beacon (Lagrange Street east and westbound). (Ward 8)

**Action:** **Public Safety & Transportation HELD 4-0, Councilors Grossman, Noel, Cote and Markiewicz not voting**

**Note:** Attorney Frank Stearns joined the Committee for this item.

Chair Ciccone stated that Councilor Lappin has been discussing this item with Chestnut Hill Realty and requests that this item be held without discussion.

Without discussion, Councilor Downs made a motion to hold. Committee members agreed 4-0, Councilors Grossman, Noel, Cote and Markiewicz not voting.

#### **#149-18 Appeal of Traffic Council Decision TC19-17(B) Woodcliff Road**

YIGAL AGAM, 198 Woodcliff Road, appealing the denial of Traffic Council petition TC19-17(B) on January 18, 2018 for a stop sign on Woodcliff Road for southbound traffic. (Wards 5 & 6)

**Action:** **Public Safety & Transportation Approved 6-2-0, Councilors Downs and Auchincloss opposed**

**Note:** Petitioner, Yigal Agam; Councilor Schwartz, Sgt. Jay Babcock, Stephen Simoglou and David Koses joined the Committee for discussion on this item.

Mr. Simoglou provided a PowerPoint presentation on this item, attached to this report. Committee members were provided with a location map and photo. Mr. Simoglou stated that the item appealed is requesting a stop sign on Woodcliff Road for southbound traffic. The Public Safety & Transportation Committee approved during an appeal discussion a stop sign at Walnut Hill Road. During observation, there were low vehicle volume counts. Site lines are an issue. The statutory speed limit in this area is 25 mph. Stopping site distance lines is approximately 150 to 160 feet. A 48-hour vehicle speed and volume study was conducted on February 27, 2018 proving that 85<sup>th</sup> percentile of speed vehicles were traveling was 28 mph (3 miles over the statutory speed limit). The average daily traffic count is approximately 940 vehicles including peak AM volume of vehicles is 142 and peak PM volume of vehicles is 90. Mr. Simoglou then stated that stop signs are not appropriate for speeding.

Mr. Simoglou then said that the stop sign is non-compliant in this location. If a stop sign is approved and installed, the intersection may become more dangerous than the existing conditions. He recommends not approving a stop sign on Woodcliff Road.

Sgt. Babcock stated that there has not been a large amount of vehicle accidents at this location. It is concerning that vehicles are not stopping. Since the stop sign was installed at Woodcliff Road, there have been zero reported accidents. The Department receives many complaints of speeders.

Councilor Schwartz described the location. Woodcliff Road is hilly. Walnut Hill Road and Alexander Road meet Woodcliff Road. The intersection of Walnut Hill Road traveling westbound is a skewed intersection, making it difficult to travel westbound because of the constant need of looking to the right and left before proceeding. There is poor site visibility on Walnut Hill Road to Woodcliff Road. It is difficult when looking to the right to see drivers coming down the hill. Safety is necessary for students walking. Councilor Schwartz supports the installation of a stop sign and warning signs at this dangerous location.

Mr. Simoglou stated that he would support the installation of intersection warning sign at this location in advance of Walnut Hill Road.

One email was received, on file. Chair Ciccone opened the discussion to members of the public who were present. The petitioner, Yigal Agam and residents expressed their concerns and suggestions. Concerns: Residents stated that many commuters use Woodcliff Road and Walnut Hill Road as cut-through streets. Site visibility is difficult; the intersection is dangerous and difficult to negotiate. There are many speeders and many students walking. Residents agree that it is a matter of time before an accident will happen.

Suggestions: A stop sign may discourage speeders and discourage commuters from using Walnut Hill Road and Woodcliff Road as cut-through streets.

#### Committee members questions, suggestions and concerns:

##### Questions:

- Committee members asked that if a stop sign is not appropriate at this location, how can the area be designed to make the area safe? A solution is necessary. Mr. Simoglou stated it would be necessary to separate the two intersections. Through observations, crash data, vehicle speeds and

volumes do not prove to be issues in the area.

- If a stop sign was approved, would it be beneficial? Mr. Simoglou stated that if the stop sign is approved, vehicles stopping on Woodcliff Road will want to know the reason. Vehicles traveling northbound on Woodcliff Road would be required to stop at an awkward geometrical intersection. Supplemental signage would be necessary.
- A Committee member asked if a stop sign could be installed as a trial? Sgt. Babcock answered no. A trial of a stop sign provides a false sense of security.

Suggestions:

- A Committee member suggested traffic calming measures, rather than a stop sign.

