

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC SAFETY & TRANSPORTATION COMMITTEE REPORT

WEDNESDAY, APRIL 18, 2012

Present: Ald. Ciccone (Chair), Swiston, Harney, Yates, Schwartz, Fuller and Kalis

Absent: Ald. Johnson

Also Present: Ald. Linsky, Albright and Danberg

City Staff: David Koses, Transportation Planner; Clint Schuckel, Director of Transportation, Candace Havens, Director Planning & Development and Sgt. Jay Babcock, Newton Police Department

Others Present: Rob Caruso, Co-Chair Commission on Disability

#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]

ACTION: **HELD 7-0**

NOTE: Ald. Albright, Ald. Linsky, Mr. Schuckel, Ms. Havens, Sgt. Babcock and Mr. Koses joined the Committee for a follow-up discussion to address the development of a comprehensive traffic and parking plan for the Newton North High School neighborhood. Mr. Koses said that this item was docketed because of parking concerns, issues and traffic conditions during the construction of the high school. When construction was complete, conditions improved. Ald. Albright said that during the construction phase of the school, traffic was re-routed creating parking and traffic issues. The Ward 2 Aldermen docketed this item in order to assist with immediate and long term needs to provide pedestrian and vehicular safety and to preserve the quality of life for the neighborhood.

Mr. Koses provided Committee members with an extensive PowerPoint presentation, attached to this report. He said the study primarily focused on the other streets that are experiencing parking problems and what else can be considered to improve motorists, cyclists, vehicle and pedestrian safety. Mr. Koses discussed the goals, process, observations, data collection findings and a 'draft' neighborhood parking plan map. He then discussed the following permit programs:

Newtonville Area Permit Program (Optional). This permit would allow residents with permits to park longer than the posted limit and would require the Board of Aldermen's approval because parameters need to be set, define "pilot" area for Newtonville, determine resources needed to enforce and administer the permit.

Staff and Student Parking (TIGER Permit). This permit would be determined by the school to distribute the permits among staff and students. Residents of Hull Street and Lowell Avenue between Hull Street and Elm Avenue would be eligible for a permit.

Option 1 – All staff park on-site (Walnut Street lot, Lowell Avenue lot and Elm Road). School to assign up to 150 student TIGER permits (Austin Street lot, Hull Street and Lowell Avenue)

Option 2 – Some staff park on Hull Street. Staff to park in Walnut Street lot, Elm Road and Hull Street. Students to park in Lowell Avenue lot, Austin Street lot and Lowell Avenue. The School Committee sets the students fee to park on school property. Currently the fee is \$360.00 per year for a student permit and the permit is free for staff.

The Committee asked why a comprehensive plan continues to be necessary if parking now appears to be plentiful. How many TIGER permits have been purchased out of the 150 permits approved. Where are visitors parking and where do they access the building. How will the Police enforce this plan. Mr. Koses and Chairman Ciccone did not know the number of permits that have been issued. The next school year will determine all parking needs. Perhaps the students are continuing to park on neighboring streets because they do not want to purchase the permits. Sgt. Babcock said that because of security reasons, all visitors and students enter through the front door. He then said the license plate recognition system would assist the department in enforcing. Members then suggested the plan become effective and the plan be promoted and a policy be put in place rather than Traffic Council approve parking restrictions on a street-by-street basis. The Committee expressed their concerns regarding the safety and location of the traffic signal on Walnut Street and asked what it would cost to be relocated. Mr. Schuckel answered approximately \$30,000.

Mr. Schuckel stated a Transportation Advisory Group (TAG) has been implemented by the Executive Department and will be led by Ald. Harney as a recommendation from the Transportation Advisory Committee (TAC). The TAG Team will develop new policies and will review bicycle lanes vs. on-street parking guidance, resident-only parking guidance, bicycle master plan and design street classifications.

Mr. Koses said that the Law Department recommends an ordinance change to create a structure of the pilot program. Chairman Ciccone suggested the Ward 2 Aldermen host a neighborhood meeting allowing residents the opportunity to provide input. Ald. Linsky and Albright agreed. Sgt. Babcock requested from Mr. Koses a map of current parking restrictions in the area.

