



COMMISSION ON DISABILITY

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Setti D. Warren
Mayor

Candace Havens
**Director, Planning &
Development**

John Lojek (member)
**Department Head,
Inspectional Services**

Members

Rob Caruso, Co-Chair
Girard Plante, Co-Chair
Jane Brown
Lucie Chansky
Jini Fairley
Rosemary Larking
Barbara Lischinsky
John Lojek

Advisors

Sergeant Jay Babcock
Newton Police Department

Alice Walkup
Senior Planner,
Community Development

Staff

Joel Reider
ADA/Sec 504 Coordinator

1000 Commonwealth Ave.
Newton, MA 02459
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CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

Meeting Agenda

Date: May 12, 2014

Time: 6:30 p.m.

Place: room 209

Setti D. Warren
Mayor

Candace Havens
**Director, Planning &
Development**

John Lojek (member)
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1. **Minutes:** Consideration minutes from 4-23-14 COD meeting (6:30-6:35)
2. **Access coordinator report** – Joel R. (6:35-6:50)
3. **CDBG report** – Alice Walkup (6:50-7:20)
4. **HP violations report** – Sgt. Babcock (7:20-7:30)
5. **HP 1-14** – Paula Scheer (7:30-7:40)
6. **Larry Haile, MBTA (7:40-8:10)**
System-Wide Accessibility Coordinator
7. **HP 2-14** – David Koses (8:10-8:20)
8. **Vote on funding for Pierce School playground**
– Co-chairs (8:20-8:25)
9. **Old/new business (8:25-8:30)**
10. **Adjournment (8:30)**

Next meeting: June 9, 2014, 6:30 PM in room 209

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, contact the Newton ADA Coordinator, Joel Reider, at least two days in advance of the meeting: jreider@newtonma.gov or (617) 796-1145. For Telecommunications Relay Service, dial 711.

Traffic Council Policy 2: Residential Handicap Parking Spaces

Date Adopted: December 9, 2008

As defined by City ordinance, it is the purpose of the Traffic Council to take action on requests for site-specific changes to parking and traffic regulations. The Traffic Council aims to be fair and consistent in its decisions when similar situations present themselves and, over time, its actions have evolved into some implicit policies. The most frequently observed policies relating to requests for on-street handicap parking spaces are listed below and are to be used as guidelines for the future. Members of Traffic Council hope that this information offers guidance to the public, Board members, and staff as it affects projects or proposals they may consider.

1. HANDICAP PARKING PLACARD

In order to apply for a handicap parking space on a residential street, a household member must have a vehicle with a handicap placard assigned to a resident at that address.

2. GARAGES AND DRIVEWAYS

For residences with garages or driveways, the applicant should be able to demonstrate that entry or exit from a vehicle within the garage or driveway is unavailable or infeasible. For example, the applicant may show that their driveway is too heavily used by others, or is too steep or narrow to allow for entry or exit.

3. ACCESSIBLE ROUTES OF TRAVEL

For residences with garages or driveways, the applicant should be able to demonstrate that an on-street parking space provides for an easier route of travel to access their home. For example, the applicant may show that an on-street parking space is closer to the main living area of their home, avoids stairs or other barriers, or otherwise creates an easier path of travel.

4. COMPETITION FOR ON-STREET PARKING SPACES

It is not in the City's interest to establish and maintain handicap parking spaces in areas with little or no competition for on-street parking. The applicant should be able to demonstrate that they are unable to access the on-street parking space nearest their home on more than an infrequent basis, due to competition for that space.

The process for handling requests for handicap parking spaces in a residential neighborhood is as follows:

- The applicant fills out a Traffic Council Petition form, available in the Clerk's Office.
- The Mayor's Committee for Persons with Disabilities (MCPD), which is composed of persons with disabilities and City staff, reviews the request and forwards a recommendation to the Traffic Council.
- The Traffic Council reviews the request, and considers the recommendation of the MCPD, (1) through (4) above, and any other relevant additional information provided by the applicant or other members of the public. The Traffic Council is composed of staff from the Planning Department, Public Works Department, Police Department, as well as an Alderman and Citizen Representative.
- Traffic Council is authorized to take final action regarding the issuance and removal of handicap parking spaces. There is currently no appeals process.

Other important information:

- All approved handicap parking spaces on public streets in Newton are available to the general public, and must be shared by all vehicles displaying valid handicap placards, on a first-come first-served basis.
- The City of Newton is not legally required to provide an on-street parking space for a person with a disability.
- Handicap parking spaces do not override other existing parking restrictions or citywide policies, are not valid during established times when no parking is allowed on the street, and do not override Newton's winter overnight parking prohibition.
- Section 19-178 of the Revised Ordinances of Newton Massachusetts provides additional detail regarding handicap parking.

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.

- (c) If any part of the fine and/or initial surcharge remains unpaid at any time subsequent to the parking clerk reporting the matter to the Registrar of Motor Vehicles of the Commonwealth of Massachusetts, pursuant to M.G.L. chapter 90, section 20A, an additional surcharge of \$5.00 shall be due and payable to the parking clerk of the city.

- (d) Notwithstanding the fines established for the offenses identified in section (a) as having a fine of either \$15.00 or \$20.00, such offenses shall be punished by a fine of twenty-five dollars (\$25.00) if the offense occurs within the geographic area designed as subject to the Tiger Parking program established by section 19-204 while such program is in effect.

(Rev. Ords. 1973, § 13-12; Ord. No. S-8, 8-8-83; Ord. No. S-43, 2-21-84; Ord. No. S-156, 2-18-86; Ord. No. 209, 7-21-86; Ord. No. S-344, 12-5-88; Ord. No. T-164, 8-8-91; Rev. Ord. No. T-142, 4-1-91; Ord. X-30, 10-7-02; X-34, 11-18-02; Ord. No. X-86, 5-17-04; Ord. No. X-96, 6-21-04; Ord. No. X-143, 3-21-05; Ord. No. X-162, 4-4-05; Ord. No. X-180, 12-19-05; Ord. Y-6, 3-19-07; Ord. No. Y-31, 8-13-07; Ord. No. Z-14, 11-5-07; Ord. No. Z-40, 01-20-09; Ord. No. Z-47, 03-16-09; Ord. No. Z-111, 06-18-12; Ord. No. A-2, 07-09-12; Ord. No. A-36, 02-03-14)

***Editor's notes**—See subsections (h), (i) and (j) of section 19-204 regarding penalties pursuant to certain violations of the temporary permit parking program known as Tiger Permit parking.

Secs. 19-10—19-24. Reserved.

**ARTICLE II.
TRAFFIC COUNCIL; TRAFFIC PETITIONS**

Sec. 19-25. Establishment of traffic council; membership.