Concerns:

- A Committee member stated that driver behavior must change and a stop sign is not necessary at each intersection.

Sgt. Babcock stated that many of the same drivers use this area as a cut-through street every day. Many students walk and bike. Common sense and safety are necessary. He then stated that he supports the installation of a stop sign at this location.

Without further discussion, Councilor Lipof made a motion to approve the appeal, the installation of a stop sign on Woodcliff Road, southbound traffic. Committee members agreed 2-0, Councilors Downs and Auchincloss opposed. Chair Ciccone stated that there is a twenty-day appeals process.

**#163-18 Requesting one (1) new bus license for Austin Street Partners, LLC.**

TRANSACTION CORPORATE SHUTTLES, INC., requesting **one (1) new bus license** for Austin Street Partners LLC.

**Action: Public Safety & Transportation Approved 8-0**

**Note:** Acting City Solicitor Young, Sgt. Babcock, Scott Oran, Austin Street Partners, LLC; Lisa Cinella, TransAction Corporate Shuttles, Inc. joined the Committee for discussion on this item.

Sgt. Babcock stated that he has met with the driver of TransAction Corporate Shuttles inspecting one bus and a backup bus, if it is necessary. Each bus has backup cameras and meets ADA requirements with an accessible ramp. The bus route will run from the former Aquinas College to Walnut Street. He then stated he has no concerns with this new bus license request.

Acting City Solicitor Young requested that the Council Order include a provision, if the Liaison Committee and the Police Department determine if any modifications are necessary addressing revisions to times, routes or other concerns. Committee members agreed. The Council Order license will reflect this provision.

Chair Ciccone opened the discussion to members of the public who were present. There was no public comment.

Without discussion, Councilor Auchincloss made a motion to approve this new bus license. Committee members agreed 8-0.

**#188-18**      **Appeal of Traffic Council Decision TC133-17 Fordham and Annapolis Roads**  
EDWARD ASALEY, 29 Fordham Road, appealing the approval of Traffic Council petition TC133-17 on February 15, 2018 for stop sign Fordham Road at Annapolis Road, northbound and southbound. (Ward 3)

**Action:**      **Public Safety & Transportation Approved 7-0-1 Councilor Noel abstaining**

**Note:**      Petitioner, Edward Asaley; Councilor Kelley, Sgt. Jay Babcock, Stephen Simoglou and David Koses joined the Committee for discussion on this item.

Mr. Simoglou provided a PowerPoint presentation on this item, attached to this report. Committee members were provided with a location map, photos, existing conditions and the Manual on Uniform Traffic Control Devices (MUTCD) guidance and a recommendation. Mr. Simoglou stated that the item appealed is for a stop sign Fordham Road at Annapolis Road, northbound and southbound.

Mr. Simoglou stated that the existing conditions include a four-legged intersection; the intersection appears as a four-way intersection. There is no stop control. During observation period, vehicle volumes were low but favored Annapolis Road. Mr. Simoglou said that intersection meets Criteria A in the MUTCD guidelines, A) an intersection of a less important road with a main road where application of the normal right-of-way rule would not be expected to provide reasonable compliance with the law. Therefore, during the Traffic Council meeting he recommended installing stop signs with road painting of stop bars on the Fordham Road approaches.

Chair Ciccone opened the discussion to members of the public who were present. The petitioner, Edward Asaley and residents expressed their concerns and questions.

**Concerns:** Residents stated that drivers do not speed in this area. There have been zero accidents or pedestrian concerns. Stop signs are not necessary even though they meet the MUTCD warrants. A resident stated that they do not want the pollution from vehicles stopping and going and it is not necessary to spend funding on unnecessary stop signs. The neighborhood police themselves. A resident stated that there are site problem difficulties with the large hedges at the corner.

**Questions:** A resident asked if traffic counts were available? Mr. Simoglou said that he did not have traffic counts available.

Chair Ciccone stated that several years ago, this item was discussed for stop signs to be installed at Annapolis Road. The former Traffic Engineer said that stop signs did not meet the warrants on Annapolis Road.

Mr. Koses stated that Mr. Simoglou docketed the item for Traffic Council's consideration to address safety concerns at this location because there is no right-of-way at this intersection.

Without further discussion, Councilor Auchincloss made a motion to approve this appeal, not installing a stop sign on Fordham Road at Annapolis Road, northbound and southbound. Committee members agreed 7-0-1, Councilor Noel abstaining.