Chairman Ciccone, Committee members, Ald. Linsky and Ald. Albright commended Mr. Koses for his diligent work.

Ald. Yates made the motion to hold this item in order for the Ward 2 Aldermen to host a neighborhood meeting. Committee members agreed 7-0.

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]

ACTION: **APPROVED AS AMENDED 6-0, Ald. Ciccone not voting**

NOTE: Committee members were provided with a letter from Atty. Rosenberg supporting this item, attached to this report.

Mr. Caruso, Mr. Schuckel, Sgt. Babcock and Ms. Havens joined the Committee to discuss this item. Ms. Havens provided Committee members with a PowerPoint presentation, attached to this report. She provided current concerns regarding the abuse of HC laws, penalties and code fails to meet AAB requirements. She then provided other fines from surrounding communities, Waltham's model and suggested the following two recommendations. She suggests a fine of between \$100.00 and \$300.00.

Recommendations

Revise 19-9 to clarify penalty applies to public and private spaces, to increase penalties on public and private properties to a minimum \$100.00 fine and a maximum \$300.00 fine.

Revise 19-199 to meet AAB standards to minimum parking width, cross-hatching and AAB reference.

The Committee asked how many tickets are issued a year. Ms. Havens said that 274 tickets were issued for public spaces and 154 for blocking handicap ramps. Sgt. Babcock said tickets on private property are only issued when a company authorizes them to ticket or tow. The Police Department does not have permission from all private companies in the City to perform this. He then said it is necessary for all companies to authorize the Police Department to ticket and perhaps tow. Committee members then asked how the City could obtain permission from these companies, how fines are established and how this would be enforced.

Mr. Caruso said that the Commission on Disability approved and recommends a fine of \$200.00.

Ald. Yates made the motion to approve this item as amended to revise the 2007 City Ordinance language, Sec. 19-9 (Penalty for parking violations) (45) to strike out the language '*or in a bus stop*'. Committee members agreed to strike this language and agreed on the implementation of a \$100.00 first-offense fine. Sgt. Babcock said that ticket books would have to be changed to reflect this change.

Committee members intend to file a subsequent docket item to broaden the fine including implementing a second offense fine, Resolution to His Honor the Mayor requesting him offer

owners of private properties in the City the services of the Newton Police Department and request the City's Law Department provide a written opinion regarding police enforcement on private property and a list from the Police Department of properties where they have been asked to assist.

#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

ACTION: NO ACTION NECESSARY 6-0, Ald. Ciccone not voting

NOTE: Ald. Yates said that the situation has changed significantly since this item was docketed because vegetation has been trimmed allowing traffic visibility and the pathways have been cleared.

Ald. Yates, Crossley and Rice request that this item be voted no action necessary. If necessary, a newer item will be docketed. Without discussion, Ald. Yates moved no action necessary. Committee members agreed 6-0, Ald. Ciccone not voting.


At approximately 10:20 pm, Ald. Swiston moved to adjourn. Committee members agreed 6-0, Ald. Ciccone not voting.

Respectfully submitted,

Allan Ciccone, Jr. Chairman

NEWTON NORTH HIGH SCHOOL TRAFFIC AND PARKING ANALYSIS

*Public Safety and
Transportation Committee
April 18, 2012*



Docketed Item

#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,*
- *preserve quality of life for the neighborhood, school staff and faculty.*

Comprehensive Traffic and Parking Plan

- **Goals**
 - Improve residents' ability to park on streets
 - Reduce student parking in the neighborhoods
 - Encourage students to use alternative modes of travel
 - Don't incentivize students to drive to school
 - Provide more certainty and consistency regarding outcomes
 - Create structure for decision-making
 - Inform future Traffic Council actions


Comprehensive Traffic and Parking Plan

- **Process**
 - Data collection
 - × Observations of traffic, circulation, parking, bicycles, behavior
 - × Walking distance
 - × Student parking areas
 - × Compared to pre-construction
 - Considered optimal distribution of staff and student parking
 - Met with Planning, NNHS, DPW, Police staff to vet concepts

