



Public Safety & Transportation Committee Agenda

City of Newton **In City Council**

Wednesday, April 4, 2018

7:00 PM
Room 205

Items Scheduled for Discussion:

- #150-18 Ordinance amendments related to pilotless aircraft**
COUNCILORS ALBRIGHT AND BAKER proposing amendments to respond to recent litigation regarding the provisions of Ordinance Sec 20-64 involving pilotless aircraft.
- #189-18 Appeal of Traffic Council Decision TC9-17 Lagrange Street**
COUNCILOR LAPPIN, appealing the approval of Traffic Council petition TC9-17 on February 15, 2018 for flashing warning lights at Lagrange Street, 75 feet west of the Brookline Town Line: Flashing red (southbound from driveway at 200 Estate Drive) and flashing yellow beacon (Lagrange Street east and westbound). (Ward 8)
Public Safety & Transportation HELD 4-0, Councilors Grossman, Noel, Cote and Markiewicz not voting on 03-21-18
- #81-18 Discussion regarding preparedness for automated, electric and shared vehicles**
COUNCILOR ALBRIGHT, COTE AND DOWNS, requesting a discussion with the Director of Transportation for Planning regarding Newton's preparedness for automated vehicles, electric vehicles and shared vehicles to serve the needs of Newton's residents.

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

#80-18

Discussion on the ability to test and implement self-driving vehicles in Newton

COUNCILOR ALBRIGHT, COTE AND DOWNS, requesting the Director of Transportation for Planning create the ability to test and implement self-driving vehicles in Newton by the following: The Transportation division is requested to lead the oversight of testing and implementation of autonomous vehicles in Newton by 1) publishing guidelines for testing autonomous vehicles in Newton which may limit, the time, place and manner of the testing giving greater latitude to potential partners as their performance justifies, 2) provide regular public reporting of autonomous vehicle testing, 3) create policy recommendations with respect to autonomous vehicle technology, business models, and effect on street regulation and design, if any, 4) create policies that ensure equitable access to opportunities for those least well served by existing transportation options, including seniors, youth and those with physical disabilities, 5) provide solutions to the "last mile" problems rampant in Newton by policy that support access by all to public transportation, 6) support open data standards and API's that allow easier coordination of schedules, trip planning, and payment across public and private transportation services, 7) create policies that reinforce and prioritize walking, biking, and mass transit and lead to reduction of vehicle miles traveled.

All other items before the Committee will be held without discussion.

Respectfully submitted,

Allan Ciccone, Jr. Chair



Memorandum

To: City Council
From: Councilors Baker and Albright
Re: Drone Ordinance
Date: February 16, 2018

Dear Colleagues

You will have a chance to deliberate on merits of the item when it comes to before the Public Safety Committee at one of the future meetings, but Councilor Albright and I want to advise you that we have been working with the Law Department to see what amendments to our pilotless aircraft (or drone) ordinance made sense in light of the Federal Court decision last year invalidating several provisions. That process is now complete, and we have docketed an item accordingly.

We want to express our appreciation to Ms. Young and Ms. O'Keefe for their advice and assistance in our preparing some helpful amendments to respond to the decision. The thrust of these amendments is to clarify the ordinance, limit its effect to local authority, remove the registration requirement, encourage education about lawful use under federal and local law, and make the ordinance easier to understand and to find in an online search.

We can explain all these amendments in more detail when the item is discussed, but because so many of the Committee are new to the Committee (and the Council) we wanted to give you this early advisory about the item, and please let us know if you have any questions.

Thanks very much,

--Lisle and Susan

cc: Ouida Young and Maura O'Keefe

DRAFT

Sec. 20-64. Pilotless Aircraft Operation.

Purpose: The use of pilotless aircraft is an increasingly popular pastime as well as learning tool. It is important to allow beneficial uses of these devices while also protecting the privacy, safety and quality of life of residents throughout the City. In order to prevent nuisances and other disturbances of the enjoyment of both public and private space, regulation of pilotless aircraft is required. The following section is intended to promote the public safety and welfare of the City and its residents. In furtherance of its stated purpose, this section is intended to be read and interpreted so as not to conflict with any relevant rules and regulations of the Federal Aviation Administration, or any other federal, state and local laws and regulations.

(a) Definitions:

Pilotless Aircraft – an unmanned, powered aerial vehicle, weighing less than 55 pounds, that is operated by remote control or internally without direct human contact from within or on the aircraft, sometimes referred to as a drone or unmanned aircraft system.

(b) The City Clerk will provide educational materials on its website concerning current information about FAA Regulations and the safe operation of drones in the City of Newton.

(c) Operating Prohibitions. The use and operation of all pilotless aircraft within the City shall be subject to the following prohibitions.

(1) No pilotless aircraft shall be operated:

- (a) over any property in a manner that causes direct and immediate interference with the use or enjoyment of that property;
- (b) in a manner that interferes with any manned aircraft;
- (c) in a reckless, careless or negligent manner;
- (d) so as to use City property to launch or land the pilotless aircraft without a permit as may be required in section (d) below;
- (e) for conducting surveillance unless expressly permitted by law or court order;
- (f) for capturing a person's visual image, audio recording or other physical impression in any place where that person would have a reasonable expectation of privacy;
- (g) over any emergency response efforts;
- (h) with the effect of harassing, annoying, or assaulting a person, or creating or causing a public nuisance or trespass;

(i) in violation of a Certificate of Waiver or Authorization issued by the FAA, if so applicable, which Certificate may pertain to operation beyond the line of sight, operation over people, operation at night, or any other category of operation for which a Certificate of Waiver is required;

(j) in violation of federal or state law, or any Ordinance of the City of Newton.