**#190-18**      **Appeal of Traffic Council Decision TC132-17 Burdean Road**  
**JAY PORTNOY, 60 Burdean Road, appealing the approval of Traffic Council petition**  
TC132-17 on February 15, 2018 for parking prohibited 7:00 a.m. to 4:00 p.m., school days, south and west side. (Ward 8)

**Action:**      **Public Safety & Transportation Denied 8-0**

**Note:**      Petitioner, Jay Portnoy, Councilor Lappin, Sgt. Jay Babcock, Stephen Simoglou and David Koses joined the Committee for discussion on this item.

Mr. Koses provided a PowerPoint presentation on this item, attached to this report. Committee members were provided with a location map, site photos, road characteristics and a recommendation for consideration. The item appealed is for a parking prohibition 7:00 a.m. to 4:00 p.m., school days, south and west side.

Mr. Koses stated that Burdean Road is a four to five minute walk to Newton South High School. Burdean Road is 24 feet wide, supporting some parking on both sides. Prior to Traffic Council, there were no current parking restrictions on either side. During five site visits, it was noted that approximately over twenty school-related cars were parked on Burdean Road when school is in session. When school is not in session, one vehicle was observed parking on Burdean Road.

Chair Ciccone opened the discussion to members of the public who were present. The petitioner, Jay Portnoy and residents expressed their concerns and suggestions.

Mr. Portnoy stated that he appealed the approved parking prohibition proposing a less restrictive parking ban of No Parking between 7:00 a.m. to 2:00 p.m., school days on the even side of the street and a two-hour parking restriction between 7:00 a.m. to 2:00 p.m., school days, on the odd side of the street. He then said that he is open to the consideration of No Parking between 7:00 a.m. to 2:00 p.m., school days, south and west side. The street is not uniform in width including curves and a hill. There is not adequate room for two vehicles to travel when vehicles are parked. There are site line difficulties, driving issues including driving on the berm and speeding. There is no curbing and few sidewalks with many pedestrians.

**Concerns:** Residents stated that it is difficult for emergency vehicle access on the narrow sections of Burdean Road. Students leave trash and perform inappropriate behavior. Burdean Road is a convenient parking lot for students. The hill is dangerous and prohibits a driver from seeing oncoming vehicles.

**Suggestions:** A resident stated that they support a parking prohibition, 7:00 a.m. to 4:00 p.m., school days, both sides.

**Committee member's questions and suggestions:**

**Questions:**

- A Committee member asked if residents would approve the installation of additional sign poles on the north side if this Committee approves his request? Mr. Portnoy said the residents are hopeful signs could be placed on the existing telephone poles. Mr. Koses stated that it would be necessary to install additional sign poles.

Suggestions:

- A Committee member suggested maintaining Traffic Council's decision.
- A Committee member suggested remanding the item back to Traffic Council to determine if emergency vehicles have access without difficulties.
- A Committee member suggested a more comprehensive parking plan for the Newton South High School area as school population is increasing and students are receiving their licenses earlier.

Mr. Koses stated that Burdean Road is a public street, 24 feet wide accommodating parking on at least one side. If parking is restricted on both sides, students will park on neighboring streets. Parking balance is necessary. He then stated that Newton South High School limits their parking permits to the number of spaces. They do not oversell. Students may purchase parking permits, but unfortunately, the permits are sold out. The Newton North High School parking plan was created a few years ago, allowing permits to be issued to students to park in specific locations.

Sgt. Babcock stated that emergency vehicle access is a concern in school areas. He stated that he supported Traffic Council approval of a parking restriction to help emergency vehicle access without difficulties. The department has received complaints of parking on Burdean Road. Newton South High School should be required to supply additional student parking on school property removing them from on-street parking.

Without further discussion, Councilor Lipof made a motion to deny this appeal. The approval from Traffic Council recommendation of parking prohibited 7:00 a.m. to 4:00 p.m., school days, south and west side will be implemented. He then stated that if there are desired changes to this parking restriction, a new petition could be filed for Traffic Council's consideration. Committee members agreed 8-0.

**#38-18 Amend overtime parking ordinance**

TRANSPORTATION COORDINATOR, requesting an ordinance amendment to **Chapter 19, Section 190 Overtime parking**, to clarify the language and improve enforcement.