Observations

Wed Feb 29 - AM Wed March 7- PM

- Elm at Bus Turnaround
- Elm at Walnut
- Walnut at Clyde
- Walnut at Tiger Drive
- Hull at Dexter
- Lowell Ave Lot



Findings from Data Collection

- **Major Findings**
 - Traffic and Parking Conditions have improved
 - × Student parking on a few unrestricted streets
 - Excess parking capacity at NNHS
 - Unsafe crossing at Tiger Drive

Neighborhood Parking Plan – Map (Draft)

- 1-Hour Limit Except Permit (Purple)
- 2-Hour Limit Except Permit (Pink)
- TIGER Permit Only (Orange)
- Blue Zone (Blue)
- Private Way (Green)

“Newtonville Area Permit” Program (Optional)

- Allows *residents with permits* to park longer than posted limit
- Requires Board action
 - Set program parameters
 - Define “pilot” Newtonville area
 - Determine resources needed to enforce and administer
 - ✕ Set fee to support management
 - ✕ Comparison: Current rate for resident permit is \$25.00

Staff and Student Parking (TIGER Permit)

- School to determine distribution among staff and students
- Residents of Hull & Lowell between Hull and Elm eligible for permit
- Option 1 – All staff park on-site
 - All staff park on-site (Walnut St. Lot, Lowell Ave Lot, Elm Rd)
 - School to assign up to 150 student TIGER permits (Austin St. Lot, Hull, Lowell)
- Option 2 – Some staff park on Hull St
 - Staff to park in Walnut St. Lot, Elm Road, and Hull St
 - Students to park in Lowell Ave. Lot*, Austin St. Lot, Lowell

**Note: School Committee sets student fee to park on school property. Currently \$360/year for NSHS Student Permits (2011-2012). Free for staff.*

Enforcement

- School Campus Aids to step up patrolling of 15-minute spaces on Tiger Drive
- Work with Community Ed and Parks & Rec to discourage parking on Dexter and Trowbridge
- Continue police presence at Elm and Walnut Streets

Traffic Circulation

- Traffic Changes
 - Traffic queue on Walnut Street reduced
 - Less queuing Walnut Street onto Tiger Drive
 - No change on Elm Road, Hull Street

Pedestrian and Vehicular Safety


- Encourage pedestrian crossings at signal near Tiger Drive
 - Fund police officer at Walnut & Tiger Drive
 - Barrier at corner
 - Cost Estimate of 160' 4-foot tall steel tube ornamental fence = \$7,500
- Police Officer at Elm and Walnut
- Encourage pick-up/drop-off in Lowell Lot
 - School to unlock main door access from Lowell Lot
 - Send notices via PTO
 - Temporary signs at Tiger Drive

Related Initiatives

- TAG Team development of new policies
 - Bicycle lanes vs. on-street parking guidance
 - Resident-only parking guidance
 - Bicycle Master Plan
 - Design classifications for streets

Changes to Bicycle Infrastructure

- Added bike racks
 - Tiger Drive, Walnut Street lot, and near fields off Elm Road
- Added bicycle lanes
 - Walnut Street in Highlands
 - Centre Street north of Comm
 - Beacon Street east of Centre



DISCUSSION

Student Parking Areas – Distance to School

- Faster to walk from Lowell Lot than other areas
- Walk time to school (closest open entrance)
 - From Lowell Lot (north end) – 3 minutes
 - From Lowell Lot (south end) – 4 ½ minutes
 - From Trowbridge (private portion) – 4 ½ minutes
 - From Gay Street @ Frederick St – 7 minutes
 - From Bullough Park – 8 minutes
 - From Washington Street (east of Lowell) – 9 minutes
 - From Austin Street Lot – 10 minutes

Recent Traffic Council Actions

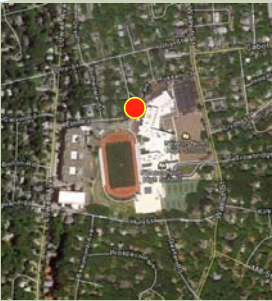
- Resident Only – Trowbridge and Dexter
- Parking Restriction Trial – Gay St and Atwood Ave
 - Some residents requested more restrictions, some less
 - Discuss impact on neighboring streets before taking action
 - ✦ Harvard, Frederick