(2) The Chief of Police, or designee, may prohibit the use or operation of pilotless aircraft where it is allowed, or allow the operation of pilotless aircraft where it is prohibited, during an impending or existing emergency, or when such use or operation would pose a threat to public safety.

(d) Permit May be Required:

(1) Individual Permits: A permit may be required to use land maintained by the Parks and Recreation Department, or by any other Department or Commission of the City, to launch or land a pilotless aircraft. Such permits may be issued by the Parks and Recreation Department Head, or designee, or the City entity charged with managing the property, or designee.

(2) Event Permits: The Parks and Recreation Department, or any Department or Commission charged with managing land owned by the City, may issue Permits for groups and special events. Such Event Permits will be issued to a responsible person who will insure that all operators participating in the event adhere to the requirements of this ordinance.

(3) Educational Permits: The Parks and Recreation Department, or any other City agency with authority over the use and maintenance of City land, may permit the operation of pilotless aircraft for educational purposes. Educational permits must be issued to a responsible adult, and in conjunction with an educational purpose sanctioned by an educational organization.

(e) Proof of Federal Registration; Proof of Certificate of Waiver or Authorization: Operators who are subject to FAA registration or who are required to seek and obtain a Certificate of Waiver or Authorization shall provide proof of such documentation to authorized City personnel upon request.

(f) Noise Ordinance: All Operators shall comply with the Noise Ordinance at Section 20-13, as amended, at all times while operating pilotless aircraft within the City.

(g) Penalties: A violation of any section of this Ordinance shall result in a warning for the first offense and shall be punishable by a fine of \$50.00 for each offense thereafter.

(h) Separate Violations: Action taken pursuant to this section shall not bar any separate action by any other City Department for any other violations.

- (i) Severability: If any provision of this section is held to be invalid by a court of competent jurisdiction then such provision shall be considered severable from the remaining provisions, which shall remain in full force and effect.
- (j) Regulations: The City and its Departments may promulgate rules, regulations and policies for the implementation of this Ordinance.

Sec. 20-64. Pilotless Aircraft Operation.

Purpose: The use of pilotless aircraft is an increasingly popular pastime as well as learning tool. It is important to allow beneficial uses of these devices while also protecting the privacy, safety and quality of life of residents throughout the City. In order to prevent nuisances and other disturbances of the enjoyment of both public and private space, regulation of pilotless aircraft is required. The following section is intended to promote the public safety and welfare of the City and its residents. In furtherance of its stated purpose, this section is intended to be read and interpreted in harmony so as not to conflict with all any relevant rules and regulations of the Federal Aviation Administration, and or any other federal, state and local laws and regulations.

(a) Definitions:

Pilotless Aircraft – an unmanned, powered aerial vehicle, weighing less than 55 pounds, that is operated by remote control or internally without direct human contact from within or on the aircraft, sometimes referred to as a drone or unmanned aircraft system.

(b) The City Clerk will provide educational materials on its website concerning current information about FAA Regulations and the safe operation of drones in the City of Newton.

Registration: Owners of all pilotless aircraft shall register their pilotless aircraft with the City Clerk's Office, either individually or as a member of a club, as follows:

~~————(1)—— Individual Registration: Individual owners of pilotless aircraft shall register each pilotless aircraft with the City Clerk's office, prior to operation. The cost of registration shall be \$10.00 per Owner and such cost of registration shall include all pilotless aircraft owned by the Owner. Owners must have proof of registration in their possession when operating a pilotless aircraft. Registration shall include the following:~~

~~(a)—— The owner's name, address, email address and phone number;~~

~~(b)—— The make, model, and serial number, if available, of each pilotless aircraft to be registered;~~

~~(c)—— A copy of the Owner's Federal Aviation Administration Certificate of ———
———Registration for pilotless aircraft;~~

~~————(2)—— Club Registration: Members of a pilotless aircraft hobby club may register their pilotless aircraft through a responsible adult member of the Club. Each Club shall be issued a single identifying registration number by the City Clerk's Office to be affixed to each pilotless aircraft belonging to members of the Club. The cost of Club Registration shall be \$10 per Club and the cost of registration shall include all members of that Club. The responsible adult member shall update the Club's roster of members with the Clerk's office on an annual basis. All other requirements of Section 2(a)(i-iii) shall apply to Club registration.~~

(~~ec~~) Operating Prohibitions. The use and operation of all pilotless aircraft within the City shall be subject to the following prohibitions.