**PUBLIC SAFETY & TRANSPORTATION HELD 7-0 on 01/17/18**

**Action: Public Safety & Transportation Approved 6-2-0, Councilors Grossman and Noel opposed**

**Note:** Sgt. Jay Babcock and David Koses joined the Committee for discussion on this item.

Mr. Koses stated that on January 17, 2018, this item was held pending information from surrounding municipalities in terms of their overtime parking ordinance language, approach, charges and method of delivering their message to residents and visitors that a driver must remove their vehicle from a parking lot and not to another parking meter or remove their vehicle from the block and not to another meter.

Council members were provided with a detailed memorandum explaining this. This memorandum and a draft Council Order are attached to this report. Mr. Koses stated that he worked with the Law Department on rewording the proposed Ordinance language.

Chapter 19, Section 190 Current Ordinance language:

No person shall park a vehicle for a longer consecutive period than the limit specified and between the hours specified on any of the streets or parts of streets designated as parking meter zones in which parking meters and parking meter spaces are to be established pursuant to the traffic and parking regulations.

Chapter 19, Section 190 Proposed Ordinance language:

No person shall park a vehicle within a designated metered parking space or in a parking space within a time-restricted area for a longer consecutive period than the time limit specified or beyond the hours specified. Vehicles must be moved to a location beyond the nearest intersection or to a location outside an off-street municipal parking lot upon or before the expiration of the posted time limit, and may not return the same day.

Mr. Koses stated that he reviewed six nearby municipalities on how to avoid overtime parking fines. These municipalities appear clear by requiring vehicles to move to a different street, a different block or a different zone. Newton remains unclear.

Committee members concerns, questions and suggestions:Concerns:

- Parking 'apps' do not supply this ordinance information, therefore, drivers will continue to be confused.
- The proposed overtime parking ordinance appears to cause confusion. It is unfair to require a driver to move from a City parking lot when there are adequate parking spaces remaining or the requirement of "may not return the same day".

Questions:

- A Committee member asked if a driver may return to the same parking lot on the same day? Mr. Koses answered no. The proposed language states "vehicles must be moved to a location beyond the nearest intersection or to a location outside an off-street municipal parking lot upon or before the expiration of the posted time limit, and may not return the same day", unless the proposed ordinance is revised to include "unless otherwise posted".
- A Committee member asked why must a driver move a block rather than to an available parking space? Mr. Koses said that drivers should appropriately use long-term and short-term spaces.
- A Committee member asked can parking 'apps' be configured providing parking information?

Suggestions:

- Some Committee members stated that they would support the revised language as provided.
- Some Committee members could not support the revised language as written. It is necessary to clarify the language for all. Perhaps, if the proposed language is not clear clients and shoppers will not frequent nearby businesses. It is necessary to install signs at each lot with the written Ordinance and locations of short-term and long-term meters.

Sgt. Babcock stated that the proposed ordinance requires a driver to leave a parking lot. When the meter expires, a driver must remove their vehicle from a parking lot and not to another parking meter or remove their vehicle from the block and not to another meter to avoid citations. He then stated that the Police Department has received complaints from residents and commuters regarding the

current ordinance. The parking control officers suggested creating clear ordinance language regarding the overtime parking. Clarity is necessary for the parking control officers and the appeals process. A driver must remove their vehicle from a parking lot and not to another parking meter to allow turnover or remove their vehicle from the block and not to another meter to allow turnover. He then said that he would have conversations with the parking control officers on suggestions made.

Mr. Koses said that some short-term meters could be converted to long-term meters. Employees and commuters should park at the long-term meters. Turnover is necessary. He made suggestions to include in the ordinance “unless otherwise posted” or to copy Waltham’s Ordinance of “No person shall park a vehicle within a block in any such parking meter space for a consecutive period of time longer than that limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located, irrespective of the amount of payment deposited in such meter. Once the time limit for the vehicle has expired, the vehicle must be moved from that block, and must not return during the same day” unless posted otherwise that the vehicle may return after a specified length of time has passed. A block is defined as being within a meter zone, one side of the street, between two intersecting streets.

Committee members understand that clarity is necessary for parking patrol officers, employees and for appeals purposes. Without further discussion, Councilor Lipof made a motion to approve this item. Council members agreed 6-2-0, Councilors Grossman and Noel opposed.

At approximately, 9:30 p.m. Councilor Auchincloss made a motion to adjourn. Council members agreed 8-0.

