

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC SAFETY & TRANSPORTATION COMMITTEE AGENDA

WEDNESDAY, APRIL 18, 2012

7:45 PM
Room 202

ITEMS SCHEDULED FOR DISCUSSION:

#279-10 ALD. JOHNSON, ALBRIGHT & LINSKY, requesting the development of a comprehensive traffic and parking plan for the Newton North High School neighborhood with the following streets as its borders: Commonwealth Avenue, Washington, Harvard and Valentine Streets. This plan to be completed by November 30, 2010 will include a fix to short term (immediate needs) and longer term needs to effectively manage the traffic circulation within the neighborhood, provide pedestrian and vehicular safety, and preserve quality of life for the neighborhood, school staff and faculty. [10/06/10 @ 12:33 PM]

REFERRED TO PUBLIC SAFETY & TRANS AND FINANCE COMMITTEES

#78-12 HIS HONOR THE MAYOR proposing amendments to Sections 19-9 and 19-199 of the City of Newton Revised Ordinances, 2007 to increase the penalties for handicap parking violations in Section 19-9 and to clarify that handicap parking violation penalties apply not only to spaces on public ways but also to handicap spaces on private property open to public access in accordance with Section 19-199; to update language in Section 19-199 regulating minimum width of handicap spaces; to add language pertaining to cross-hatch areas as required by state law; and to reference governing Architectural Access Board regulations. [03/12/12 @ 4:09 PM]

It is the Chairman's intention to entertain a motion to vote No Action Necessary on the following item:

#233-11 ALDERMEN CROSSLEY, YATES AND RICE requesting a discussion with the Massachusetts Department of Conservation & Recreation (DCR) regarding design and location of the recently created pedestrian access from Quinobequin Road to the revised DCR trail parallel to the Charles River, where pedestrians are concealed and unprotected from oncoming traffic, and further to consider redesign and/or relocation to make access points to the trail safe for both pedestrians and drivers. [08/01/11 @ 4:18 PM]
HELD 6-0, Ald. Fuller and Harney not voting on 01/04/12

The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Trisha Guditz at 617-796-1156 or tguditz@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting.

ITEMS NOT SCHEDULED FOR DISCUSSION:

DISCUSSION ITEM: Chairman's Note: At the Chair's request, Dori Zaleznik, Commissioner Health and Human Services Department will provide a presentation on duplicate street names.

#87-12 ALD. SALVUCCI, requesting the establishment of a permit parking program for the Melrose Avenue Municipal Parking Lot in Auburndale to assist abutting businesses with parking for their employees. [03/23/12 @ 12:52 PM]
HELD 6-0 on 04/11/12

#86-12 ALD. CICCONE, requesting possible changes to City Ordinance 19-30(a), Procedures for Traffic Council, to require all Traffic Council meetings be held in the evening. [03/16/12 @ 1:44 PM]
HELD 6-0 on 04/11/12

#69-12 DANIEL HERMON, One International Place, 100 Oliver Street, Suite 1400, Boston, MA 02110 requesting issuance of a van license to operate Dan's Coach in Newton. [03/08/12 @ 2:16 PM]

ITEM RECOMMITTED TO PUBLIC SAFETY & TRANSPORTATION ON 03/19/12

#60-12 ALD. YATES, requesting a report from His Honor the Mayor as to how the City can support the recommendations of the MBTA Advisory Board that the Massachusetts Port Authority assume the costs of the commuter ferries into Boston. [02/21/12 @ 8:29 PM]

ITEM RECOMMITTED TO PUBLIC SAFETY & TRANSPORTATION ON 03/19/12

#59-12 ALD. YATES, requesting a report from His Honor the Mayor as to how the City can support the request of the MBTA Advisory Board that the costs of the MBTA Police Department be assumed by the Massachusetts Executive Office of Public Safety and Homeland Security. [02/21/12 @ 8:29 PM]

#417-11 ALD. JOHNSON requesting a discussion with the Department of Transportation regarding sound barriers along the Turnpike. [12/07/11 @ 9:29 PM]
HELD 8-0 on 01/04/12

REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEES

#413-11 ALD. CICCONE, SALVUCCI, GENTILE & LENNON updating the Public Facilities and Public Safety & Transportation Committees on the progress of renovations to the city's fire stations. [11/17/11 @ 11:07 AM]

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

#383-11 HIS HONOR THE MAYOR submitting the FY13-FY17 Capital Improvement Program pursuant to section 5-3 of the Newton City Charter and the FY12 Supplemental Capital budget which require Board of Aldermen approval to finance new capital projects over the next several years. [10/31/11 @ 3:12 PM]