(1) No pilotless aircraft shall be operated:

(a) ~~over private property at an altitude below 400 feet without the express permission of the owner of said private property~~ over any property in a manner that causes direct and immediate interference with the use or enjoyment of that property;

(b) ~~at a distance beyond the visual line of sight of the Operator;~~

~~—(c)—~~ in a manner that interferes with any manned aircraft;

(~~dc~~) in a reckless, careless or negligent manner;

(~~ed~~) ~~over any school, school grounds, or other City property or sporting event without prior permission from the City, unless a permit is required as in Section 4, below~~ so as to use City property to launch or land the pilotless aircraft without a permit as may be required in section (d) below;

(~~fe~~) for ~~the purpose of~~ conducting surveillance unless expressly permitted by law or court order;

(~~gf~~) for ~~the purpose of~~ capturing a person's visual image, audio recording or other physical impression in any place where that person would have a reasonable expectation of privacy;

(~~hg~~) over any emergency response efforts;

(~~ih~~) with the ~~intent to effect of~~ harass~~ing~~, annoy~~ing~~, or assault~~ing~~ a person, or ~~to create~~ing~~ or cause~~ing~~~~ a public nuisance or trespass;

(i) in violation of a Certificate of Waiver or Authorization issued by the FAA, if so applicable, which Certificate may pertain to operation beyond the line of sight, operation over people, operation at night, or any other category of operation for which a Certificate of Waiver is required;

(j) in violation of federal or state law, or any Ordinance of the City of Newton.

(2) The Chief of Police, or designee, may prohibit the use or operation of pilotless aircraft where it is allowed, or allow the operation of pilotless aircraft where it is prohibited, during an impending or existing emergency, or when such use or operation would pose a threat to public safety.

(d) Permit May be Required:

(1) Individual Permits: A permit may be required to use land maintained by the Parks and Recreation Department, or by any other Department or Commission of the City, to launch or land a pilotless aircraft. Such permits may be issued by the Parks and Recreation Department Head, or designee, or the City entity charged with managing the property, or designee. ~~Individual operators shall adhere to the registration requirements of Section 2 above.~~

(2) Event Permits: The Parks and Recreation Department, or any Department or Commission charged with managing land owned by the City, may issue Permits for groups and special events. Such Event Permits will be issued to a responsible person who will insure that all operators participating in the event adhere to the requirements of this ordinance, ~~except that individual participants in an event under this subsection are not required to register in accordance with Section 2.~~

(3) Educational Permits: The Parks and Recreation Department, or any other City agency with authority over the use and maintenance of City land, may permit the operation of pilotless aircraft for educational purposes. Educational permits must be issued to a responsible adult, and in conjunction with an educational purpose sanctioned by an educational organization.

(e) Proof of Federal Registration; Proof of Certificate of Waiver or Authorization: Operators who are subject to FAA registration or who are required to seek and obtain a Certificate of Waiver or Authorization shall provide proof of such documentation to authorized City personnel upon request.

(f) Noise Ordinance: All Operators shall comply with the Noise Ordinance at Section 20-13, as amended, at all times while operating pilotless aircraft within the City.

(fg) Penalties: A violation of any section of this Ordinance shall result in a warning for the first offense and shall be punishable by a fine of \$50.00 for each offense thereafter.

(gh) Separate Violations: Action taken pursuant to this section shall not bar any separate action by any other City Department for any other violations.

(hi) Severability: If any provision of this section is held to be invalid by a court of competent jurisdiction then such provision shall be considered severable from the remaining provisions, which shall remain in full force and effect.

(ij) Regulations: The City and its Departments may promulgate rules, regulations and policies for the implementation of this Ordinance.

PILOTLESS AIRCRAFT FAQs

The following Frequently Asked Questions are intended to help pilotless aircraft operators understand the requirements contained in the City of Newton's ordinance.

As many are aware, pilotless aircraft technology has advanced at a rapid pace so that pilotless aircraft are now commonly used for commercial purposes and as an everyday hobby for individuals of all ages. The challenge for the City of Newton, with its unique blend of both urban and suburban environments, is to create a framework that permits all pilotless aircraft users to engage with this new and exciting technology, while providing for the safety and security of all residents. The purpose is to allow the use of pilotless aircraft technology in a way that minimizes the possibility of damaging public and private property or creating a nuisance for our neighbors.

To accommodate the interests of every resident, the City has created a permitting process that allows for the safe operation of pilotless aircraft in public spaces. These FAQs provide standards for good practices to use while flying your pilotless aircraft. The ordinance is premised on the general rule that you should always operate your pilotless aircraft in a safe and careful manner and be aware of your surroundings.

These FAQs will be updated, as needed, to reflect any changes in the FAA's regulations, state or federal law that may affect the operation of your pilotless aircraft.

I already registered my pilotless aircraft with the FAA, do I have to register again?

- No. You are only required to register with the FAA. Please visit https://www.faa.gov/uas/getting_started/registration/ for information on how you can register your drone.

Does the FAA also regulate pilotless aircraft?

- Yes it does.
- The FAA regulates any aircraft that operates in navigable airspace, which can include pilotless aircraft.
- The City of Newton ordinance regulates the use of City property for flying drones, and creates prohibitions on flying a drone in a way that interferes with other people or property.

Where can I fly my pilotless aircraft?

- An owner can operate their pilotless aircraft on their own property.

- Pilotless aircraft can be operated using public land with permission. Sometimes a permit may be required from the Parks and Recreation Department. In order to obtain a permit to use City of Newton land to fly a pilotless aircraft, please contact the Parks and Recreation Department through their permitting portal on the City's website:
http://www.newtonma.gov/gov/parks/applications_n_permits/pilotless_aircraft.asp
- The Parks and Recreation Department will allow the use of City land to fly pilotless aircraft where there is sufficient space to operate. Locations and times will vary depending on the time of year in order to allow for various types of recreation activities for all members of the public.
- Operating a pilotless aircraft in a careless, reckless, or negligent manner is prohibited anywhere in the City.
- Operating in a way that harasses someone else, or prevents them from enjoying their own property is also prohibited.
- Pilotless aircraft may not be operated over any emergency response situation.