**Respectfully submitted,**

**Allan Ciccone, Jr. Chair**



# Public Safety and Transportation

City of Newton

March 21, 2018

## Agenda

- ❖ #149-18 Appeal of Traffic Council Decision TC19-17(B) Woodcliff Road. YIGAL AGAM, 198 Woodcliff Road, appealing the denial of Traffic Council petition TC19-17(B) on January 18, 2018 for a stop sign on Woodcliff Road for southbound traffic.
- ❖ #188-18 Appeal of Traffic Council Decision TC133-17 Fordham and Annapolis Roads. EDWARD ASALEY, 29 Fordham Road, appealing the approval of Traffic Council petition TC133-17 on February 15, 2018 for stop sign Fordham Road at Annapolis Road, northbound and southbound.
- ❖ #189-18 Appeal of Traffic Council Decision TC9-17 Lagrange Street. COUNCILOR LAPPIN, appealing the approval of Traffic Council petition TC9-17 on February 15, 2018 for flashing warning lights at Lagrange Street, 75 feet west of the Brookline Town Line: Flashing red (southbound from driveway at 200 Estate Drive) and flashing yellow beacon (Lagrange Street east and westbound).
- ❖ #190-18 Appeal of Traffic Council Decision TC132-17 Burdean Road. JAY PORTNOY, 60 Burdean Road, appealing the approval of Traffic Council petition TC132-17 on February 15, 2018 for parking prohibited 7:00 a.m. to 4:00 p.m., school days, south and west side.

3.21.18

2

Traffic Council

# 149-18 (TC19-17(B) and (C))

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b) Stop sign on Woodcliff Rd for southbound traffic and c) Median on Walnut Hill Rd

3.21.18

**Map: Woodcliffe Road & Walnut Hill Road**

149-18

TC19-17



3.21.18

4

Traffic Council

**Photo: Woodcliffe Road & Walnut Hill Road**

**149-18**

**TC19-17**



3.21.18

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Traffic Council

**188-18 (TC133-17)**

8 6 3

Add a stop control to the intersection of Fordham Road and Annapolis Road

3.21.18

## Location Map

188-18

TC133-17



3.21.18

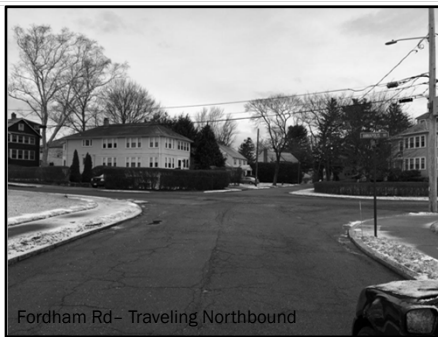
7

Traffic Council

## Existing Conditions

188-18

TC133-17



Fordham Rd - Traveling Northbound

- Existing Conditions:
- 1) Four-legged intersection
  - 2) No stop signs installed
  - 3) Vehicle volumes favor Annapolis Road Eastbound during observation period



Fordham Rd - Traveling Southbound

3.21.18

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Traffic Council

## Existing Conditions

188-18

TC133-17



3.21.18

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Traffic Council

## Guidance

188-18

TC133-17

### MUTCD - Section 2B.03 Right of Way at Intersections (Abbreviated)

(YIELD OF STOP signs should be used at an intersection if one or more of the following conditions exist):

- (Criteria Met)** *A) An intersection of a less important road with a main road where application of the normal right-of-way rule would not be expected to provide reasonable compliance with the law*
- (Criteria not met)** *B) A street entering a designated through highway or street; and/or*
- (Criteria not met)** *C) An unsignalized intersection in a signalized area*

3.21.18

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Traffic Council

## Recommendation

188-18

TC133-17



Install stop signs and stop bar markings on Fordham Road approaches



3.21.18

11

Traffic Council

## Proposed TPR language

188-18

TC133-17

By INSERTING into the provisions of **Sec. TPR-147. Obedience to isolated stop signs**, the following:

*Fordham Road at Annapolis Road, northbound and southbound.*

3.21.18

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Traffic Council

**190-18 (TC132-17)**

21

Review and possible parking restrictions on Burdean Rd to respond to concerns related to student parking

