



## **Public Safety & Transportation Committee** **Report**

### **City of Newton** **In City Council**

**Wednesday, November 2, 2016**

Present: Councilors Ciccone (Chair), Norton, Yates, Cote, Lipof and Fuller

Absent: Councilors Blazar and Harney

Also Present: Councilors Leary and Baker

City Staff: Shane Mark, Director of Operations, Department Public Works; James McGonagle, Commissioner Department Public Works; Chief David MacDonald, Newton Police Department; Dori Zaleznik, Chief Operating Officer and Chief Bruce Proia, Newton Fire Department

#### **#345-16 Requesting a review, amendment or elimination of the Winter Overnight Parking Ban**

PUBLIC SAFETY & TRANSPORTATION COMMITTEE, requesting a review and possible amendment or elimination of the winter overnight parking ban.  
[10/06/16 @ 9:10 AM]

**Action:**        **Public Safety & Transportation Held 6-0**

**Note:**        Chair Ciccone introduced the item and stated that the Committee would not be voting on this item this evening. The Committee will discuss the progress and future intents by the Executive Department.

Dr. Zaleznik stated that the current winter overnight parking ban is from November 15 to April 15, it shall be unlawful for any vehicle to be parked on any street for a period of time longer than one hour between the hours of 2:00 a.m. and 6:00 a.m. The Ordinance language may be amended from winter overnight parking ban to a weather overnight parking ban.

Dr. Zaleznik then stated that the Executive Department is considering implementing a pilot program this season on selected streets, Citywide where parking relief is necessary. The possibility will be discussed with residents who may express their interest in a pilot program. If a pilot program were identified, perhaps the emergency parking ban would last longer in the pilot designated area to allow snow operations the opportunity to clear snow and/or ice curb to curb. Last year, DPW's goal was to begin snow and/or ice curb to curb removal with the ability and knowledge with new equipment, technology and machines.

The Law Department was consulted regarding the possibility of a pilot program and was asked if a pilot program is in the purview of the City Council or Traffic Council. The Law Department answered that the work of Traffic Council is under regulations and City Council is under City Ordinance. Therefore, City Council would make the determination.

#### Department of Public Works

Mr. McGonagle said that a concern of DPW is that it is concerning when to enact a weather emergency parking ban and for as long as necessary in order to clear snow and/or ice curb to curb. The emergency parking ban is lifted once the streets are cleared snow and/or ice curb to curb. Last year, the City was diligent in their snow plowing operations. Parked vehicles impact their ability to accomplish plowing operations. The DPW works with the Police Department on towing requests. The Police Department will tow if necessary. The City begins to receive complaints if plow operations do not begin at approximately two inches of snow and/or ice.

#### Police Department

Chief MacDonald stated the Police Department works with the DPW on declaring and implementing emergency parking bans. Emergency parking bans are declared early so that drivers will have an opportunity to move their vehicles. The emergency parking ban is announced on social media, channels 4, 5, 7, NECN and reverse 911 calls. Two Police Officers are assigned to work with the DPW on towing operations, if necessary. Prior to towing the officer makes an attempt to locate the driver by knocking on doors. At times, it is necessary to assign additional police officers for DPW assistance.

After November 15, the department begins to enforce the overnight parking ban when the majority of the tickets are issued.

#### Recent data on tickets issued:

November 2014, 1,700 tickets issued.

December 2015, 1,600 tickets issued.

January 2016, 1,200 tickets issued.

February, March and April 2015, 1,000 tickets issued.

November 2014 through April 2015 a total of 4,600 tickets issued. Last year, there was a decrease on the number of tickets issued totaling 3,600.

#### Fire Department

Chief Proia stated that some City streets are very difficult to navigate even in July due to their narrow widths. The Fire Department must have emergency vehicle access down all streets, at all times. It is important for the department to be consulted prior to lifting any emergency parking ban implemented in order for the department to clear hydrants and determine if the emergency vehicles can travel a street without difficulties.

Committee members and Councilors present expressed their questions, suggestions and concerns:

QUESTIONS:

- Is DPW confident with weather forecasts received in order to implement an emergency parking ban?
- Who tows for the City and are vehicles towed from all City streets?
- Will residents and commuters have the ability to sign up on line to receive reverse 911 calls?
- How can you accommodate residents parking needs if they must remove their vehicles from a municipal parking lot during a declared emergency parking ban?
- How do nearby municipalities implement their overnight parking ban?
- Please provide data on the number of snow events over the the past ten years?
- Can streets apply to Traffic Council to be exempt from the overnight parking ban?

SUGGESTIONS:

- Perhaps, the City may implement a one side parking restriction each month, using even and odd number homes on alternate months.
- Perhaps change the length the overnight parking ban is implemented by beginning it later than November 17, and ending earlier than April 15.
- Perhaps implement the emergency parking ban longer until all City streets are clear.
- It is necessary for Colleges to work with students on parking issues.

CONCERNS:

- If the overnight parking ban is lifted in Newton, neighboring communities may park in Newton.
- College students park in areas for long periods of times using streets as a parking lot.
- Relief is necessary for residents who do not have driveways or adequate parking needs, in certain neighborhoods.
- A pilot area needs to be identified Citywide.
- It is difficult for homeowners to rent properties, without adequate off or on-street parking.
- It is difficult for homeowners without driveways.
- Emergency vehicle access must be a first priority.
- The overnight parking ban is especially difficult on narrow streets, for the elderly and pedestrians. Safety is necessary.
- It appears that the overnight parking ban is a nuisance for many.
- The overnight parking ban is not necessary when mild winters are forecasted or in all areas of the City.
- Parking is an everyday issue in the City, not only during snow events.
- If the overnight parking ban is lifted, Traffic Council will be overwhelmed with petitions requesting parking restrictions, resident permits and permit parking only, etc.