Upcoming Traffic Council Actions

- Gay Street and Atwood Avenue
 - Remaining observed cluster of student parking
 - Atwood, Frederick, Gay, Harvard, Trowbridge can be handled as a “street grouping”
- Walnut Street - removal of parking (north of Comm.)
- Walnut Street - bike lane (north of Comm. Ave.)
 - Awaiting bike lane vs. parking policy from TAG Team
 - Also awaiting results of “no parking” trial on Walnut S of Beacon

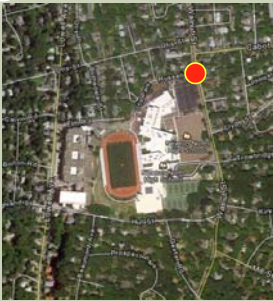
Elm and Bus Turnaround – [AM](#) and [PM](#)

- Fence hoppers (7)
- Cars blocking/entering bus entrance (29)
 - Add speed bumps?
- Cars speeding
 - Add speed bumps?



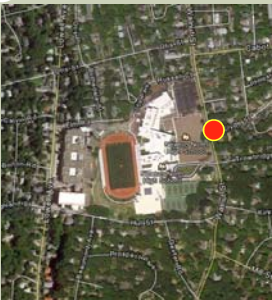
Elm and Walnut – [AM](#) and [PM](#)

- Functioned smoothly
- Policeman directed traffic
- Many students crossed outside crosswalks
 - Walnut/Elm, Walnut/Cabot
- Functioned smoothly
- Policeman directed traffic
- NB traffic queue from Tiger Dr to Elm @ 3:10-3:15



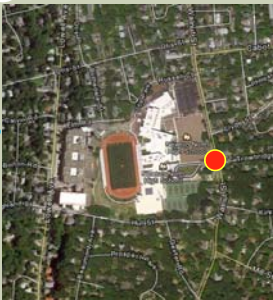
Walnut and Clyde Street – [AM](#) and [PM](#)

- No problems observed
- 60 used ped signal, 27 did not
- No problems observed except ped crossings
- Some difficulty turning left out of Clyde
- 49 used ped signal, at least 55 did not



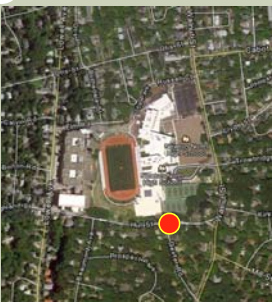
Walnut at Tiger Drive – [AM](#) and [PM](#)

- No traffic problems on Tiger Dr or Walnut St
- All visitor parking and 15-min spaces full by 7:45
- No traffic backups from SB Walnut onto Tiger Dr
- 52 students crossed at signal, 64 crossed at Tiger Drive
- 2 illegal left turns out, 2 illegal left turns in




Hull and Dexter – [AM](#) and [PM](#)

- No problems observed
- No backups. Plenty of room for drop-offs
- Some students crossing Hull near Dexter without a crosswalk
- Very busy between 3:01 and 3:06
- Backup never extended to Walnut St
- Dexter nearly blocked up



Lowell Avenue Lot – [AM](#) and [PM](#)

- Underutilized lot
- 55/110 spaces at peak
- No drop-offs in lot or on Lowell. Some drop-offs near Elm & Lowell
- Underutilized lot
- 57/110 spaces at peak
- 1 pick-up



Relocate visitor spaces

- Add 10 visitor parking spaces in the Lowell Street Lot
- Relocate 5 visitor parking spaces from Elm Rd to Theater Lot



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 PH 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).
- (3) 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.
- (4) 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).
- (5) 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).
- (6) 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).
- (7) 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~~

Department of Planning and Development

1

PUBLIC SAFETY AND TRANSPORTATION COMMITTEE
APRIL 18, 2012

HANDICAP FINES

#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.