- (a) There shall be a traffic council which shall be made up of five members, as follows:
- (1) One appointed member who shall be a resident of the City who has expertise in traffic engineering or traffic planning, shall be appointed for a term of three (3) years in accordance with the procedures of the City Charter Section 3-3. One or more alternates, who shall also be resident(s) of the city with expertise in traffic engineering or traffic planning, shall be appointed for a term of three (3) years in accordance with the procedures of the city charter Sec 3-3. The chairman may designate an alternate resident member to attend traffic council meetings as a voting member whenever the permanent resident member is unable to attend and during any such time that there is no permanent resident member due to expiration of three-year term, resignation, or other reason
 - (2) The chairman of the board of aldermen's Public Safety and Transportation Committee, or the chairman of such successor standing committee which the board of aldermen may establish to consider matters relating to parking and traffic shall serve ex-officio. Such chairman, whenever unable to attend a traffic council meeting, may designate the vice chairman of such committee to attend in the chairman's place; and in the event that the vice chairman is unavailable, the chairman may designate the senior member of such committee to attend in the chairman's place.
 - (3) The other three members shall be employees of the City, as follows: one employee of the public works department whose duties include traffic engineering, as designated by the commissioner of public works;

one sworn police officer with a rank of sergeant or higher, whose duties include management of traffic and parking enforcement, as designated by the chief of police; and one employee of the department of planning and development whose duties include transportation planning, as designated by the director of planning and development.

(b) The traffic council shall elect one of its members to serve as chairman for a term of one year, provided however, that the aldermanic member shall not be eligible to serve as chairman. (Ord. No. Z-12, 12-03-07; Ord. No. Z-23, 04-22-08)

Sec. 19-26. Authority and role of Traffic Council

(a) Subject to the provisions of section 19-30, the traffic council shall have sole authority to adopt, amend and repeal regulations governing operation and parking of vehicles at particular locations on streets and public grounds under the control of the city, and for such purposes, the traffic council shall constitute the rule-making body of the city under the provisions of section 18 of chapter 90 of the general laws and section 2 of chapter 85 of the general laws.

(b) Nothing herein shall authorize the traffic council to adopt any regulation establishing fines for violations.

(c) The traffic council shall be guided by all applicable statutes and such policies and standards which may be from time to time established by the board of aldermen pursuant to section 19-33(a).

(d) Upon request, the traffic council shall advise the mayor and/or board of aldermen on matters concerning traffic and parking issues affecting the city.

(e) The traffic council may make rules and regulations governing its procedures and filing requirements.

(f) No person shall operate or park a vehicle in violation of the traffic and parking regulations.

(g) In the construction of chapter 19, references to this chapter shall also be construed to include the traffic and parking regulations. (Ord. No. Z-12, 12-03-07; Ord. No. Z-111, 06-18-12)

Sec. 19-27. Records and regulations of the Traffic Council; clerk.

(a) The clerk of the board of aldermen shall serve as clerk to the traffic council and shall keep its records, including such regulations as it adopts from time to time. (Ord. No. Z-12, 12-03-07; Ord. No. Z-111, 06-18-12)

Sec. 19-28. Procedures for filing traffic/parking petitions; petition and signature requirements.

(a) The traffic council may not adopt, amend or repeal regulations governing operation or parking of vehicles on streets and public grounds under the control of the city unless a written petition meeting the requirements of this section has been filed.

(b) Each such petition shall clearly identify the geographic location for which traffic council review is sought. Each such petition shall be set out on the form provided by the traffic council, and filed with the clerk.

(c) Petitions for intersectional controls and regulations, including but not limited to stop signs, traffic signals, and no turn on red, must be signed by no fewer than six (6) owners or tenants of the residential, commercial and non-profit units whose building or lot of land is located within five hundred (500) feet of the affected intersection. For purposes of this subsection a "unit" shall be defined as that portion of a building or lot of land which is subject to separate ownership or lease.

(d) Petitions for parking restrictions, truck exclusions, speed limits and all other traffic regulations must be signed by one owner or tenant of no fewer than one half of the residential, commercial and non-profit units which abut the affected street or way, as the clerk in his judgment shall determine, provided that in no event shall more than ten (10) signatures be required. For purposes of this subsection a "unit" shall be defined as that portion of a building or lot of land which is subject to separate ownership or lease.

(e) Petitions concerning resident restricted areas shall be governed by the signature requirements and other provisions of section 19-201.

(f) Notwithstanding the foregoing subsections d) and e), the following petitions shall be exempt from such signature requirements:

- (1) petitions submitted by an alderman; and
- (2) petitions submitted by the chief of police or chief of fire for safety reasons;
- (3) petitions submitted by one or more members of the traffic council;
- (4) petitions submitted by the clerk of the board upon his determination that there is an inconsistency between a prior vote of the board of aldermen and the codified ordinance due to a clerical oversight; and
- (5) petitions for handicapped parking which shall be subject to the provisions of Section 19-178. (Ord. No. Z-12, 12-03-07)

Sec. 19-29. Docketing of petitions; determination of eligibility for hearing.

(a) Upon the receipt of a petition concerning a matter within the jurisdiction of the traffic council, the clerk of the board of aldermen shall make an initial determination whether it complies with the requirements of the foregoing section. In the event that it so complies, the clerk of the board shall promptly place the matter on the agenda of the traffic council, and simultaneously notify the board of aldermen that the matter has been docketed with the traffic council. (Ord. No. Z-12, 12-03-07)

(b) The chairman of the traffic council shall refer all docketed petitions to the department of public works for a preliminary determination of eligibility for hearing in accordance with the threshold standards provided in subsection (c) below. Any petition which the department determines does not meet the threshold standards shall not be added to the traffic council docket and shall be ineligible for further consideration for at least one year. The petitioner and the board of aldermen shall be so notified in writing by the traffic council. Petitions meeting the threshold standards shall proceed to a hearing before the traffic council in accordance with the provisions of Section 19-31.

(c) Threshold standards for traffic council hearing eligibility:

- (1) Petitions for stop signs, traffic signals, and all other regulatory devices shall meet the minimum standards set forth in the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways, latest edition, with amendments, as adopted by the Commonwealth of Massachusetts;

(2) Petitions for school zones, regulations governing the use or operation of heavy commercial vehicles, and speed limits shall meet the minimum standards established by the Massachusetts Department of Highways; and

(3) Petitions for traffic calming measures shall meet all of the following standards:

- i. traffic volume on the street is greater than 1,000 vehicles per day;
- ii. measured 85th percentile speeds are equal to or greater than 9 mph above the speed limit; and
- iii. for vertical deflections, street classification shall be minor collector or local street.
- iv. for raised crossing(s), the minimum criteria established by the city crosswalk policy shall be met.