How do I get a permit to launch or land my pilotless aircraft from public property in Newton?

- Visit the Parks and Recreation Department pilotless aircraft permitting website:
http://www.newtonma.gov/gov/parks/applications_n_permits/pilotless_aircraft.asp
- This website also gives you information about where and when pilotless aircraft can be flown.

What is a Federal No Fly Zone?

- According to the FAA regulations, there are no-fly zones where pilotless aircraft are prohibited. These federal no-fly zones include restricted or special use airspace, stadiums and sporting events including MLB, NFL, and NCAA Division One Football, wildfires, airports, and emergency response efforts.
- Within 5 miles of an airport, the FAA requires notification to the airport operator and control tower prior to operation. For exact locations on where you are not allowed to fly your pilotless aircraft, there are several informative mobile phone applications available on the market.

Are there any Federal No Fly Zones in Newton?

- No Fly Zones include: national parks, military bases, and within 5 miles of any medium or large sized airport.
- Currently there are no existing Federal No Fly Zones in Newton.

May I fly my pilotless aircraft over people or at night?

- The FAA generally prohibits flying pilotless aircraft over people or at night, for example, without a Certificate of Authorization or Waiver. While the City does not regulate safety aspects of the operation of pilotless aircraft such as flight over people or flying at night, the City may require proof that an operator has a Certificate of Authorization or Waiver for any activities regulated by the FAA.
- Before you operate your drone, please check with the FAA for the pilotless aircraft activities that may require a Certificate of Authorization or Waiver. You can find updated information about Certificates of Authorization or Waiver on the FAA's website at: <https://www.faa.gov/uas/faqs/>

Will the FAA issue fines for operation of pilotless aircraft?

- The FAA can issue fines and have done so in cases where people have carelessly and recklessly operated pilotless aircraft in an unsafe manner in the airspace in the jurisdiction of the FAA. The FAA may assess civil penalties up to \$27,500 for not registering your pilotless aircraft and criminal penalties of up to \$250,000 in fines and/or three year imprisonment. However, there are no set standards for administering fines. The FAA will consider the nature of the violation.
- The City of Newton will give an offender a warning for the first offense and then a \$50.00 fine for each subsequent offense that violates the Ordinance.

Am I able to audio record with my pilotless aircraft?

- According to the Massachusetts wiretap statute (M.G.L c. 272 §99), a person may not secretly record any oral communications or conversations with the use of a device. The statute does not distinguish between public and private oral communications, so even speech in public can be considered private and not available to record, without permission.

What do I do if a pilotless aircraft is bothering me in my backyard?

- Please take a picture of the pilotless aircraft and contact the City of Newton Police Department. We are asking the citizens of Newton not take the matter into their own hands.

Are there any useful pilotless aircraft applications for my mobile phone?

- There are many useful apps on the market that show No Fly Zones and provide helpful information about safe operation of pilotless aircraft.



City of Newton
Police Department



TELEPHONE
(617) 796-2101
FAX # (617) 796-3679

Office of the Chief of Police

HEADQUARTERS
1321 WASHINGTON STREET
NEWTON, MASSACHUSETTS 02465

DAVID L. MACDONALD
CHIEF OF POLICE

March 2, 2018

Honorable City Council
Newton City Hall
1000 Commonwealth Ave.
Newton, Ma. 02459

Dear Newton City Councilors,

Re: Proposed Ordinance on Pilotless Aircraft.

I believe the current proposal has the potential to assist the Newton Police Department by identifying the owner for the return of lost property or in furthering a criminal trespass or other investigation in a timely manner.

Commissioner DeRubeis has articulated several other ways that this ordinance could assist the Parks and Recreation Department. I would also lend my support for the reasons expressed by the Commissioner.

Sincerely,

A handwritten signature in black ink, appearing to read "DL MacDonald".

David L. MacDonald
Chief of Police





NEWTON PARKS AND RECREATION DEPARTMENT

246 Dudley Rd., Newton, MA 02459
Office: (617) 796-1500 / Fax: (617) 796-1512
TDD/TTY: (617) 796-1089
parks@newtonma.gov



RUTHANNE FULLER
MAYOR

ROBERT J. DERUBEIS
COMMISSIONER

March 2, 2018

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Ladies and Gentlemen:

I have had an opportunity to review the revisions that have been made to Ordinance, Section 20-64 Pilotless Aircraft Operation. The revisions do not affect the ability of Parks & Recreation to control the use of drones on public land. Parks & Recreation continues to be in favor of this ordinance and will work with the Council and other city departments to make sure that this continues to be a process that will allow for a safe, orderly use of pilotless aircraft on public land within the city.

Sincerely,

Robert J. DeRubeis

COMMISSION
MEMBERS

WARD 1 – BETHEL CHARKOUDIAN
WARD 2 – ARTHUR MAGNI, CHAIRMAN
WARD 3 – PETER JOHNSON

WARD 4 – PETER KASTNER
WARD 5 – BYRON DUNKER
WARD 6 – ANDREW STERN

WARD 7 – RICHARD TUCKER, VICE-CHAIR
WARD 8 – VACANT
SECRETARY-ROBIN MCLAUGHLIN

ALTERNATES: MICHAEL CLARKE, JACK NEVILLE, SAM FIGLER, PAT PALMER

WWW.NEWTONMA.GOV/GOV/PARKS

City Council

2018-2019

City of Newton

**PUBLIC SAFETY & TRANSPORTATION COMMITTEE MEETING NOTICE**

Dear Resident:

The Public Safety & Transportation Committee of the City Council will be discussing the following item, which may be of interest to you, at its meeting on Wednesday, April 4, 2018 at 7:00 p.m. in Room 205, Second Floor, City Hall. The meeting is open to the public and if you would like further information on the item, you are encouraged to attend.