3.21.18

**Location Map: Burdean Road**

**190-18**  
**TC132-17**

3.21.18

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Traffic Council

**Burdean Rd looking west from  
Greenwood St**

190-18  
TC132-17



3.21.18

23

Traffic Council

**Burdean Rd looking west from Greenwood  
(with vehicles parked on both sides)**

190-18  
TC132-17




3.21.18

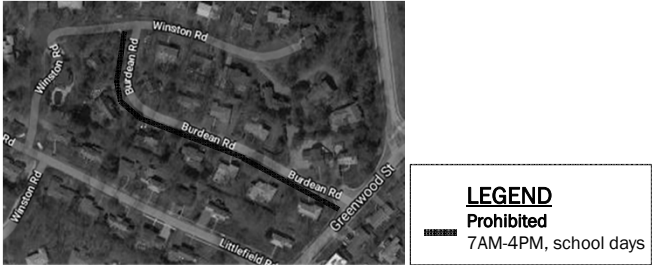
24

Traffic Council



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| <p><b>Burdean Rd looking west from Greenwood<br/>(with vehicles parked on both sides)</b></p>   | <p>190-18<br/>TC132-17</p> |
| <div style="display: flex; justify-content: space-between; align-items: center;"> <div data-bbox="386 926 448 953">3.21.18</div> <div data-bbox="558 434 993 909">  </div> <div data-bbox="792 926 823 953">25</div> <div data-bbox="1110 926 1235 953">Traffic Council</div> </div> |                            |

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| <p><b>Burdean Road characteristics</b></p>   | <p>190-18<br/>TC132-17</p> |
| <p><u>General Characteristics</u></p> <ul style="list-style-type: none"> <li>• 821' public</li> <li>• 24' wide</li> <li>• Poor curbing</li> </ul> <p><u>Current Parking Restrictions</u></p> <ul style="list-style-type: none"> <li>• None</li> </ul> <p><u>Parking Observations – Most parking occurs closest to Greenwood St</u></p> <ul style="list-style-type: none"> <li>• Wednesday 01/24/18 @ 9:30am: 13 south side; 12 north side = 25 vehicles</li> <li>• Monday 01/29/18 @ 10:00am: 6 south side; 10 north side = 16 vehicles</li> <li>• Tuesday 01/30/18 @ 2:40pm: 1 south side; 0 north side = 1 vehicle</li> <li>• Monday 02/05/18 @ 9:00am: 12 south side; 11 north side = 23 vehicles</li> <li>• Friday 02/09/18 @ 10:45am: 13 south side; 15 north side = 28 vehicles</li> </ul> <p><u>Location of Utility Poles and Hydrants</u></p> <ul style="list-style-type: none"> <li>• Utility Poles – mainly on south/west side</li> <li>• Fire Hydrants – 2 observed, on the north/east side</li> </ul> <div style="display: flex; justify-content: space-between; align-items: center; margin-top: 20px;"> <div data-bbox="381 1795 449 1824">3.21.18</div> <div data-bbox="792 1795 823 1824">26</div> <div data-bbox="1110 1795 1235 1824">Traffic Council</div> </div> |                            |

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| <b>Recommendation</b>  | 190-18<br>TC132-17 |
| <b>Restrict parking on the south and west side during school hours on school days.</b>   |                    |
|  <p data-bbox="386 926 448 953">3.21.18</p> <p data-bbox="797 926 821 953">27</p> <p data-bbox="1122 926 1232 953">Traffic Council</p> |                    |

|   |                    |
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| <b>Proposed TPR Language</b>  | 190-18<br>TC132-17 |
| <p data-bbox="350 1329 1156 1386">By INSERTING into the provisions of <b>Sec. TPR- Sec. TPR-176</b>. Parking regulations pertaining to particular streets, the following:</p> <p data-bbox="350 1415 500 1442"><i>Burdean Road</i></p> <p data-bbox="350 1472 1036 1499">Prohibited, south and west side, 7:00 a.m. to 4:00 p.m., school days</p> <p data-bbox="386 1797 448 1824">3.21.18</p> <p data-bbox="797 1797 821 1824">28</p> <p data-bbox="1122 1797 1232 1824">Traffic Council</p> |                    |

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO.

March , 2018

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2017, as amended, be and are hereby further amended with respect to **Article VII of Chapter 19 MOTOR VEHICLES AND TRAFFIC** as follows:

DELETE Sec. 19-190 in its entirety and INSERT in place thereof the following language:

**Sec. 19-190 Overtime Parking**

“No person shall park a vehicle within a designated metered parking space or in a parking space within a time-restricted area for a longer consecutive period than the time limit specified or beyond the hours specified. Vehicles must be moved to a location beyond the nearest intersection or to a location outside an off-street municipal parking lot upon or before the expiration of the posted time limit, and may not return the same day.”