2

Handicap Fines

- Current Fines
- Current Concerns
- Other cities' fines
- Waltham model
- Options

Current Concerns

- Abuse of HC laws
 - Parking in HC spaces w/o placard
 - Using placard when ineligible
 - Parking in front of HC ramps
- Penalties too low
 - Current fine on private property is \$15
 - State minimum of \$100
 - \$100 fine may be too low
- Code fails to meet AAB requirements
 - Minimum parking width
 - Cross hatching
 - Applicability on private property

3

Handicap Fines

- Current Fines
- Current Concerns
- Other cities' fines
- Waltham model
- Options

Other cities' fines

| City/Town | 1st. Fine | 2nd. Fine | other |
|---------------|------------|-----------|--------------|
| • Ashland | \$100 | | |
| • Bedford | \$200 | | |
| • Belmont | \$100 | | |
| • Boston | \$120 | | |
| • Brookline | \$100 | | |
| • Cambridge | \$100 | | |
| • Dedham | \$100 | | |
| • Framingham | \$200 | | |
| • Leasington | \$100 | | |
| • Marlborough | \$100 | | |
| • Natick | \$100 | | |
| • Needham | \$100 | | |
| • Newton | \$15/\$100 | | |
| • Norwood | \$100 | | |
| • Quincy | \$100 | | |
| • Scituate | \$100 | | |
| • Sherborn | \$100 | \$300.00 | wait for tow |
| • Stoneham | \$100 | | |
| • Sudbury | \$100 | | |
| • Waltham | \$100 | | |
| • Watertown | \$150 | | |
| • Wellesley | \$150 | | |
| • Weston | \$100 | | |
| • Worcester | \$200 | | |

4

Handicap Fines

- Current Fines
- Current Concerns
- Other cities' fines
- Waltham model
- Options

Waltham Model

- Has same number of parking spaces
- Can fine on private property
- Pays for HC enforcement from funds
- Could support part-time accessibility coordinator
 - Update accessibility plans as required by law
 - Train other staff in accessibility issues
 - Respond to requests for assistance
 - Satisfy other legal requirements

5

Handicap Fines

- Current Fines
- Current Concerns
- Other cities' fines
- Waltham model
- Recommendations**

Recommendations

- **Revise 19-9**
 - Clarify penalty applies to public & private spaces
 - Increase penalties on public & private properties
 - × **Minimum \$100**
 - × **Maximum \$300**
- **Revise 19-199 to meet AAB standards**
 - Minimum parking width
 - Cross-hatching
 - AAB reference

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Chairman Alan Ciccone, Jr
Public Safety and Transportation Committee
Board of Aldermen
Newton City Hall
Newton Centre, MA 02459

Re: Docket #78-12

Dear Chairman Ciccone:

Unfortunately I could not be with you in person tonight. I urge the Committee to vote favorably on the various parts of this docket item.

FIRST, THE NEWTON POLICE MUST BE GIVEN POWER TO TAG CARS ON PRIVATE PROPERTY, WHICH CARS ARE PARKING ILLEGALLY IN HP SPACES. Newton has a huge number of commercial businesses with off-street parking. Without this enforcement power, non-disabled scofflaws are able to park at will in these spaces and thumb their noses at both those of us who are disabled and in need of these spaces near the entries to businesses! Private property owners often have neither the time nor inclination to create ill will among customers by informally policing these spaces.

And sadly each of us, who have a disability, can dredge up many, many true stories about how we could not get into a building for an appointment, or for a meeting with friends for lunch, or for shopping. Even more frustrating are the frequent encounters with the drivers who when getting in or out of their vehicles and when confronted act irate and just go about their business!

I also know from my many discussions with Newton Police and those in other communities how frustrated they are to see such violations of both law and basic decency, and be unable to do anything under the law. So please empower the police to be able to enforce HP parking laws on private property.

SECOND, THE FINES FOR PARKING IN AN HP SPACE ON PRIVATE PROPERTY MUST BE THE SAME AS ON PUBLIC PROPERTY. I was flabbergasted to see that the fine for illegally parking in an HP parking space on private property was a mere \$15, while a similar violation on public property was almost seven times larger (\$100)! Today, both fines, \$15 and \$100, are no deterrent at all, and the \$15 fine is frankly laughable.