#189-18 Appeal of Traffic Council Decision TC9-17 Lagrange Street

COUNCILOR LAPPIN, appealing the approval of Traffic Council petition TC9-17 on February 15, 2018 for flashing warning lights at Lagrange Street, 75 feet west of the Brookline Town Line: Flashing red (southbound from driveway at 200 Estate Drive) and flashing yellow beacon (Lagrange Street east and westbound). (Ward 8)

If you are unable to attend this meeting but would like to offer comments in writing for consideration, please forward your comments to the Office of the City Council, 1000 Commonwealth Avenue, Newton Centre, 02459 or e-mail to Danielle Delaney at ddelaney@newtonma.gov by Tuesday, April 3, 2018.

Sincerely,

Danielle Delaney
Committee Clerk
Public Safety & Transportation Committee

140 Vine Street
Chestnut Hill, Massachusetts 02467-3051

March 20, 2018

Commissioner James McGonagle
Newton Department of Public Works
1000 Commonwealth Avenue
Newton Centre, Massachusetts 02459

Mayor Ruthanne Fuller
Newton City Hall, Mayor's Office
1000 Commonwealth Avenue
Newton Centre, Massachusetts 02459

Officer Donald Fleming
Traffic Bureau
Newton Police Department
25 Chestnut Street
Newton, Massachusetts 02465

RECEIVED
Newton City Clerk
2018 MAR 22 PM 3:24
David A. Olson, CMC
Newton, MA 02459

Re: Hancock Estates - Crosswalk (Docket No. 189-18)

Dear Commissioner McGonagle, Mayor Fuller, and Officer Fleming:

We have been attending the Kessler Woods Neighborhood Liaison Committee meetings held in connection with the Hancock Estates project. One of the matters that remains on the agenda is the unresolved issue of signals at the crosswalk at the entrance to the complex. The purpose of the crosswalk is to allow pedestrians to cross from the the apartment building to the sidewalks and bus stations on the opposite side of Lagrange Street, and to cross back. Safety, for both vehicles and walkers, is an obvious concern, especially the safety of children.

As we understand it, an insufficient number of vehicles are projected to enter or leave the building grounds to warrant an overhead red light that, when activated, would signal traffic to stop.

As a solution, Hancock Estates is proposing the installation at the entrance to the apartment complex, near the crosswalk, of a warning beacon that continually flashes yellow and a flashing red exit light.

Some participants in the Liaison Committee meetings have expressed the view that such a beacon will not have the intended effect of slowing vehicular traffic enough (a) to help assure that pedestrians can get across Lagrange Street safely or (b) to facilitate the ebb and flow of cars

in and out of the complex. We share their concern. It is our experience that continually flashing yellow lights end up being ignored (even with periodic police enforcement), so any traffic calming effect is minimal. The red light at the entrance will not accomplish anything that a stop sign cannot — except add light pollution generally (and an annoyance to neighbors within sight of it) and accentuate Hancock Estates to potential renters.

City Councilor Cheryl Lappin, a member of the Liaison Committee and an active participant in the Hancock Estates process, has suggested a sensible alternative. The solution she encourages is the installation of two traffic signal poles, one on either side of Lagrange straddling the crosswalk. Each pole would have a pedestrian-activated flashing yellow light. The warning light would only flash when a button is pushed.

We agree that the pedestrian-activated warning device is preferable. It is much more likely to have the desired effect of actually getting approaching vehicles to slow down and stop when a pedestrian is ready to use the crosswalk. Because motorists become blasé about continually flashing yellow lights, we believe that there would be no sacrifice of vehicular safety if the two pedestrian activated pole lights and a stop sign are selected rather than the constant yellow overheads and red light option.

Even if, for argument sake, the overhead yellows and the red light somehow were better for vehicle safety, that would occur at the expense of the pedestrian safety which Ms. Lappin's idea would provide. The safety of people on foot should be the paramount objective — in keeping with the development's board order that we understand mandates a pedestrian light to help protect the crosswalk.

Thank you for considering our thoughts on this subject.

Very truly yours,

Annie Wisschhoff
Annie and Hynrich Wieschhoff

cc: Cheryl Lappin
Newton City Councilor - Ward 8
6 Dorcar Road
Chestnut Hill, Massachusetts 02467

✓ Danielle Delaney
Clerk, Newton Public Safety and Transportation Committee
1000 Commonwealth Avenue
Newton Centre, Massachusetts 02459

APPEAL OF TRAFFIC COUNCIL DECISION
CITY OF NEWTON TRAFFIC COUNCIL, ROOM 105
1000 COMMONWEALTH AVENUE
NEWTON CENTRE, MA 02459

This form shall be completed by residents or a City Councilor who wish to appeal a Traffic Council decision. This form must be completed and filed with the City Clerk within twenty (20) calendar days of the Traffic Council vote. Requirements for signatures in the matter of appeals are described in Sec.19-33 and 19-34 of the Revised Ordinances of the City of Newton, 2007, as amended by Ordinance Z-12. The Appellant 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 City Council. Note: There are additional appeal 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 City Council's Office at (617)796-1210.