Approved as to legal form and character:

QUIDA C.M. YOUNG  
Acting City Solicitor

Under Suspension of Rules  
Readings Waived and Adopted

EXECUTIVE DEPARTMENT  
Approved:

(SGD) DAVID A. OLSON  
City Clerk

(SGD) RUTHANNE FULLER  
Mayor

City of Newton



## DEPARTMENT OF PUBLIC WORKS

TRANSPORTATION DIVISION

110 Crafts Street  
Newton, MA 02460

Ruthanne Fuller

Mayor

**DATE: MARCH 16, 2018**

**To: Members of the Public Safety and Transportation Committee**

**From: Jason Sobel, P.E., PTOE, Interim Director, DPW Transportation Division**  
**David Koses, Transportation Coordinator**  
**Faye Morrison, Parking Manager**

**RE: #38-18 Amend Chapter 19, Section 190 - Overtime parking**

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### MEMORANDUM

At the January 17, 2018 meeting of the Public Safety and Transportation Committee, committee members discussed Chapter 19, Section 190 of the Newton City Ordinance, which covers the City's policy regarding overtime parking. Councilors reviewed current and proposed language. Councilors then held the item and requested that staff provide committee members with information from surrounding municipalities in terms of their overtime parking ordinance language, approach, charges, and method of delivering the message to residents and visitors. This memorandum aims to provide this information to committee members.

Chapter 19, Section 190 currently states the following:

*“No person shall park a vehicle for a longer consecutive period than the limit specified and between the hours specified on any of the streets or parts of streets designated as parking meter zones in which parking meters and parking meter spaces are to be established pursuant to the traffic and parking regulations”.*

Staffs from the Traffic Division (NPD) and from the Transportation Division (DPW) maintain that this language should be made clearer to residents and parking control officers. Transportation Division staff, working with staff from the Law Department, have proposed alternative language and encourage the City Council to consider deleting the existing provisions of Sec. 19-190 and replacing it with the following language:

*“No person shall park a vehicle within a designated metered parking space or in a parking space within a time-restricted area for a longer consecutive period than the time limit specified or beyond the hours specified. Vehicles must be moved to a location beyond the nearest intersection or to a location outside an off-street municipal parking lot upon or before the expiration of the posted time limit, and may not return the same day.”*

The language above seeks to clarify that vehicles parked on-street (in metered or unmetered time-restricted public parking spaces) beyond the posted time limit must move their vehicle to a different block. Furthermore, if a vehicle is parked in an off-street (metered or unmetered municipal parking lot) beyond the posted time limit, the vehicle must be moved out of the lot in order to avoid a parking citation.

Table 1 summarizes our interpretation of the language from neighboring communities (as well as Cambridge) related to where a vehicle must be moved once the posted time limit expires, in order to avoid an overtime citation. Additional information follows for each community.

**Table 1: How to avoid overtime parking fines, by community**

| Community | After the posted time limit expires, a vehicle must be moved to the following location to avoid an overtime citation: |                    |                   |                    |  |
|-----------|---|--------------------|-------------------|--------------------|--|
|           | currently unclear   | a different street | a different block | a different “zone” | a different zone (includes a different street or outside the municipal parking area) |
| Newton    | X   |                    |                   |                    |  |
| Brookline |   | X                  |                   |                    |  |
| Boston    |   |                    | X                 |                    |  |
| Waltham   |   |                    | X                 |                    |  |
| Cambridge |   |                    |                   | X                  |  |
| Watertown |   |                    |                   |                    | X  |
| Needham   |   |                    |                   |                    | X  |

**Newton**

Chapter 19-190 of the Newton City ordinance states the following:

*“No person shall park a vehicle for a longer consecutive period than the limit specified and between the hours specified on any of the streets or parts of streets designated as parking meter zones in which parking meters and parking meter spaces are to be established pursuant to the traffic and parking regulations.”*

The fee for overtime parking or for feeding the meter in Newton is \$15.00. Note, however, that the current ordinance does not appear to clearly define overtime parking in Newton, and there is no current consensus in terms of what constitutes a “parking meter zone”, particularly since a new system of zones was created to support the launch of the Passport Parking application in the City. Finally, there does not appear to be specific language in the City ordinance related to violations for overtime parking in non-metered on-street or off-street areas of the City. The proposed language, show below again, aims to clarify the rules for the general public.

*“No person shall park a vehicle within a designated metered parking space or in a parking space within a time-restricted area for a longer consecutive period than the time limit specified or beyond the hours specified. Vehicles must be moved to a location beyond the nearest intersection or to a location outside an off-street municipal parking lot upon or before the expiration of the posted time limit, and may not return the same day.”*

### **Brookline**

The fee for overtime parking or for feeding the meter in Brookline is \$30.00. The Parking Meter Locations and Regulations section of Brookline’s Transportation documents states that “It shall be unlawful for any person to deposit or cause to be deposited in a parking meter any coin for the purpose of permitting the vehicle of which he is in charge to remain in a parking meter space beyond the maximum period of time allowed in a particular zone” and that “in accordance with the foregoing, *parking meter zones are hereby established on the streets, parts of streets, or off street parking areas controlled by the town listed in Schedule 1A*”.

