



Public Safety & Transportation Committee Report

City of Newton **In City Council**

Wednesday, June 21, 2017

Present: Councilors Ciccone (Chair), Yates, Harney and Norton

Absent: Councilors Blazar, Fuller, Lipof and Cote

Also Present: Councilor Danberg

City Staff: Sgt. Jay Babcock, Newton Police Department

Others Present: Girard Plante, Co-Chair, Commission on Disabilities

139-17 Possible Ordinance change regarding fines parking at a curb cut and at a fire hydrant
COUNCILORS, DANBERG, BLAZAR AND SCHWARTZ, requesting a discussion of and possible ordinance change regarding fines associated with a) reducing the fines with parking at a curb cut and b) increasing the fines when parking at a fire hydrant.
[04/20/17 @ 12:00 PM]

Action: **Public Safety & Transportation Held 4-0**

Note: Chair Ciccone stated that the administration asked that this item be held without discussion.

Without discussion, Councilor Yates made the motion to hold this item as requested. Committee members agreed 4-0.

Referred to PS&T, Programs & Services, Public Facilities and Finance Committees

#59-17 Appropriate \$350,000 for construction of a Parks & Recreation/Police building
HIS HONOR THE MAYOR requesting authorization to appropriate three hundred fifty thousand dollars (\$350,000) from Overlay Surplus for the purpose of funding the construction of a new combined Parks & Recreation and Police Department facility to be located at the Elliot Street DPW yard. [02-17-17 @ 9:29 AM]

Public Safety & Transportation Held 5-0, Councilor Yates not voting on 03/08/17

Action: **Public Safety & Transportation No Action Necessary 4-0**

Note: Chair Ciccone stated that it is the end of the fiscal year and the requested funds will no longer be available for appropriation after June 30, 2017. If this request remains desired, a new docket item should be filed.

Councilor Yates expressed concern that he is unaware of a discussion with the Ward 5 Councilors, Newton Upper Falls and Newton Highland Area Neighborhood Councils on the proposed project that may have a significant impact on Ward 5. Councilor Yates requested that he be notified prior to a feasibility study and a new docket item filing, if desired.

Without further discussion, Councilor Yates made a motion for no action necessary. Council members agreed 4-0.

#118-17 Appeal of Traffic Council Decision of new yield sign on Walnut Hill Road

COUNCILOR KALIS, appealing the Approval of TC19-17 Traffic Council Decision on April 13, 2017: TC19-17 YIGAL AGAM, 198 Woodcliff Road, requesting a) Stop sign on Walnut Hill Road, b) Stop sign on Woodcliff Road for southbound traffic and c) Median on Walnut Hill Road, so cars approach Woodcliff Road at a right angle to address safety concerns and deter speeders. (Wards 5 & 6) [07/27/15 @ 1:16 PM] [APPEAL FILED 04/18/17]

Note: Public Safety split the item into Part A and Part B.

Part A – APPEAL Approved Stop Sign on Walnut Hill Road

Part B – HELD stop sign on Woodcliff Road, southbound

Public Safety & Transportation Approved Part A and Held Part B 4-0, Councilors Fuller and Norton not voting on 06/07/17

Action: Public Safety & Transportation No Action Necessary 4-0 on Part B.

Note: Chair Ciccone stated that this item was remanded back to Traffic Council for a vote on parts b) and c). After Traffic Council votes out part b) and c) and *if* part b) is appealed, the appeal would go before the Public Safety & Transportation Committee. This Committee would not discuss the request of c).

Without discussion, Councilor Yates made a motion for no action necessary. Council members agreed 4-0.

At approximately, 7:15 p.m., Councilor Yates made a motion to adjourn. Committee members agreed 4-0.