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

APPELLANT'S NAME: Councilor Cheryl Lappin SIGNATURE: [Signature]
 ADDRESS: _____ Unit # _____
 TELEPHONE (DAY): _____ (EVENING): _____

PETITION #: TC - 917

REASON FOR APPEAL:

pedestrian safety not addressed
adequately.

RECEIVED
 Newton City Clerk
 2018 MAR - 6 PM 2:57
 David A. Olson, CMC
 Newton, MA 02459

CITY OF NEWTON
IN CITY COUNCIL
TRAFFIC COUNCIL REPORT

THURSDAY, FEBRUARY 15, 2018

Note: Below is a summary of Traffic Council actions only. A full meeting report summarizing the Council's discussion and public testimony regarding each agenda item will be posted on the City website in approximately two weeks following the above meeting date.

Present: David Koses, Traffic Council Chair; Sgt. John Babcock, Newton Police Department; Stephen Simoglou, Traffic Engineer and Alicia Wilson, Resident Member

Also Present: Councilors Cote, Lipof and Lappin

Mr. Koses and Simoglou provided Council members with a PowerPoint presentation, attached to this report.

TC9-17 DAVID KOSES, TRANSPORTATION COORDINATOR AND STEPHEN SIMOGLU, TRAFFIC ENGINEER, requesting discussion and approval of a new RRFB to be installed on Lagrange Street between the Kessler Woods site driveway and the Brookline Town Line, to be funded entirely by the Kessler Woods Developer (Chestnut Hill Realty Development LLC), and subsequently owned and maintained by the City, in accordance with Board Order 102-06(12) dated November 17, 2014. (Ward 8) [02/06/17 @ 9:16 AM]
HELD 5-0 on 03/16/17
HELD 4-0 on 05/25/17, Blazar not voting
HELD 3-0 on 11/16/17, Ciccone not voting
ACTION: APPROVED AS AMENDED 3-1 (Babcock opposed). Approved the language of TPR 394. TPR 394 approves a beacon at the intersection of Lagrange Street and the Kessler Woods driveway that flashes yellow on Lagrange Street and red at the Kessler Woods driveway. This item may be appealed through the close of business March 7, 2018.

NOTE: Council members were provided with a location map, site photos and proposed locations of flashing warning beacons and a recommendation.

Mr. Koses proposed to Council members the recommendation of installing flashing warning light locations at Lagrange Street, 75 feet west of the Brookline Town Line by installing a flashing red (southbound from driveway) and a flashing yellow beacon at (Lagrange Street east and westbound).

Mr. Koses opened the discussion to members of the public who were present.

Robert Michaud, Managing Principal, MDM Transportation Consultants, Inc. stated that MDM has worked on this project for several years including holding community meetings. MDM obtained a special permit for this project to establish a traffic control at this location. During the community meetings, residents expressed concerns regarding the location of the driveway, presence of the crosswalk at the driveway and suggested that drivers approaching the driveway be alerted of the driveway. Residents requested appropriate controls be installed at the crosswalk locations.

The Special Permit Board Order depicts a crosswalk and a driveway at the apex of the road. It was determined through the MDM peer review process that this was the best location for visibility purposes. MDM has designed a plan alerting drivers that they are approaching a driveway and crosswalks by installing MUTCD compliant warning beacon signs and warning signs indicating that pedestrians are crossing ahead. The Special Permit identified installing a HAWK signal, which did not meet warrants or a RRFB, which the State did not approve. The residents and MDM prefer a full traffic signal, but this does not meet warrants. Flashing beacons are the best option that meet the MUTCD warrants. Mr. Simoglou said that the RRFB was not approved due to a patent issue. Mr. Koses asked whether Brookline has approved the proposed "pedestrians ahead" sign. Mr. Michaud did not have this information available.

Councilor Lappin stated that the initial concern was the crosswalk and lack of visibility. She feels that a flashing yellow light provides a false sense of security to pedestrians. Currently, there are few pedestrians crossing LaGrange Street, but this number will increase when the development is occupied. The bus stop is located across the street from the development, requiring that pedestrians cross Lagrange Street. Councilor Lappin then expressed concern that pedestrian safety is necessary and a flashing light is not adequate to stop traffic. She then asked if other signal alternatives should be considered. Mr. Simoglou answered no.

Councilor Lappin expressed concern and asked what the median speed of vehicles traveling and number of vehicles traveling on LaGrange Street per day? Mr. Michaud answered that the 85% speed is 42 miles per hour and approximately 12,000 vehicles travel on LaGrange Street per day.

Sgt. Babcock said that the crosswalk abuts a dirt and gravel berm; there is no sidewalk on the south side. Pedestrians will have to cross LaGrange Street to access sidewalks on the north side. He then asked if the proposed flashing lights would turn solid red allowing safe pedestrian crossings. Mr. Simoglou answered no. Sgt. Babcock then stated that he is opposed to flashing warning lights in this area because they provide a false sense of security. He then suggested installing "flashing" warning signs indicating that pedestrians are crossing ahead.

Council members were provided with a draft Traffic and Parking Regulation (TPR) for consideration. Without further discussion, Mr. Koses made a motion to approve TPR 394. Council members agreed 3-1, Sgt. Babcock opposed because he is opposed to flashing warning lights in this area because they provide a false sense of security. Mr. Koses stated that this item may be appealed through the close of business March 7, 2018.