The fines for this type of parking violation on private property should be the same as on public property. Indeed, the impact on a disabled person who cannot have access to the entry of a private establishment from a space on private property is no different than if public HP space at the curb in front of the business were improperly taken/occupied!

THIRD, THE FINES FOR VIOLATIONS ON PUBLIC AND PRIVATE PROPERTY NEED TO BE INCREASED, MUST BE INCREASED TO HAVE ANY EFFECTIVENESS ON THE NON-DISABLED PUBLIC! The \$15 and \$100 dollar fines are not effective deterrents. In my opinion, what is needed is a first-time fine of \$250 and any subsequent violations a fine of \$300. People of every age engage in this

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Behavior because of the loss of a community sense of shame. “Oh, I’ll just be a minute” or “Well, you aren’t that disabled” are the types of platitudes we hear when we confront these scofflaws. If they know the fine is significant, many will stop this behavior.

And for those left who are repeat offenders because in their minds they are “special”, there is a greater chance that the impact of the cost of such repeat behavior eventually deters or lessens that behavior. And for those who might give you grief about how this fine hurts the elderly, the largest increase in the number of HP plates and placards are now the elderly as infirmities appear along with age. These changes will help the elderly, not hurt them.

FOURTH, IT IS A “NO-BRAINER” TO REQUIRE THE HP PARKING SPACES IN THE CITY MATCH THE DIMENSIONAL REQUIREMENTS IN THE STATE ARCHITECTURAL ACCESS CODE. Tonight, you can and should make the parking match the state provisions. Technically, the state law actually controls such parking spaces, and at present we have a confusing situation for those trying to locate and create the HP spaces in Newton.

Thank you for your time as to these matters and I do hope you will act affirmatively on all aspects.

Sincerely,

Jason Rosenberg

Jason A. Rosenberg



Setti D. Warren
Mayor

City of Newton, Massachusetts
1000 Commonwealth Avenue Newton, Massachusetts 02459
Commission on Disability

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4/23/12

Dear Members of the Public Safety and Transportation Committee:

Thank you for acting on Docket Item 78-12, Handicapped Parking (HP) Violations, Access to Private Property Enforcement, and standardizing the dimensions of HP spaces with the Massachusetts Architectural Access Board (521 CMR Rules and Regulations).

First, part of the discussion focused on HP fines. The dollar amount for fines during the Power Point presentation by Candace Havens was \$100.00. Rob Caruso and I need to inform each of you that the HP fine voted on and approved unanimously by the Commission on Disability at its April 9th meeting was \$200.00.

It is important that each of you understand that the proposed \$100.00 HP fine mentioned by Candace is not representative of the Commission on Disability. Moreover, Rob and I as Co-Chairs of the Commission represent the unanimous vote by members of the Commission to start at \$200.00.

The Commission has extensively researched the HP fines of various other municipalities to determine the parameters of their HP fines. We hope that each of you respect the vote of the Commission just as you do any other City Commission or Committee.

Second, we appreciate that you approved the Standardization of the City's and State's HP spaces per the AAB regulations. It is vital that the City adopt the dimensions of the AAB's rules and regulations to ensure current access laws.

Third, we hope your research into the ability of the Newton Police Department to access private property with public access to enforce

Handicapped Parking represents the Commission's mission to bring proper and legal compliance to all HP spaces.

We realize another meeting of your Committee will be held to discuss unanswered questions regarding several accessibility issues that arose during the April 18th meeting.

We also respectfully ask that at your subsequent meeting to resolve the Above unfinished business that you consider placing the matters high on Your Committee's agenda to allow enough time for discussion and input From members of the Commission On Disability, whose years-long Experiences on all issues of accessibility is imperative to ultimately attain current State and Federal access laws in Newton.

Members of the Commission On Disability look forward to partnering with you concerning updating the above access issues.

Sincerely,

Rob Caruso, Co-Chair
Commission on Disability

Girard A. Plante, Co-Chair
Commission on Disability