(4) The traffic council shall hear site-specific requests, even if the above thresholds for hearing eligibility are not met, under one of the following conditions:

- i. as directed by the board of aldermen via site plan approval, special permit condition, or other board order or resolution;
- ii. where a Community Development Block Grant or other source of public funding has been formally allocated to fully or partially fund a site-specific traffic calming project.

(Ord. No. Z-81, 2-22-11; Ord. No. Z-111, 06-18-12)

Sec. 19-30. Procedures for Traffic Council; effective date.

(a) In order to promote citizen participation, the traffic council shall endeavor to hold its meetings during evening hours when the board of aldermen or its committees do not have regularly scheduled meetings.

(b) A majority of the members of the traffic council shall constitute a quorum. A vote to adopt, amend or repeal a regulation or to establish or discontinue a field trial shall require agreement among no fewer than three of the members, but while a quorum is present, any other motion may be adopted by a simple majority vote.

(c) The traffic council shall make every effort to complete its review of each item within three (3) months from the date the matter first appears on its agenda.

(d) Whenever the traffic council receives a petition concerning a matter which was the subject of a traffic council decision within the prior twelve month period, the traffic council shall immediately deny the petition on the ground that no action is deemed necessary, unless the traffic council determines that there has been a material and compelling change of conditions which merits further analysis.

(e) In rendering a final decision on a petition, the traffic council may approve, deny, or amend the petition, provided the petition as amended is effective within the same or a reduced geographic area.

(f) Subject to the provisions of section 19-33(c), regulations adopted, amended or repealed by the traffic council pursuant to section 19-26(a) shall become effective at the expiration of twenty days or at any later date specified by the traffic council.

(g) By September 30 of each year, the traffic council shall submit to the board of aldermen an annual report on the work of the council, which shall include a statistical summary of the items on the council's agenda, and the disposition or status of each item. The report shall include the date of the filing of each petition and the date of its disposition. (Ord. No. Z-12, 12-03-07)

Sec. 19-31. Public notice of traffic council meetings.

(a) The clerk shall send or deliver written notice of the traffic council meeting to those persons who have signed petitions which are to be heard at such meeting and to each ward alderman for the affected ward(s).

(b) In addition to such notice by the clerk, the traffic council may request the clerk to give the same notice to other parties who, in its judgment, may be substantially affected by such petition. The traffic council may also utilize other means to enhance public notice of an upcoming meeting, including but not limited to publication and/or placement of free-standing "sandwich board" signs at or near the location which is the subject of the petition. (Ord. No. V-154, 12-1-97)

(c) The traffic council may adopt such other notification procedures as it may deem appropriate. (Ord. No. Z-12, 12-03-07)

Sec. 19-32. Field trials

(a) The traffic council may, from time to time for the purpose of field trial, make temporary rules regulating the operation and parking of vehicles in connection with petitions under its consideration.

(b) The committee of the board of aldermen which has jurisdiction over appeals pursuant to section 19-33 may, as part of its consideration of a pending appeal, for the purpose of field trial, make temporary rules regulating the operation or parking of vehicles.

(c) Field trials initiated pursuant to sections a) or b) above are subject to the following provisions:

- (1) Except as provided below in subsection iii, a field trial may not exceed a period of sixty (60) days, but may be discontinued at any time by the entity initiating the trial;
- (2) Any field trial shall be promptly discontinued in the event the chief of police or the commissioner of public works determines that it constitutes a public safety hazard.
- (3) The entity initiating the field trial may vote to extend the period of the field trial upon a determination that doing so would promote public safety. Thereafter, unless the initiating entity votes to discontinue the field trial for reasons of public safety, it shall then remain in effect until a final determination upon the petition or appeal is reached. (Ord. No. Z-12, 12-03-07)
- (4) In instances where a field trial will affect traffic flow, the department of public works shall provide easily visible signage, to ensure adequate notice (both prior to and for the duration of the field trial) to passing motorists within the vicinity of the field trial.
- (5) If the petition or appeal for which the field trial was implemented is denied, the street shall be returned to its original condition as soon as practicable.
- (6) The department of public works shall provide a status report to the initiating entity at the conclusion of the field trial, and if the initiating entity so requests, on a more frequent basis during the field trial.

- (7) The department of public works shall provide to the board of aldermen a report as to the status of all on-going field trials on a quarterly basis. (Ord. No. Z-46, 12-01-08)

Sec. 19-33. Role of board of aldermen; appeals from Traffic Council.

(a) The board of aldermen may establish policies and standards regarding traffic and parking matters for particular locations, and periodically review and revise such policies and standards, to be used as guidelines by the traffic council.

(b) Following the traffic council's adoption, amendment or repeal of a regulation pursuant to said council's authority under section 19-26(a), an appeal may be taken to the board of aldermen in accordance with the procedures set out in section 19-34. The clerk of the board of aldermen shall send or deliver notice of hearing on appeal to all persons notified of the original traffic council hearing and to such other persons as the board of aldermen may determine.

(c) Upon the filing of an appeal relative to the traffic council's adoption, amendment or repeal of a regulation, the status quo shall be maintained pending final outcome of the appeal. Upon the receipt of such an appeal petition, the clerk of the board of aldermen shall treat the appeal as a new item for the board of aldermen and place it on the board's docket.

(d) The board of aldermen's decision of such an appeal may adopt, amend, or repeal regulations concerning the geographic area that was the subject of the petition initially filed with the traffic council, or may remand the matter to the traffic council for further review. (Ord. No. Z-12, 12-03-07; Ord. No. Z-79, 02-22-10)

Sec. 19-34. Procedures for filing appeals

(a) An appeal shall be filed with the clerk of the board by filing a petition meeting the requirements of this section within twenty (20) days of the traffic council's adoption, amendment or repeal of a regulation pursuant to its authority under section 19-26(a).

(b) No appeal may be filed unless the following signature requirements are met:

- (1) In the case of an appeal from a petition filed under Sections 19-28 c), d) or e), the owner/tenant signature requirements for filing the original petition are met;
- (2) In the case of an appeal from a petition filed under Section 19-28 f), the signature of any petitioner(s), provided that members of the traffic council may not file an appeal.
- (3) In the case of an appeal from a petition filed under Section 19-28 f) where any petitioner(s) does not appeal, an appeal may be taken by (1) any alderman, or (2) by an interested party provided the same owner/tenant signature requirements to initiate a petition under Sections 19-28 c), d) or e) are met. (Ord. No. Z-12, 12-03-07)

Secs. 19-35—19-45. Reserved.

**ARTICLE III.
AUTHORITY AND DUTIES OF POLICE**

Sec. 19-46. Police to direct traffic; construction sites; direction in event of fire or emergency.

- 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 15th through April 15th, 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)

Sec. 19-175. Angle parking.