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #383-11(2) HIS HONOR THE MAYOR submitting in accordance with Section 5-1 of the City of Newton Charter the FY13 Municipal/School Operating Budget totaling \$312,979,964 passage of which shall be concurrent with the FY13-FY17 Capital Improvement Program (#383-11). [04/09/12 @ 2:48 PM]
EFFECTIVE DATE OF SUBMISSION: 04/17/12; LAST DATE TO PASS THE BUDGET 06/01/12
- #289-11 ALD. HESS-MAHAN, SWISTON, SALVUCCI, requesting a discussion with the Animal Control Department regarding the presence of coyotes in Newton and the recent attack on a dog in West Newton. [10/06/11 @ 9:07 AM]
- #278-11 ALD. YATES, requesting a report from His Honor the Mayor on the likely impacts on traffic in Newton from the changes to the Route 9/128 intersection as part of the Add-A-Lane Project. [09/26/11 @ 2:37 PM]
HELD 5-0, Ald. Johnson not voting on 03/21/12
- #137-11 ALD. DANBERG AND FULLER requesting possible changes to City Ordinance 19-191, Parking Meter Fees, to require a minimum purchase at long-term parking meters in order to discourage short-term use. [4/26/11 @ 9:52 AM]
HELD 8-0 on 01/18/12

REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEE

- #41-11 ALD. JOHNSON, LENNON AND DANBERG requesting discussion of the elimination, except during snow emergencies, of the overnight parking ban which is in effect from November 15 through April 15. [01/18/11 @ 9:00 PM]

REFERRED TO PUBLIC SAFETY&TRANSPORTATION & FINANCE COMMITTEES

- #363-10(2) ALD. ALBRIGHT proposing a trial of parking meter free Saturdays between Thanksgiving and New Year for the shopping areas to support shopping at local businesses in Newton. [02/10/12 @ 9:13 AM]

Respectfully submitted,

Allan Ciccone, Jr. Chairman



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

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March 12, 2012

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

RECEIVED
Newton City Clerk
2012 MAR 12 PM 4:09
David A. Olson, CMC
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request that Section 19-9 of the Ordinances be revised to increase the penalties for handicap parking violations and to clarify that handicap parking violation penalties apply not only to spaces on public ways but also to handicap spaces on private property open to public access in accordance with Section 19-199; to update language in Section 19-199 regulating minimum width of handicap spaces; to add language pertaining to cross-hatch areas as required by state law; and to reference governing Architectural Access Board regulations.

This docket request is intended to initiate the discussion and action necessary to update the fines, while at the same time addressing issues related to the functioning of handicap spaces.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor





Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459


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Candace Havens
Director

MEMORANDUM

DATE: March 5, 2012

TO: Mayor Setti D. Warren

FROM: Candace Havens, Director of Planning and Development 

RE: Increase in Handicap Fines

CC: Board of Aldermen

As we discussed recently with the co-chairs of the Commission on Disability, current fines for handicap parking violations are in need of adjustment. First of all, the \$15 fines for private property violations are below the state-established minimum of \$100. Secondly, the co-chairs have suggested that the \$100 fine may not be sufficient to deter abuses of handicap parking spaces and have recommended increasing the fines further. Docketing of this item will initiate the discussion and action needed to update the fines. At the same time, issues related to the functioning of handicap spaces should also be addressed, including clarifying parking space width standards, applicability of private parking fines, line painting and references to governing Architectural Access Board (AAB) regulations.

The Honorable Mayor and the Director of Planning and Development requesting that Section 19-9 of the ordinances be revised to increase the penalties for handicap parking violations and to clarify that handicap parking violation penalties apply not only to spaces on public ways but also to handicap spaces on private property open to public access in accordance with Section 19-199; to update language in Section 19-199 regulating minimum width of handicap spaces; to add language pertaining to cross-hatch areas as required by state law; and to reference governing Architectural Access Board regulations.

Sec. 19-9. Penalty for parking violations.

Pursuant to General Laws, chapter 90, section 20A; chapter 40, section 21, clause 24; and chapter 40, section 22A, the following schedule of fines for parking offenses is established subject to such section and to the provisions of this chapter:

- (1) The following offenses shall be punished by a fine of XX hundred dollars (\$X00.00): ~~Illegally parking in a space reserved for the handicapped (section 19-178; section 19-199) or for blocking a curb cut designated for handicapped access (section 19-199).~~
- (2) The following offense shall be punished by a fine of one hundred dollars (\$100.00): ~~Illegally parking in a space reserved for the handicapped (section 19-178) or for blocking a curb cut designated for handicapped access (section 19-199) or for illegally parking in a bus stop (section 19-170).~~
- (23) The following offenses shall be punished by a fine of twenty five dollars (\$25.00): parking within ten (10) feet of a fire hydrant (section 19-166(g)) or parking in front of a private road or a driveway (section 19-166(h)) or upon a crosswalk (section 19-166(c)); parking in a school drop off zone in excess of time permitted.
- (34) The following offenses shall be punished by a fine of twenty-dollars (\$20.00): parking on any way in such a manner as to impede the removal or plowing of snow or ice (section 19-166(n)), or parking in a restricted area in violation of the applicable restrictions (except overtime) (section 19-176).
- (45) The following offenses shall be punished by a fine of fifteen dollars (\$15.00), parking within an intersection (section 19-166(a)), or so as to obstruct a traffic passing lane (section 19-166(f)), or within twenty (20) feet of either end of a safety zone (section 19-167), or in a bus stop (section 19-170), or a taxicab stand (section 19-171), or within twenty (20) feet of an intersecting way (section 19-166(i)), or parking upon any sidewalk (section 19-166(b)), or parking on a bridge and the approach thereto (section 19-166(m)), or within fifteen (15) feet of a wall of or directly across the street from a fire station (section 19-166(j)), or parking over twelve (12) inches from the curb or parking in the wrong direction (section 19-166(e)), or within a loading zone in excess of the time permitted (section 19-172), or within a residential area without appropriate sticker (section 19-201), or otherwise than at the required angle in an angle parking zone (section 19-175), parking in or obstructing access to a designated fire lane (section 19-166(o)); parking in a school drop off zone in excess of time permitted (section 19-179); or stopping in violation of the applicable restrictions (section 19-180), or parking at a parking meter in violation of the provisions applicable thereto (sections 19-188 to 19-190, 19-194 and 19-195, or in any other area where parking is permitted for a limited period of time in excess of the time allowed (section 19-166).
- (56) The following offenses shall be punished by a fine of five dollars (\$5.00): Parking a vehicle other than a commercial vehicle at night in violation of the provisions applicable thereto (section 19-174(b) and (c)) at night in violation of the provisions applicable thereto (section 19-174).
- (67) Should the fines established herein not be paid within twenty-one (21) days of the offense, the following surcharges shall be due and payable to the parking clerk of the city in addition to the fine originally assessed:

For a \$5.00 fine – initial surcharge shall be an additional \$10.00.

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For a \$15.00 fine – initial surcharge shall be an additional \$10.00.

For a \$20.00 fine – initial surcharge shall be an additional \$10.00.

For a \$25.00 fine – initial surcharge shall be an additional \$10.00.

For a fine greater than 25.00 – initial surcharge shall be an additional _____

DIVISION 3. SPECIAL PARKING REGULATIONS

Sec. 19-199. Regulations and enforcement of disabled veterans and handicapped person parking spaces on private property.

(a) Any person or body that has lawful control of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees, shall reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by section two of chapter ninety of the General Laws (HP/V plate) according to the following formula:

Total Number of Stall	Handicapped Stalls
16-25	1 space
26-40	5% but not less than 2 spaces
41-100	4% but not less than 3 spaces
101-200	3% but not less than 4 spaces
201-500	2% but not less than 6 spaces
501-1000	1.5% but not less than 10 spaces
1001-2000	1% but not less than 15 spaces
2001-5000	3/4 of 1% but not less than 20 spaces
5001 +	1/2 of 1% but not less than 30 spaces

(b) Parking spaces designated as reserved under the provisions of paragraph (a) shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required. Unauthorized Vehicles May be Removed at Owner's Expense;" shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps cuts or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be at least eight twelve feet wide, not including the cross hatch access aisle as defined by the architectural access board established in section 13A of chapter 22 of the General Laws, and shall conform to rules and regulations promulgated by that board, or two eight-foot-wide areas with four (4) feet of cross-hatch between them.

(c) It is hereby prohibited for any person to leave any unauthorized vehicle (lacking an HP/V plate) within a parking space, including the cross hatch area, designated for use by disabled veterans or handicapped persons, as authorized by clause (23) of section 21 of chapter 40 of the General Laws, or to leave such unauthorized vehicle in such a manner as to obstruct a curb ramp-cut designed for use by disabled veterans or by handicapped persons as a means of egress to a street or public way.

(d) The penalty for violation of any provision of this ordinance shall be as follows:—; XXX hundred dollars for each offense. In addition, for the first offense, fifteen dollars (\$15.00); for

~~the second offense, twenty-five dollars (\$25.00); and for each subsequent offense, the vehicle may be removed according to the provisions of section 120D of chapter 266 of the General Laws. (Ord. No. R-252, 7-12-82)~~

~~Cross reference—Police department, Ch. 24~~

~~Cross reference—Veterans' services, Ch. 28~~