CORRECTED BY LAW ON 02/26/18

TC9-17

CITY OF NEWTON

TRAFFIC & PARKING REGULATION

TPR NO. 394

February 15, 2018

In accordance with the vote of the Traffic Council on February 15, 2018:

The City of Newton Traffic & Parking Regulations, as established in Ordinance Z-16, dated December 3, 2007, as amended, be further amended as follows:

By INSERTING into the provisions of **Sec. TPR-146. Flashing warning light locations**, the following:

Flashing warning lights shall be placed at the following locations:

Lagrange Street, 75 feet west of the Brookline Town Line:

Flashing red (southbound from driveway at 200 Estate Drive).

Flashing yellow beacon (*Lagrange Street* east and westbound).

Approved as to legal form and character:

(SGD) OUIDA C. M. YOUNG
Acting City Solicitor

(SGD) SHAWNA M. SULLIVAN
Assistant City Clerk

TC9-17

∞ 38 ∞

Signal on Lagrange Street between the Kessler Woods site driveway and the
Brookline Town Line

Location Map: Lagrange Street

TC9-17



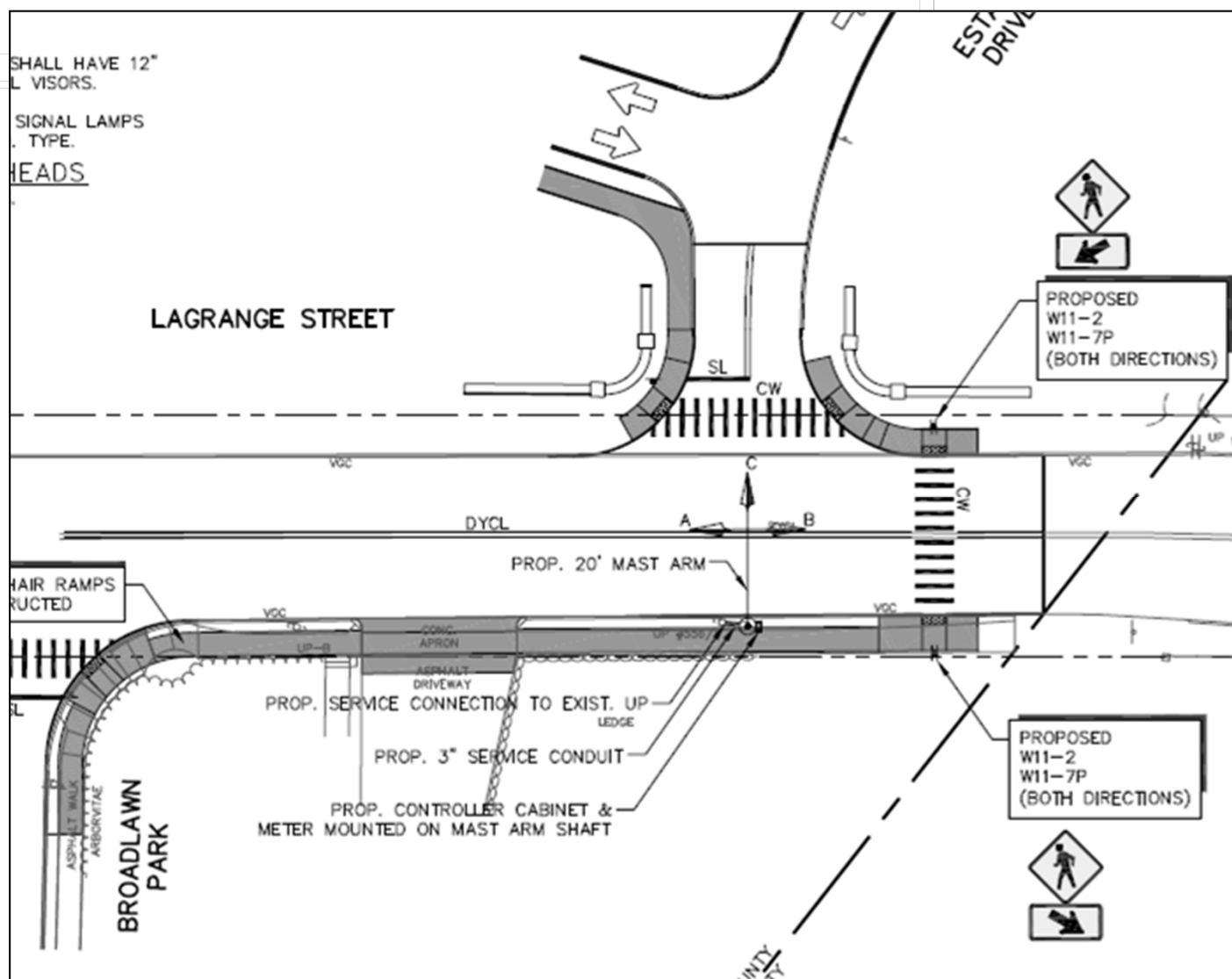
View of Lagrange St, looking west

TC9-17



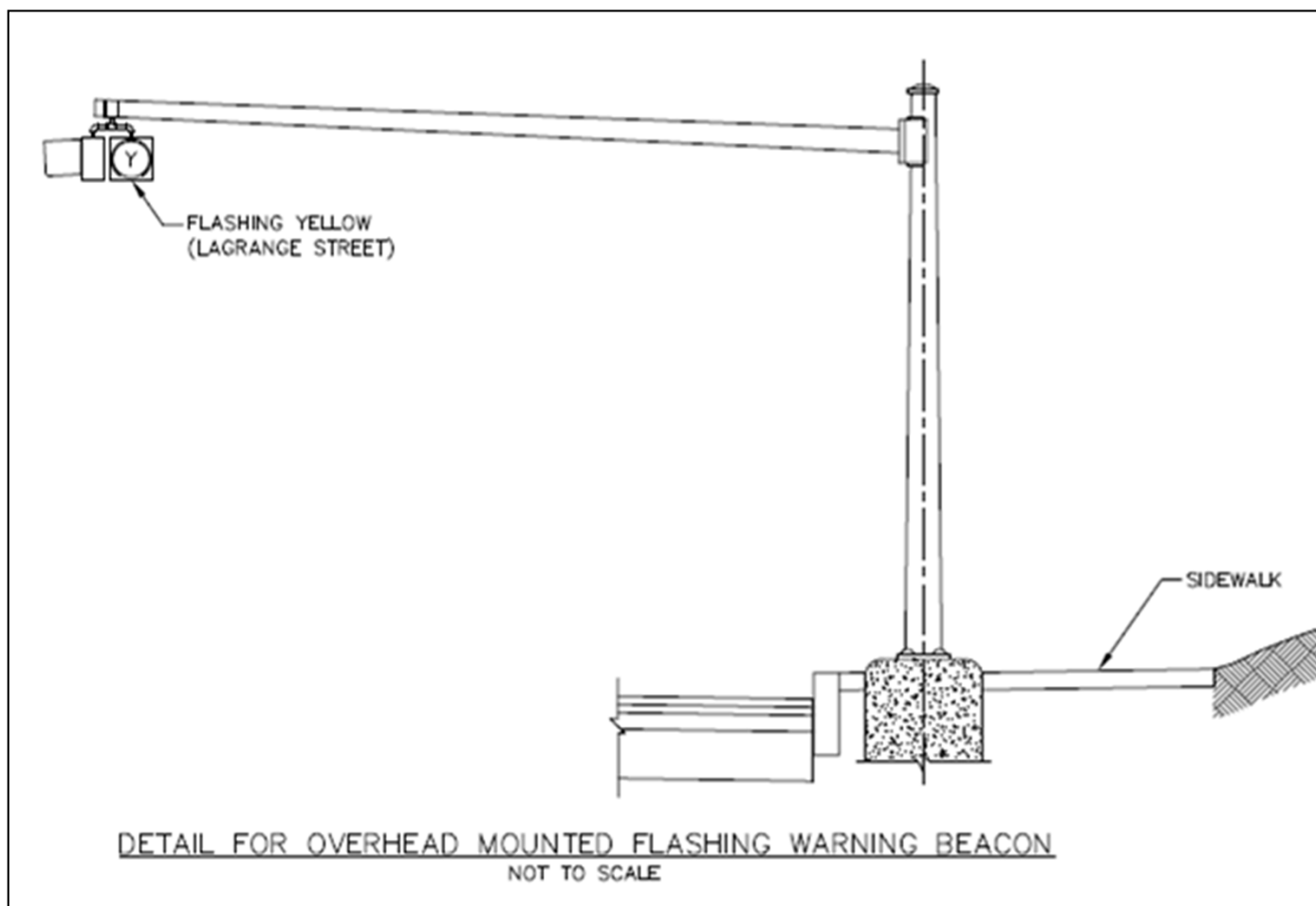
Location of Flashing Warning Beacon

TC9-17



Detail of Flashing Warning Beacon

TC9-17



Proposed TPR Language

TC9-17

By INSERTING into the provisions of *Sec. TPR-146. Flashing warning light locations*, the following:

Lagrange Street, 75 feet west of the Brookline Town Line: Flashing red (southbound from driveway) and flashing yellow beacon (Lagrange Street east and westbound)

CAN BE APPEALED

Appeal Deadline is March 7, 2018



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