Respectfully submitted,

Allan Ciccone, Jr. Chair

City of Newton



DEPARTMENT OF PUBLIC WORKS

TRANSPORTATION DIVISION

110 Crafts Street
Newton, MA 02460

Setti D. Warren
Mayor

DATE: May 31, 2017

TO: Members of the Public Safety and Transportation Committee

**FROM: Nicole Freedman, Transportation Director
David Koses, Transportation Coordinator**

RE: #139-17 COUNCILORS, DANBERG, BLAZAR AND SCHWARTZ, requesting a discussion of and possible ordinance change regarding fines associated with a) reducing the fines with parking at a curb cut and b) increasing the fines when parking at a fire hydrant.

MEMORANDUM

This memorandum presents examples of curb cuts located across the City, which may be used by the Committee during the discussion of fines associated with item #139-17. Part 1 presents examples of curb cuts located near bus stops, crosswalks, accessible parking spaces, or at corners. Part 2 presents examples of curb cuts that are **not** proximate to any of these features. The current fine for parking at a curb cut does not distinguish between the location or type of curb cut. We believe that in some instances, the current fine may be overly punitive.

The current fines for parking at a curb cut and for parking at a fire hydrant are as follows, as listed in Sec. 19-9. Penalty for parking violations:

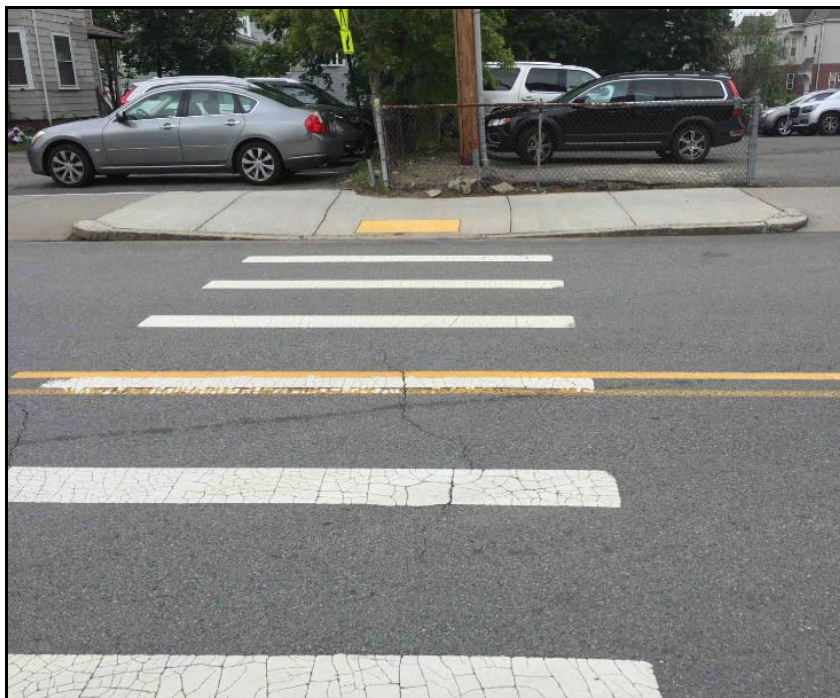
- Fire hydrant, parking within ten (10) feet \$25.00
- Curb cut, blocking a curb cut designated for handicapped access
 - *First offense \$200.00*
 - *Each subsequent offense \$300.00*

The Parking Liaison, located in the Transportation Division of DPW, handles appeals of parking citations through the City's WebQA/311 system. The Parking Liaison often receives feedback indicating that the parker did not recognize that he or she had parked at a curb cut, and complaints that the fine for this type of citation is very high. The Parking Liaison then must determine whether to waive the citation. This discussion will be valuable input to the Parking Liaison, as the Committee either reaffirms or modifies these fines.