Note a 2-hour parking limit has been approved for the entire Town of Brookline, except where noted. Without a permit override, vehicles must be moved to another street after 2 hours or are otherwise subject to a \$30 overtime parking violation.

### **Boston**

The fee for overtime parking or for feeding the meter in Boston is \$25.00. The Traffic Rules and Regulations for the City of Boston state that “No driver shall park or stand any vehicle for more than (the posted limit) continuously on any day other than a Saturday, Sunday, or legal holiday during the hours indicated, provided that this Regulation shall not apply to commercial vehicles, as defined, stopped temporarily during the actual loading or unloading of materials.” The Regulations also state that “*For the purposes of this Section a vehicle shall be deemed to have been parked continuously if the vehicle has not been moved to a different block upon or before the expiration of the parking time limit*”.

### **Waltham**

The fee for overtime parking or for feeding the meter in Waltham is \$25.00. The Waltham Traffic Commission approved the following wording under Article 10 of the Parking Meters section in Waltham's Traffic Commission Rules and Regulations:

*“No person shall park a vehicle within a block in any such parking meter space for a consecutive period of time longer than that limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located, irrespective of the amount of payment deposited in such meter. Once the time limit for the vehicle has expired, the vehicle must be moved from that block, and must not return during the same day, unless posted otherwise that the vehicle may return after a specified length of time has passed. A block is defined as being within a meter zone, one side of the street, between two intersecting streets.*

### **Cambridge**

The fee for overtime parking or for feeding the meter in Cambridge is \$25.00. Parking meters have time limits (e.g., 30 minutes, one hour or two hours) which restrict the length of time vehicles can park at a particular location. The City issues parking tickets for overtime parking when vehicles stay in the same location longer than the time permitted. Under the previous policy, a location was defined as an individual parking space. As long a vehicle was moved from the space it was in to a different space, it would not be ticketed for overtime parking. The old policy was changed in conjunction with the launch of Cambridge's pay-by-phone application, and the creation of a new zone system. *The City's Traffic Regulations currently states that a vehicle must be moved out of the zone in which it is parked to avoid an overtime ticket, and that a zone is defined as a number of metered parking spaces.*

Within any given parking meter zone, it will be illegal to park for more than the defined time limit, even if a car is moved between different parking meters within that zone. If a car is moved from one zone to another, then the time limit will be reset and the new time limit within the new zone will apply. Within each zone all parking meters will be in operation during the same hours and for the same maximum duration/time limit and these time restrictions will be the same regardless of whether meter payment is made directly at the meter or via the pay-by-phone system.

### **Watertown**

The fee for overtime parking or for feeding the meter in Watertown is \$15.00. According to the Watertown Traffic Rules and Orders, “It shall be unlawful for any person to deposit or cause to be deposited in any parking meter any coin for the purpose of permitting the vehicle of which he/she is in charge to remain in a parking space beyond the maximum period of time allowed in a particular zone.” (This covers feeding the meter). *The words "Parking Meter Zone" shall mean and include any street or portion thereof or municipal off street parking area upon which parking meters are installed and in operation and upon which parking of vehicles is permitted for a limited time subject to compliance with*

the further provisions of this regulation. According to the Watertown Police Department, meter feeding is not heavily cited by parking enforcement officers.

Parking on all Watertown streets is prohibited for more than two consecutive hours from 7 a.m. to 7 p.m. daily, Monday through Saturday unless otherwise posted. Overtime parking refers to this Town-wide 2-hour restriction and is enforced regularly, particularly in business areas and along MBTA bus lines.

### **Needham**

The fee for overtime parking or for feeding the meter in Needham is \$15.00. The Town of Needham Traffic Rules and Regulations states that “it shall be unlawful for any person to deposit or cause to be deposited in a parking meter any coin for the purpose of permitting the vehicle of which he/she is in charge to remain in a parking space beyond the maximum period of time allowed in a particular zone”. It goes on to state that “*The words “parking meter zone” shall mean and include any street or portion thereof or municipal off-street parking area upon which parking of vehicles is permitted for a limited time subject to compliance with the further provisions of this regulation.*”