(a) The board of aldermen shall determine upon what streets angle parking shall be permitted. The commissioner of public works shall mark or sign such streets or cause the same to be marked or signed.

(b) Upon streets or parts of streets which have been marked or signed for angle parking, vehicles shall be parked with one wheel within twelve (12) inches of the curb and at the angle to the curb indicated by such marks or official signs. The vehicle shall be parked so that all four (4) wheels of the vehicle shall be placed wholly within the painted lines provided. (Rev. Ords. 1973, § 13-145; Ord. No. Z-111, 06-18-12)

Sec. 19-176—19-177. Reserved. (Sections moved to Traffic and Parking Regulations (Ord. No. Z-12, 12-03-07))

Sec. 19-178. Handicapped persons and disabled veterans parking.

(a) No person shall park a vehicle upon any street or in any parking lot operated by the city in parking spaces designated for handicapped persons and disabled veterans unless said vehicle:

- (1) properly bears the distinctive handicapped or disabled veteran license plates authorized by section 2 of chapter 90 of the General Laws; or
- (2) is being used for transporting a handicapped person and properly displays the handicapped placard authorized by section 2 of chapter 90 of the General Laws; or
- (3) properly bears the official identification of a handicapped person issued by any other state, or any Canadian Province.

(b) The traffic council is authorized to establish handicapped parking spaces upon streets in accordance with the following procedure:

- (1) Any person may submit a petition to the clerk of the board of aldermen to add, remove, or relocate a disabled parking space.
- (2) Notice of the traffic council's hearing on such petition shall be sent by the clerk of the board of aldermen to the petitioner, abutters and owners of land directly opposite on any street, and abutters of abutters within 200 feet of the property line of the petitioner, as they appear on the most recent applicable tax list.
- (3) The board of aldermen may establish policies and standards, and periodically review and revise such policies and standards, to be used as guidelines by the traffic council in its review of such petitions. The traffic council shall make its determinations to establish and discontinue handicapped parking spaces in accordance with such policies and standards.
- (4) For disabled parking spaces located adjacent to a property for which the primary use is residential, the clerk of the traffic council shall notify the owner and/or occupant in January of every odd-numbered year to verify that the space continues to be utilized by a disabled person or disabled veteran. The traffic council may immediately remove any such space no longer so utilized, or any space for which no response to the clerk's inquiry is received.
- (5) The traffic council may not reconsider petitions that have been previously denied within the prior twenty-four month period, unless there has been a material change in condition.

(c) The traffic council shall maintain in its regulations a list of the locations of handicapped parking spaces that have been designated pursuant to this subsection.

(d) The commissioner of public works shall designate handicapped parking spaces in municipal off-street parking areas.

(Rev. Ord. 1989, § 19-166(o); Ord No. T-9, 2-6-89; Ord. No. T-13, 3-20-89; Ord. No. T-50, 9-18-89; Ord. No. T-61, 11-6-89; Ord. No. T-103, 9-4-90; Ord. No. T-133, 3-4-91; Ord. No. T-111, 8-12-91; Ord. No. T-181, 10-21-91; Ord. No. T-191, 11-18-91; Ord. No. T-218, 2-18-92; Ord. No. T-279, 6-21-93; Ord. No. T-292, 7-12-93; Ord. No. T-299, 9-20-93; Ords. No. U-10, U-11, U-13, 4-19-94; Ord. No. U-45, 11-7-94; Ord. No. V-13, 3-20-95; Ord. No. V-42, 11-6-95; Ord. No. V-66, 2-20-96; Ord. No. V-81, 6-2-96; Ord. No. V-95, 11-4-96; Ord. No. V-129, 7-14-97; Ord. No. V-135, 9-15-97; Ord. No. V-161, 2-17-98; Ord. No. V-185, 7-13-98; Ord. No. V-190, 8-10-98; Ord. No. V-210, 12-7-98; Ord. No. V-227, 3-1-99; Ord. No. V-242, 5-17-99; Ord. No. V-278, 2-7-2000; Ord. No. V-310, 6-5-2000; Ord. No. W-3, 8-14-00; Ord. No. W-29, 2-5-01; Ord. No. W-67, 11-19-01; W-68, 11-19-2001; Ord. X-18, 5-6-02; Ord. X-49, 5-5-03; Ord. No. X-85, 3-15-04; Ord. No. X-114, 10-18-04; Ord. X-118; 11-01-04, Ord. X-119, 11-1-04; Ord. No. X-133, 12-6-04; Ord. No. X-129, 12-20-04; Ord. No. Z-30, 07-14-08)

Statutory reference—G.L. ch. 40 § 21 cl. 23; and G.L. ch. 90 § 2

Sec. 19-179. Reserved. (Section moved to Traffic and Parking Regulations (Ord. No. Z-12, 12-03-07))

Sec. 19-180. Reserved. (Section moved to Traffic and Parking Regulations (Ord. No. Z-19, 03-17-08))

Sec. 19-181—19-187. Reserved.

DIVISION 2. PARKING METERS

Sec. 19-188. Establishment of spaces and installation of parking meters; type of meters; operation and



The Commonwealth of Massachusetts

Department of Public Safety

Architectural Access Board

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Boston, Massachusetts 02108-1618

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FILE COPY

Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

TO: Local Building Inspector
Independent Living Center
Local Commission on Disability
Complainant

Docket Number C 14 006

FROM: Architectural Access Board

RE: Inclined Lift - O'Neill Library
140 Commonwealth Avenue
Chestnut Hill

DATE: 2/25/2014

Enclosed please find a copy of the following material regarding the above location:

Application for Variance

Decision of the Board

Notice of Hearing

Correspondence

Letter of Meeting

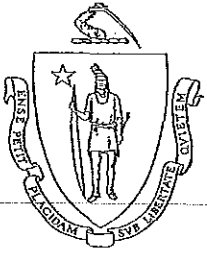
Stipulated Order

First Notice

Second Notice

The purpose of this memo is to advise you of action taken or to be taken by this Board. If you have any information which would assist the Board in this case, you may call this office, or you may submit your comments in writing to the above address.

Thank you for your assistance.



The Commonwealth of Massachusetts

Department of Public Safety

Architectural Access Board

One Ashburton Place, Room 1310

Boston, Massachusetts 02108-1618

Phone 617-727-0660

Fax 617-727-0665

www.mass.gov/dps

Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

Thomas G. Gafzulis, P.E.
Commissioner

Thomas P. Hopkins
Director

February 25, 2014

Docket Number C 14 006

William P. Leahy; S.J., President
Boston College
140 Commonwealth Avenue
Chestnut Hill, MA 02467

RE: Inclined Lift - O'Neill Library 140 Commonwealth Avenue

Chestnut Hill

Dear Mr. Leahy,

Upon information received by the Architectural Access Board, the facility referenced above has been reported to violate M.G.L. c. 22, § 13A and the Rules and Regulations (CMR 521) promulgated thereunder. Reported violations, include the following items:

Section: Reported violation:

2.6 Maintenance of Access Features: At all times, accessibility features must be maintained and fully operational. (i.e. access aisles kept clear at all times, mechanical devices be kept in operating condition, etc).