Part 1: curb cuts located near bus stops, crosswalks, accessible parking spaces, or corners



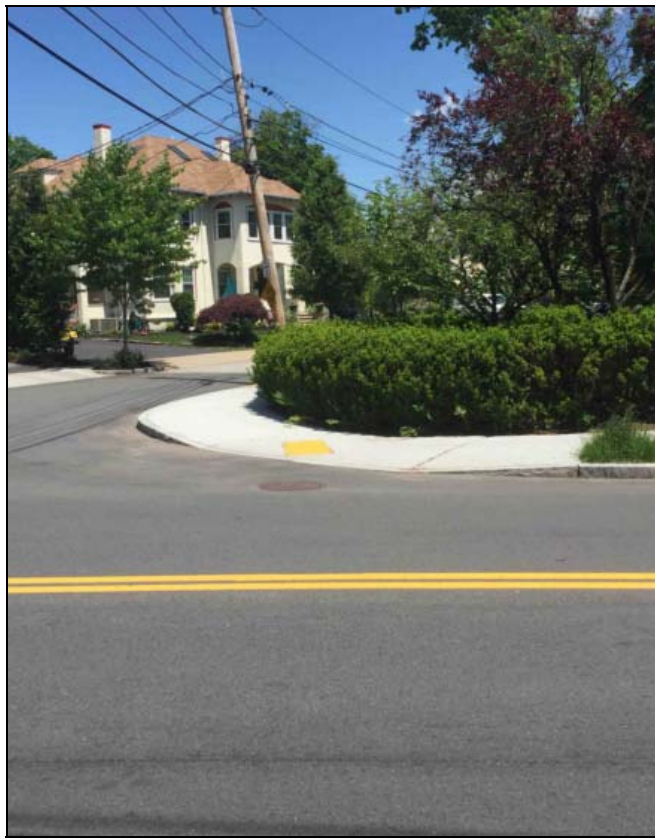
Curb cut at a MBTA Bus Stop, Washington Street at Armory Street



Curb cut at a crosswalk, Newtonville Avenue at Bowers Street



Curb cut near accessible parking spaces, Hull Street



Curb cut at a corner, Crafts Street at Lothrop Street

Part 2: Curb cuts NOT located at bus stops, crosswalks, accessible spaces, or corners



Curb cut on Brookline Street near Memorial Spaulding School



Curb cut on Dedham Street across from Brierfield Road



Curb cut on Homer Street opposite Furber Lane



Curb cut at 18 Station Avenue



Curb cut not quite at a corner, Farquhar Street near Harvard Street

Sgt. Babcock said that Ms. Wilson is very knowledgeable, an asset to Traffic Council and supports her re-appointment.

Without discussion, Councilor Harney made the motion to approve Ms. Wilson's re-appointment. Committee members agreed 4-0, Councilors Fuller and Norton not voting.

#118-17 Appeal of Traffic Council Decision of new yield sign on Walnut Hill Road

COUNCILOR KALIS, appealing the Approval of TC19-17 Traffic Council Decision on April 13, 2017: TC19-17 YIGAL AGAM, 198 Woodcliff Road, requesting a) Stop sign on Walnut Hill Road, b) Stop sign on Woodcliff Road for southbound traffic and c) Median on Walnut Hill Road, so cars approach Woodcliff Road at a right angle to address safety concerns and deter speeders. (Wards 5 & 6) [07/27/15 @ 1:16 PM] [APPEAL FILED 04/18/17]

ACTION:

Note: Public Safety split the item into Part A and Part B.

Part A – APPEAL Approved Stop Sign on Walnut Hill Road

Part B – HELD stop sign on Woodcliff Road, southbound

Public Safety & Transportation Approved Part A and Held Part B 4-0, Councilors Fuller and Norton not voting

NOTE: Sgt. Babcock, David Koses, Transportation Coordinator, Stephen Simoglou, Traffic Engineer, Councilors Kalis and Schwartz joined the Committee for discussion on this item.

Acting Chair Blazar stated that the Committee would be discussing part a), the appeal of the approved yield sign on Walnut Hill Road. The Committee will not be discussing part b), stop sign on Woodcliff Road for southbound traffic and part c), median on Walnut Hill Road as they were not docketed as part of the appeal and Traffic Council did not take an action vote on parts b) and c).