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Barney S. Heath
Director

M E M O R A N D U M

Date: February 27, 2018

TO: City Council

FROM: Nicole Freedman, Director of Transportation Planning

SUBJECT: Autonomous Vehicle Testing in Newton

Technological innovation around autonomous vehicles is advancing rapidly. Governor Baker, working with the Metropolitan Area Planning Council (MAPC) and metro-Boston communities will announce a streamlined process for companies developing autonomous vehicles to conduct vehicle testing on public roads in metro-Boston. The process includes creating a universal testing application to allow testing across jurisdictions.

The City of Newton intends to support the effort, joining 14 Participating Jurisdictions¹.

Public safety is paramount. To ensure safety:

1. The testing application requires that a human trained and experienced in operating autonomous vehicles be present, in the driver's seat, at all times, and able to take immediate control of the vehicle if necessary.
2. A progressive testing schedule requires companies to prove competence in low-complexity driving scenarios before proceeding to more complex scenarios.
3. All Participating Jurisdictions reserve the right to reject any applicant from testing in their community.
4. Newton public safety is involved.

Timeline is as follows:

- Governor's announcement - Wednesday March 14 at MassRobotics in Boston.
- Testing application finalized - March 31, 2018
- Testing locations established - July 31, 2018

¹ Arlington, Boston, Braintree, Brookline, Cambridge, Chelsea, Malden, Medford, Melrose, Natick, Newton, Revere, Somerville, and Winthrop