The complainant reports that the inclined wheelchair lift that the Board allowed in a variance V95 - 286 has been shut down and is not in working order.

Under Massachusetts law, the Board is authorized to take legal action against violators of its regulations, including but not limited to, an application for a court order preventing the further use of an offending facility. The Board also has the authority to impose fines of up to \$1,000.00 per day, per violation, for willful noncompliance with its regulations.

You are requested to notify this Board, in writing, of the steps you have taken or plan to take to comply with the current regulations. Please note the current sections may be different from the sections that are cited above. Unless the Board receives such notification within 14 days of receipt of this letter, it will take necessary legal action to enforce its regulations as set forth above. If you have any questions, you may contact this office.

cc: Local Building Inspector
Local Disability Commission
Independent Living Center
Complainant

Sincerely,

Walter White T.H.

Walter White
Chairperson

**Newton Commission on Disability
CDBG Access Projects Report
May 12, 2014**

Audible Pedestrian Signals (Project CD13-03R. Budget: \$6,609.25; Expended: \$0; Balance: \$6,609.25). No update.

Education Center – Accessible Building Directory Sign (Project CD14-03U. Budget: \$4,050; Expended: \$0; Balance: \$4,050). No update.

Curb Cuts - Update

FY14 Curb Cut Funds	\$139,651.63
Anticipated FY15 Curb Cut Funds	\$72,500.00
Total Funding Anticipated	\$212,151.63

Total includes the balance of the Pearl & Jackson and Newton Centre projects that came in under budget. We will have a discussion tonight of the priority locations for curb cut improvements.

Current Projects	Total Budget	Expended	Remaining
Commonwealth & Washington	\$83,170.60	\$61,510.05	\$21,660.55

Upcoming Projects	Total Budget
Lincoln & Walnut	\$75,000.00
Washington & Walnut (delayed for Washington Street MPO Study)	

Total Available for next projects \$137,151.63

Washington & Walnut – Same information as at the April meeting: Delayed until after completion of Boston Region Metropolitan Planning Organization (MPO) safety and mobility study of the Washington Street corridor between West Newton and Newton Corner:

www.ctps.org/Drupal/data/calendar/pdfs/2013/MPO_0912_Addressing_Safety.pdf

Lincoln & Walnut – Same information as at the April meeting: The Engineering and Transportation Divisions of DPW are currently reviewing design options for this intersection.

Historic Newton/The Jackson Homestead – Archives Preservation and Access (CD11-03F. Budget: \$40,000, Expended: \$0, Balance: \$40,000). Same information as at the April

meeting: The ramp project is anticipated to go out to bid in early summer, with completion of the ramp project sometime over the summer.

Newton Centre Playground Pathway Phase IV - (CD13-03M. Budget \$40,000, Expended: \$0, Balance: \$40,000).

Newton Centre Playground Pathway Phase V - (CD14-03V. Budget \$45,000, Expended: \$0, Balance: \$45,000). Same information as at the April meeting: Awaiting DPW's estimate for the cost of these two Phases, plus Phase VI, which completes the project. The construction work is anticipated to take place after Labor Day.

Retrofitting Curb Cuts (Project CD13-03Q. Budget: \$4,548.82, Expended: \$0, Balance: \$4,548.82). No update.

War Memorial Vertical and Acoustical Access Feasibility and Design – (CD13-03S. Budget \$80,000, Expended: \$74,325.85 Balance: \$5,674.15). Same information as at the April meeting: The Public Buildings Department led a site visit for the members of the Community Preservation Committee (CPC) through the Aldermanic Chamber and War Memorial, as well as to the floors below the War Memorial, to show the proposed location for the elevator. The CPC reiterated its interest in having a proposal that includes improved accessibility from the War Memorial Circle parking, so that access to the War Memorial could be more direct. The Public Buildings Department is still working on such a proposal. Commission members will be informed of when the proposal is complete and appearing before the CPC session will be taking place once it is scheduled.



Setti D. Warren
Mayor

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

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Candace Havens
Director

DATE: May 5, 2014

TO: Commission on Disability Members

FROM: Candace Havens, Planning and Development Director
Alice Walkup, Community Development Senior Planner

RE: Priority List of Intersections for Curb Cut Improvements

This memo is intended to assist the Commission on Disability members in determining the intersections to prioritize for curb cut improvements. The funding levels that are currently available and are anticipated for curb cut improvements are as follows:

Funding Availability

FY14 Curb Cuts Funds	\$139,651.63
Anticipated FY15 Curb Cut Funds	\$72,500.00
Total Funding Anticipated	\$212,151.63

Projects Prioritized for Completion

Lincoln & Walnut	\$75,000.00
Washington & Walnut (delayed for Washington Street MPO Study)	
Total Available for next projects	\$137,151.63

Intersections for consideration are organized by village and a link to a map identifying the locations is provided below, as well as in the attachment to this memo. Rough cost estimates are provided for each location, but the final cost for the work will depend upon the scope of the project.

Link to map:

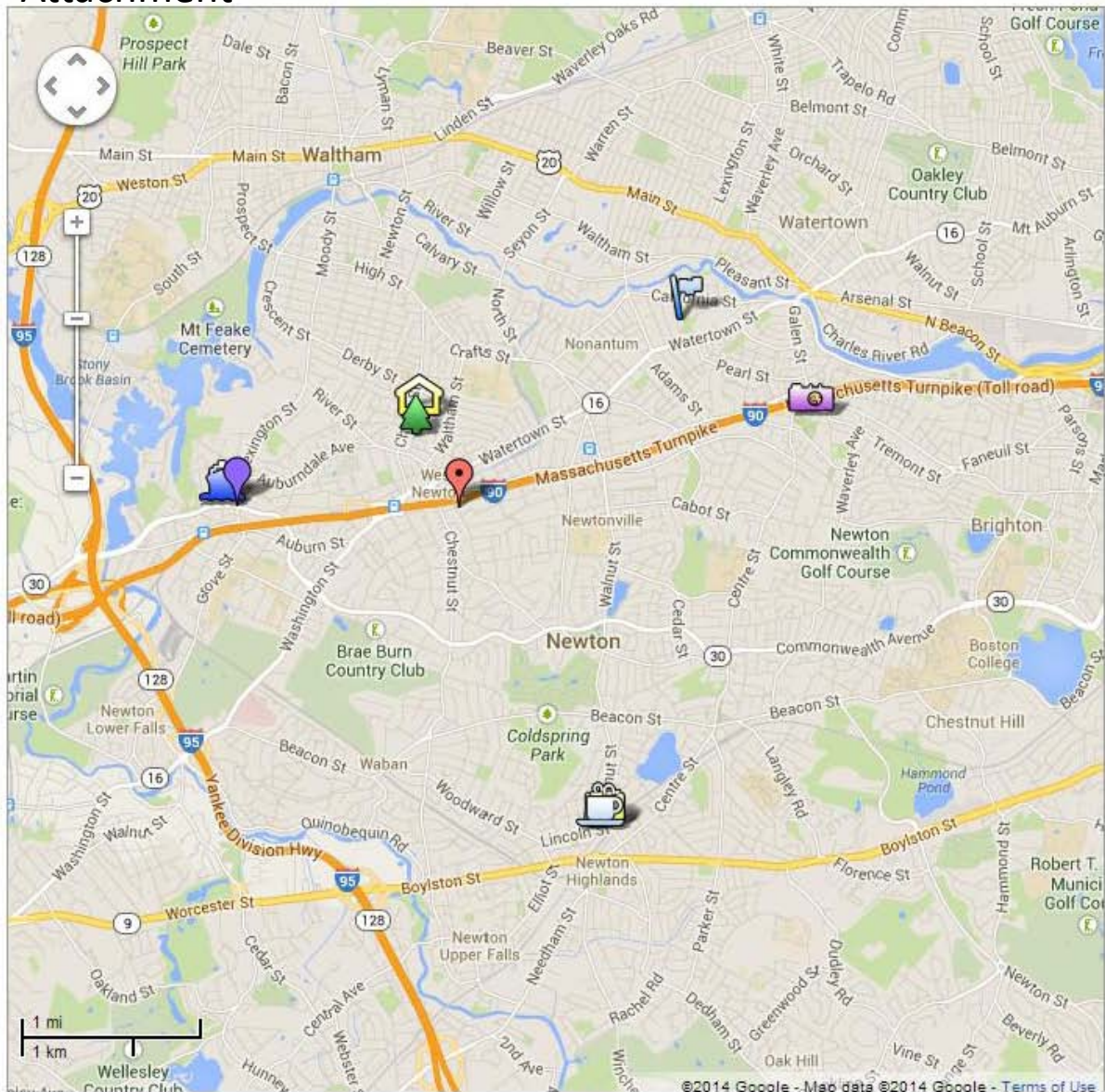
<http://maps.google.com/maps/ms?ie=UTF&msa=0&msid=206833007652087383117.0004b86613714507b33fa>

It is important to note that improvements in the Waban area, near the Angier School, will be completed using other funds, so CDBG is not needed to contribute to that project.

Potential Priority Locations for Curb Cut Improvements using CDBG Funds

1. **Auburndale**
 - a. **Lexington and Commonwealth.** Reconstruction of four apex curb and the sidewalk in front of Regan's service station (cost estimate=\$35,000). Traffic signal upgrades anticipated for these two locations within two years.
 - b. **Melrose and Commonwealth.** Improvement of four existing apex curb cuts (cost estimate=\$20,000).
2. **Newton Center**
 - a. **Centre & Hyde.** Reconstruction of 4 apex curb cuts (cost estimate=\$18,000).
 - b. **Centre & Allerton.** Reconstruction of 4 apex curb cuts (cost estimate=\$18,000).
3. **Newton Corner**
 - a. **Vernon & Baldwin.** Creation of 2 curb cuts by the Underwood School and sidewalk repair (cost estimate=\$8,000 to \$10,000).
 - b. **Centre & Sargent and Centre & Cabot.** Reconstruction of 4 curb cuts near The Carroll Center for the Blind (cost estimate=\$18,000).
4. **Newton Highlands**
 - a. **Lincoln and Hartford.** Improvement of 3 curb cuts (cost estimate=\$15,000).
 - b. **Mid-block crossing on Lincoln between Walnut and Hartford.** Improvement of 2 curb cuts with potential curb extensions to improve visibility of pedestrians (cost estimate=\$10,000 to \$15,000).
5. **Newtonville**
 - a. **Austin St. (north side) from Hillside Ave. to Star Market.** Construction of 3 curb cuts, widening of sidewalk, and fixing any slope issues on the Turnpike side of the street, allowing a local resident in a wheelchair to get to the Star Market and Newtonville neighborhood (cost estimate=\$33,000).
6. **Nonantum**
 - a. **Stearns Park at Jasset.** Improvement to 1 curb cut opposite accessible entrance to play equipment entrance of park (cost estimate=\$4,000).
7. **West Newton**
 - a. **Wellington Park on Kilburn Street.** Creation of curb cuts near accessible entrances and/or at Henshaw Street (4 apex curb cuts) and Kilburn Road, and/or South Gate Park and Kilburn Road (3 apex curb cuts) (cost estimate \$40,000).

Attachment



Potential Locations for Curb Cut Improvements

Unlisted · 6 views

Created on Feb 7, 2012 · By AliceW · Updated < 1 minute ago

-  Auburndale - Lexington & Commonwealth
-  Auburndale - Melrose & Commonwealth
-  Newton Corner - Vernon & Baldwin
-  Newton Highlands - Lincoln & Hartford
-  Newton Highlands - Lincoln Mid-block crossing
-  Newtonville - Austin & Hillside to Star Market
-  Nonantum - Jasset & Stearns Park
-  West Newton - Henshaw & Kilburn
-  West Newton - S. Gate & Kilburn

David Koses

REQUEST FOR TRAFFIC IMPROVEMENT OR CHANGE
CITY OF NEWTON TRAFFIC COUNCIL, ROOM 101A
1000 COMMONWEALTH AVENUE
NEWTON CENTRE 02459

HPI-14

RECEIVED
Newton City Clerk
2014 MAR -5 PM 3:59
David A. O'Brien
NEWTON MA 02459

The Traffic Council is administered through the Clerk of the Board's Office. The Petitioner and other parties who may in the Council's judgment be substantially affected by such petition will be notified with the first date the petition will be discussed by the Traffic Council. NOTE: There are additional petition requirements for Resident Only Permit Areas; see Sec. 19-201 of the City of Newton Ordinances. If you have further questions, please call the Clerk of the Board's Office at (617) 796-1210.