Committee members were provided with photocopies of a location map, photos, existing conditions, Manual on Uniform Traffic Control Devices guidance (MUTCD), recommendation and actions from Traffic Council on April 13, 2017.

Councilor Kalis and Schwartz described the location. Woodcliff Road is hilly. Walnut Hill Road and Alexander Road meet Woodcliff Road. The intersection of Walnut Hill Road traveling westbound is a skewed intersection, making it difficult to travel westbound because of the constant need of looking to the right and left before proceeding. Walnut Hill Road to Woodcliff Road there is poor site visibility and it is difficult when looking to the right to see drivers coming down the hill. When drivers exit Walnut Hill Road, they have the tendency to drive on the wrong side of Woodcliff Road.

Councilor Kalis stated that in Traffic Council a request for the stop sign did not meet MUTCD warrants due to low traffic volumes. He then stated that he docketed this item because he supports the installation of a stop sign at this dangerous location.

Mr. Simoglou stated that in Traffic Council, he supported and recommended the installation of a yield sign on Walnut Hill Road, westbound at Woodcliff Road clarifying which street has the right of way. A yield sign clarifies which street has the right of way.

The stop sign did not meet the MUTCD warrants. The MUTCD provides guidance to Traffic Engineers on appropriate and recommended traffic standard installations. The MUTCD manual is not binding; it provides guidance to a Traffic Engineer.

Mr. Simoglou explained the criteria requirements.

MUTCD Guidance of Right of Way at Intersections

A yield sign on Walnut Hill Road, westbound at Woodcliff Road would clarify which street has the right of way to proceed. A yield sign meets the criteria of section A in the MUTCD guidelines.

- A) An intersection of a less important road with a main road where application of the normal right of-way rule would not be expected to provide reasonable compliance with the law.

Criteria were not met in section B and C of the MUTCD warrants.

- B) A street entering a designated through highway or street; and/or
- C) An unsignalized intersection in a signalized area

Mr. Simoglou then said that data proved low traffic volumes and no crash history. He then stated that a full stop sign is not required. Because a stop sign is non-compliant, the intersection may become more dangerous than the existing conditions. Stop signs should only be considered as a last resort. A yield sign should be considered first, a less restrictive measure.

Mr. Koses expressed concern on an appropriate location to install a stop sign. If a stop sign is installed before the intersection, it is a long distance to the intersection. Drivers will stop for the sign but cannot view the cross traffic. A yield sign would be installed before the intersection. He then stated that Traffic Council cannot approve islands for the installation of the stop sign. Councilor Kalis said that a stop sign allows drivers to stop and proceed with caution. Stop signs are more pronounced than a yield sign. Councilor Schwartz asked if a road stop line would be painted? Mr. Simoglou answered no.

One email was received supporting this appeal, attached to this report. Acting Chair Blazar opened the discussion to members of the public who were present. The petitioner, Yigal Agam and residents expressed their concerns and suggestions.

Concerns: A resident stated that many commuters use Woodcliff Road and Walnut Hill Road as cut-through streets. There are many speeders, many students walking and drivers are making u-turns.

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

Sgt. Babcock stated that safety is necessary. In Traffic Council, he opposed the approval of a yield sign. After Traffic Council's approval of a yield sign, a safety officer reviewed the area and stated that there are many students walking in this area. The Police Department prefers a stop sign at this location.

Councilor Harney made a motion to **approve the APPEAL, a Stop Sign on Walnut Hill Road**. Some Committee members asked about voting on sections b) and c) in the docket item. Acting Chair Blazar re-iterated that the Committee would not be voting on part b) and c) as Traffic Council did not take action.