Mr. McGonagle answered that the weather forecasts the City receives are mostly accurate. Data and updates are received from a Boston weather station and the National Oceanic and Atmospheric Administration (NOAA). The weather forecast following a storm is very important. Moving forward, the City in order to conduct proper plowing operations intend to implement an emergency parking ban prior to when approximately 2" of ground cover and low temperatures are anticipated in order for traffic, emergency vehicles and school buses to move. At times, the emergency parking ban is implemented but the storm does not come to fruition.

Dr. Zaleznik said that if a trial were implemented in the future, citizens and commuters would have the ability to sign up for reverse 911 calls informing them as soon as possible of the emergency parking ban. She then said that the City Ordinance would have to be amended if there was a change to the overnight parking ban. She then said that if residents apply to Traffic Council requesting to be exempt from the overnight parking ban and the street is approved, it may become difficult with neighboring residents parking up those streets.

Chief MacDonald answered that the emergency parking ban ends once the main streets are clear and cannot wait for all streets to be clear of snow/ice. The City uses Tody's for towing services. All streets are considered when towing operations are requested. Chief MacDonald then said that if residents apply to Traffic Council requesting to be exempt from the overnight parking ban and the street is approved, the exemption is downloaded into the officer's laptop. In an emergency parking ban, every vehicle must be off the street, no exceptions. This week, the department will begin notifying drivers of the overnight parking ban beginning date of November 15 by placing notices on windshields and social media.

Committee members said that they would support implementing a pilot in certain areas of the City and would support a longer emergency parking ban in the City in order for the DPW to clear snow and/or ice curb to curb.

Chair Ciccone opened up the discussion to members of the public who were present. Residents expressed their concerns and suggestions.

#### Concerns:

- If the overnight parking ban is eliminated, the streets will become parked up. The City will become a free parking lot by drivers from nearby municipalities parking up Newton streets.
- Additional parking is necessary in the City.
- Parking needs must grow with developments being built in the City or tenants will park up the streets.
- Safety is necessary and a priority.
- Residents, visitors and commuters do not respect the overnight parking ban. Plow operations cannot be performed in a timely manner and perhaps not conducted curb to curb.
- Drivers have the tendency to park where they want, on sidewalks. If you own a vehicle, the driver must be more responsible and may have to walk a short distance.

Suggestions:

- Maintain the overnight parking ban. A resident suggested implementing a year-round overnight parking ban.
- A suggestion was made to lift the emergency parking ban on a tier level.
- A suggestion was made to use the Park Share App indicating where parking is available.
- Perhaps the City can have a discussion with private entities and schools allowing residents to park in their parking lots.
- Please provide information to residents regarding the overnight parking ban discussion alerting residents of any proposals.

In conclusion, Chair Ciccone stated moving forward the Committee would discuss this item when the Executive Department determines how they would like to proceed.

After a lengthy discussion, Councilor Yates made a motion to hold this item. Committee members agreed 6-0.

At approximately 8:30 pm, Councilor Yates made a motion to adjourn. Committee members agreed 6-0.

**Respectfully submitted,**

**Allan Ciccone, Jr. Chair**

**Sec. 19-174. Parking of commercial vehicles and trailers.**

(a) *Parking of commercial vehicles and trailers.*

(1) For the purposes of this section, the following definition shall be used:

*Commercial vehicle:* Any vehicle which is used in the commercial transportation of goods, wares, merchandise, materials or other property, or which has a commercial registration plate, and which has one or more of the following characteristics:

- a) has a carrying capacity in excess of two and one-half (2 1/2) tons;
- b) is more than eighteen (18) feet in length or seven (7) feet in width;
- c) has more than four wheels or more than two axles;
- d) contains more than four square feet of advertising.

*Trailer:* Any vehicle or object on wheels and having no motive power of its own, but which is drawn by, or used in combination with, a motor vehicle.

(2) It shall be unlawful year round for any commercial vehicle or trailer to be parked on any street, way, highway, road, parkway or private way dedicated or open to the use of the public for a period of time longer than two hours, provided, however, that this regulation shall not apply in the following instances:

- a) a commercial vehicle or trailer parked at a metered parking space;
- b) a commercial vehicle or trailer parked temporarily during the actual loading or unloading of materials;
- c) a commercial vehicle or trailer acting in an emergency; or
- d) a commercial vehicle or trailer parked within 500 feet of the work site of the driver of such vehicle or trailer. This exemption shall not apply where the work site of the driver or owner of the vehicle or trailer is also the residence for the driver or owner.

(3) The penalty for violation of subsection (2) of this section shall be as follows: for the first offense, a warning; for the second offense, twenty-five dollars (\$25.00); and for each subsequent offense, the vehicle or trailer shall be towed to a convenient place and the owner of the vehicle or trailer towed away shall be liable for the towing and storage charges, if any, within the limits set forth in section 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.

~~(b) *Other vehicles:* From November 15<sup>th</sup> through April 15<sup>th</sup>, it shall be unlawful for any vehicle, other than one acting in an emergency, to be parked on any street, way, highway, road, parkway or private way dedicated or open to the use of the public for a period of time longer than one hour between the hours of 2:00 a.m. and 6:00 a.m. (Rev. Ords. 1973, § 13-144; Ord. No. S-87, 2-4-85; Ord. No. T-186, 11-18-91; Ord. No. Y-3, 3-19-07; Ord. No. Z-14, 11-5-07)~~

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO.

October , 2016

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

That the Revised Ordinances of Newton, Massachusetts, 2012, as amended, be and are  
hereby further amended with respect to **Article VII** of **Chapter 19** as follows:

**Delete** subsection (b) *Other vehicles* of Sec. 19-174 in its entirety.

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