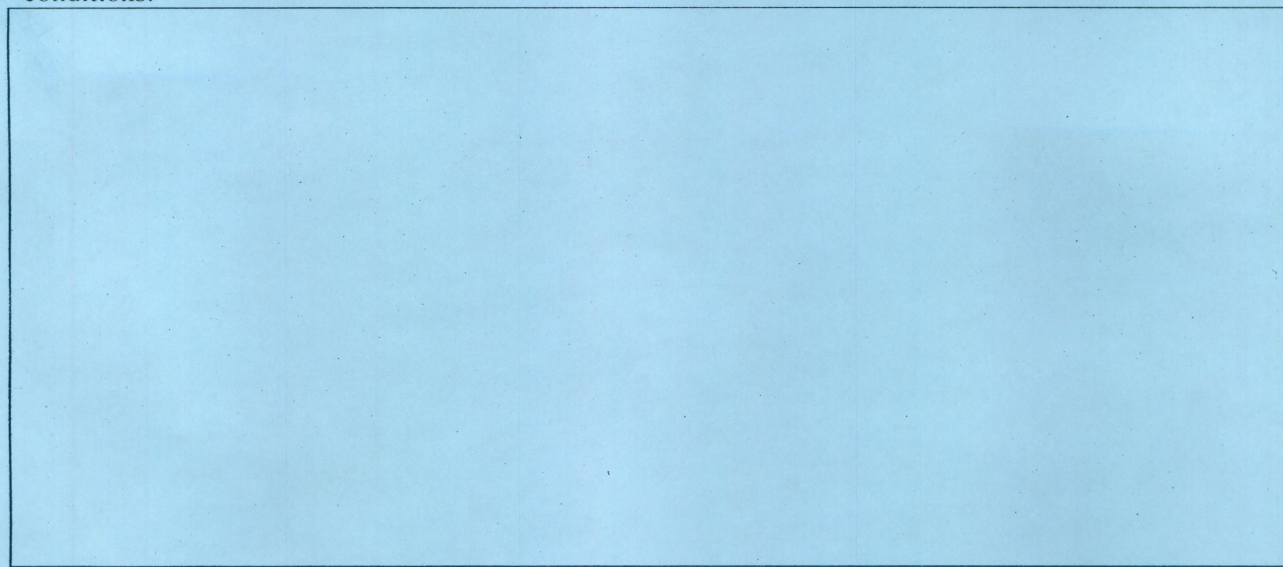
Complete both sides and submit to the Clerk of the Board's Office (PLEASE PRINT):

PETITIONER'S NAME Paula Scheer SIGNATURE: [Signature]
ADDRESS: 70 Clements Rd Newton Unit #
TELEPHONE (DAY): 617-997-2124 (EVENING): 617-997-2124

1. Identify the location and briefly describe the nature of the problem:

Paula Scheer, requesting a handicap parking spot in front of 70 Clements Rd.
(Ward 7)

2. Draw a simple diagram or attach a map in the box below that shows the subject street(s) and conditions.



↑
3. Obtain required signatures on reverse side of this form.

**REQUEST FOR TRAFFIC IMPROVEMENT OR CHANGE
CITY OF NEWTON TRAFFIC COUNCIL, ROOM 101A
1000 COMMONWEALTH AVENUE
NEWTON CENTRE 02459**

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Complete both sides and submit to the Clerk of the Board's Office (PLEASE TYPE or PRINT):

PETITIONER'S NAME _____ SIGNATURE: _____
ADDRESS: _____ Unit # _____
TELEPHONE (DAY): _____ (EVENING): _____

1. Identify the location and briefly describe the nature of the problem:

2. Draw a simple diagram or attach a map in the box below that shows the subject street(s) and conditions.



3. Obtain required signatures on reverse side of this form.

P04153678

Expires:

12-09-16

**Disabled Persons
Parking Identification Placard**



Paula Kaprielian
Registrar



SCHEER

PAULA

L



MBTA System Orientation Training

**Do you want to learn more about your transportation options
and enhance your independence?**

The MBTA, in conjunction with Somerville-based non-profit Door2Door Transportation, has developed a System Orientation training designed to familiarize seniors and customers with disabilities with the MBTA's fixed-route network of buses and trains.

The training will include both a presentation and a hands-on section. During the training you'll learn about:

- Trip planning
- Boarding and exiting procedures on buses and trains
- Customer & Operator responsibilities
- And much more

Two types of trainings are available: one for seniors and customers with disabilities generally, and one specifically for customers with vision impairments. Trainings will occur 1-2 times a month.

If, after completing the Orientation, you feel like you need additional hands-on practice with a travel trainer, you can sign up for more extensive Travel Training via Door2Door.

To learn more:

- Visit our website. Simply go to www.mbta.com, click on "Accessibility at the T", click on "The Department of System-Wide Accessibility", then click on "Tools for Accessible Travel on the T"
- Call us at 617-222-5237 or e-mail HowToTravel@mbta.com
- Like the Ways2Go Mobility Management Facebook page for up-to-date information. <https://www.facebook.com/pages/Ways2Go-Mobility-Management/1496805613878932>



To obtain this flyer in an alternate format or language, call 617-222-5237 or e-mail HowToTravel@mbta.com.

Ways2Go Travel Training

What is travel training?

Travel Training is individualized, one-to-one or small group, training on the safe use of public transit for some or all of one's travel within a public transit service area. Travel Training includes trip planning, bus schedule reading, safety skills, and other components of transit use, as well as actual practice using the bus and/or subway system to the destinations of your choice.

Why should I participate in travel training?

Travel training can increase your independence, save you money, and allow you more flexibility in your travel options. Travel training provides you the opportunity to learn, review, and practice skills needed for the safe use of the public transit system. The Travel Trainer will travel with you while you gain skills and confidence allowing you to learn at your own pace with less anxiety.

How long will it take?

The duration of travel training will vary depending upon the needs each individual. Travel training will include multiple sessions and repetition of skills and routes until you and the Travel Trainer feel confident in your ability to safely use public transit independently.

Who do I contact for more information?

Please fill out the attached referral form and give it to the person making this presentation, or call 857-756-5893, or e-mail: traveltraining@scmtransportation.org

Ways2Go Travel Training Referral Form

Consumer Information (To be completed during first contact with consumer/referral source)

Consumer Name:

Address: _____

City/State/Zip: _____

Phone number(s): _____

E-mail address:

Emergency contact: _____

Relationship: _____

Staff Name: _____

Agency or organization:

Phone number: _____

Purpose of Contact:

Travel Instruction Transportation Solutions
Coordination Other

If "Other" is selected, please specify:

How does the consumer currently get around?

Is that also an option for traveling to services/training/job]?

Yes

No

Sometimes

If sometimes, please explain:

REQUEST FOR TRAFFIC IMPROVEMENT OR CHANGE
RECEIVED BY NEWTON TRAFFIC COUNCIL, ROOM 101A
Newton City Office: 1000 COMMONWEALTH AVENUE
NEWTON CENTRE 02459

2014 APR 30 PM 2:40

The Traffic Council is administered through the Clerk of the Board's Office. The Petitioner and other parties who may in the Council's judgment be substantially affected by such petition will be notified with the first date the petition will be discussed by the Traffic Council. NOTE: There are additional petition requirements for Resident Only Permit Areas; see Sec. 19-201 of the City of Newton Ordinances. If you have further questions, please call the Clerk of the Board's Office at (617) 796-1210.