A resident asked why the Committee would not vote on part b) and c)? Mr. Koses said that he would understand this docket item was docketed making a request to change the Traffic and Parking Regulation (TPR) that would be part of the appeal. He feels that part a) and b) could be voted out. Traffic Council discussed part b) but focused on part a). The Committee Clerk said that the docket item is appealing the Traffic Council decision of a yield sign. Traffic Council did not take action on section b) or c).

Yigal Agam spoke and said that visibility is difficult on Woodcliff Road, southbound. It is extremely dangerous. He then stated that part b) should be voted on, as a stop sign is absolutely necessary. He then said that each request was discussed in Traffic Council.

Mr. Simoglou stated that stop signs are not meant to deter speeders. It is very difficult to change driver behavior. If a stop sign is being requested as a speed deterrent he would discourage the approval.

Acting Chair Blazar requested that Traffic Council discuss and vote part b) and c) at their next meeting.

Councilor Harney suggested dividing the appeal into sections. He then seconded his motion to **approve the APPEAL, a Stop Sign on Walnut Hill Road**. He then made a motion to **remand b) and c) to Traffic Council for further review**. It was stated that Traffic Council cannot approve part b), which would have to be approved in a Committee of the City Council. It was requested that Traffic Council discuss and vote part b) and part c) at their next meeting. Some Committee members felt that they could vote tonight on part b), a Stop sign on Woodcliff Road for southbound traffic.

Councilor Schwartz suggested requesting procedural clarification and review from the City Clerk on parts b) and c).

Councilor Kalis stated that it may be better to remand parts b) and c) to Traffic Council for further review.

Acting Chair Blazar stated that Councilor Harney seconded his motion to **approve the APPEAL, a Stop Sign on Walnut Hill Road**.

Acting Chair Blazar said that there appears to be a procedural issue and **suggested holding part b) stop sign on Woodcliff Road, southbound for procedural clarification and review**, perhaps by the Law Department or this item could be remanded to Traffic Council for further review.

Mr. Koses suggested docketing a new item for Traffic Council's consideration of part b) stop sign on Woodcliff Road, southbound.

Sgt. Babcock stated when the approved stop sign is installed. The department will conduct directed patrols issuing in the beginning verbal warnings then citations. Data and opinions would be collected and provided to Mr. Koses for presentation purposes and determining if and what issues are remaining.

Councilor Schwartz requested the Committee hold part b) for Police Department data.

FINAL MOTIONS

Note: Public Safety split the item into Part A and Part B.

Part A – APPEAL Approved Stop Sign on Walnut Hill Road

Part B – HELD stop sign on Woodcliff Road, southbound

Public Safety & Transportation Approved Part A and Held Part B 4-0, Councilors Fuller and Norton not voting

CLARIFICATION

Committee Clerk's Note: On June 8, 2017, the City Clerk advised that the following is to take place.

1)The item is remanded back to Traffic Council for a vote on part b) and c).

TC19-17**(B)&(C)** YIGAL AGAM, 198 Woodcliff Road, requesting a) Stop sign on Walnut Hill Road, b) Stop sign on Woodcliff Road for southbound traffic and c) Median on Walnut Hill Road, so cars approach Woodcliff Road at a right angle to address safety concerns and deter speeders. (Wards 5 & 6) [07/27/15 @ 1:16 PM]

(A) APPROVED AS AMENDED A YIELD SIGN, 3-2 (Babcock, Ciccone opposed).

Approved language of TPR Number 297.

2) After Traffic Council votes out part b) and c) and *if* part b) is appealed, the appeal would go before the Public Safety & Transportation Committee. This Committee would not discuss the request of c).

3) At the next Public Safety & Transportation Committee meeting a vote will be entertained for NO ACTION NECESSARY on part b) because Traffic Council did not vote on this stop sign request. Once NO ACTION NECESSARY is voted out; the item will be removed from this Committees agenda.

At approximately, 9:30 p.m., Councilor Yates made the motion to adjourn. Committee members agreed 4-0, Councilors Fuller and Norton not voting.

Respectfully submitted,

Richard Blazar, Acting Chair