Complete both sides and submit to the Clerk of the Board's Office (PLEASE PRINT):

PETITIONER'S NAME David Koses SIGNATURE: [Signature]

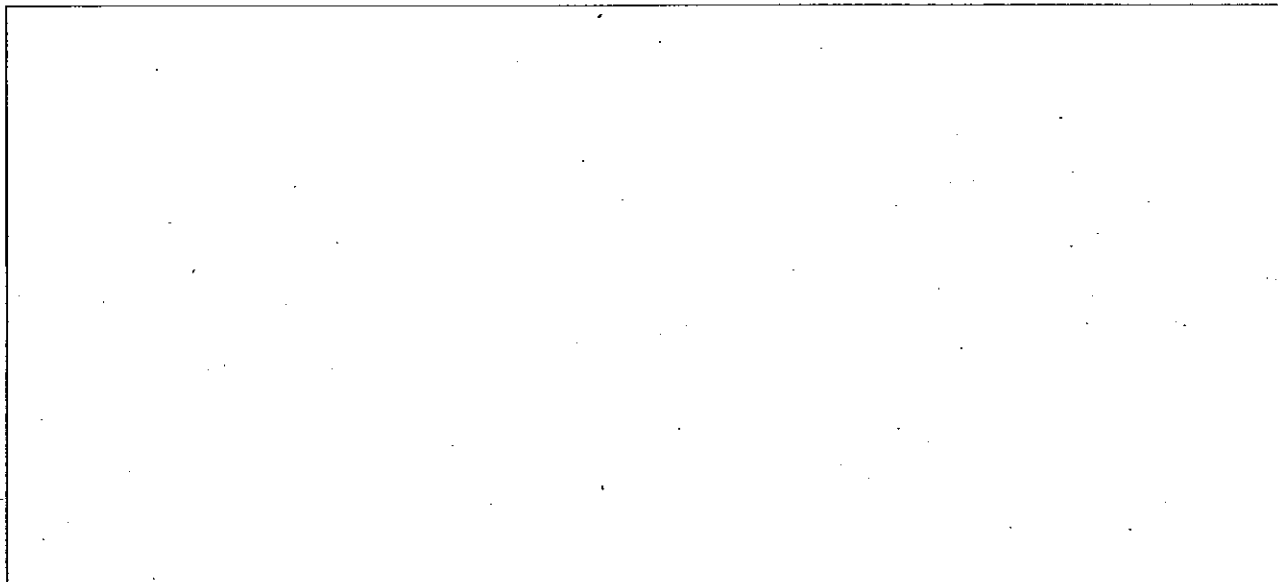
ADDRESS: _____ Unit # _____

TELEPHONE (DAY): 617-796-1133 (EVENING): _____

1. Identify the location and briefly describe the nature of the problem:

David Koses, requesting a handicap parking space on Nevada Street, in front of the ramp leading to 538 California Street, to serve staff and residents of the Charles River ARC at 538 California Street.

2. Draw a simple diagram or attach a map in the box below that shows the subject street(s) and conditions.



↑
3. Obtain required signatures on reverse side of this form.

**REQUEST FOR TRAFFIC IMPROVEMENT OR CHANGE
CITY OF NEWTON TRAFFIC COUNCIL, ROOM 101A
1000 COMMONWEALTH AVENUE
NEWTON CENTRE 02459**

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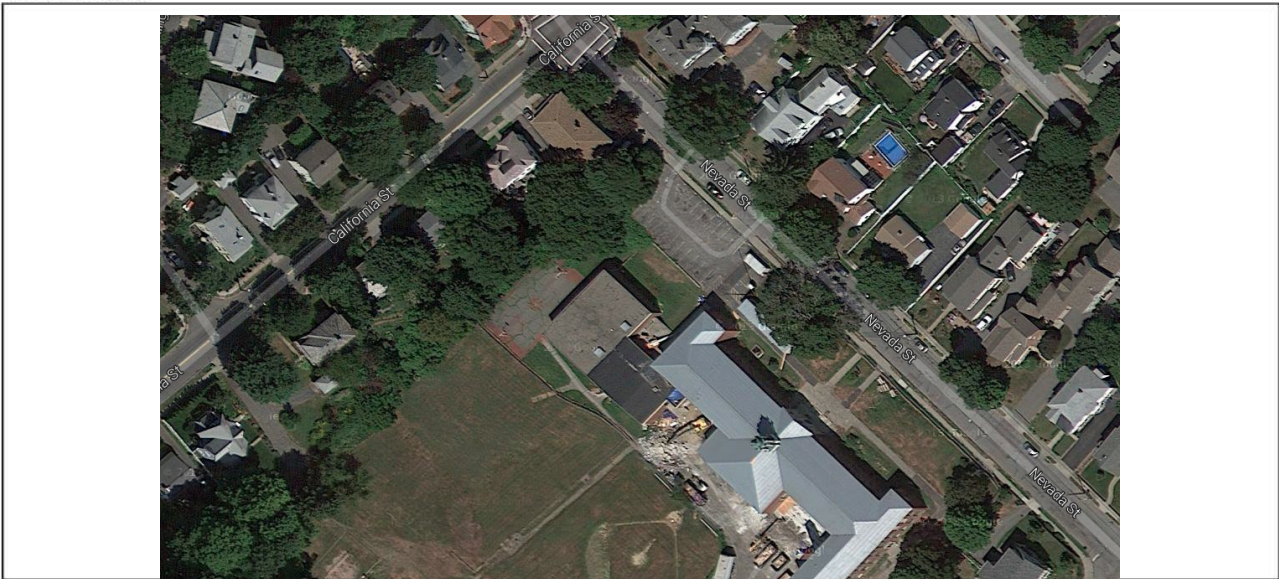
Complete both sides and submit to the Clerk of the Board's Office (PLEASE TYPE or PRINT):

PETITIONER'S NAME David Koses SIGNATURE: _____
ADDRESS: _____ Unit # _____
TELEPHONE (DAY): 617-796-1133 (EVENING): _____

1. Identify the location and briefly describe the nature of the problem:

David Koses requesting a handicap parking space on Nevada Street in front of the ramp leading to 538 California Street, to serve staff and residents of the Charles River ARC at 538 California Street. (Ward 1) [04/30/14 @ 2:40 PM]

2. Draw a simple diagram or attach a map in the box below that shows the subject street(s) and conditions.



North ↑

3. Obtain required signatures on reverse side of this form.