



Public Safety & Transportation Committee Report

Part 1

City of Newton In City Council

Wednesday, February 19, 2025

Present: Councilors Grossman (Chair), Downs, Lucas, Block, Bixby, Greenberg and Wright

Absent: Councilor Lipof

Also Present: Councilors Malakie, Oliver, Farrell and Kelley

City Staff: Andrew Lee, Assistant City Solicitor; Barney Heath, Director of Planning and Development; Zachery LeMel, Long Range Planner; Luis Perez Demorizi, Director of Parks and Open Space and Ned Codd, Director, Transportation Division DPW

All agendas and reports, both past and present, can be found at the following link:
<https://www.newtonma.gov/government/city-clerk/city-council/council-standing-committees/public-safety-transportation-committee>

For more information regarding this meeting, a video recording can be found at the following link: https://www.youtube.com/watch?v=5_ih3F32-mg

#31-25 Requesting a discussion and possible amendment to the Traffic Council regulations to allow for an appeal on Field Trials.

COUNCILORS LUCAS, MALAKIE, OLIVER, WRIGHT, MICLEY, BLOCK, LOBOVITS, FARRELL, AND GETZ requesting a discussion and possible amendment to the Traffic Council regulations to allow for an appeal on Field Trials.

Action: Public Safety & Transportation Approved 5-2, Councilors Greenberg and Downs opposed

Note: Assistant City Solicitor Lee and Mr. Codd joined the Committee.

Councilor Lucas introduced this item and stated that he was inspired to work on the ordinance amendment when he first heard of the Newton Centre Plaza Pilot as a field trial and it wasn't subject to an appeal to the City Council if approved in Traffic Council. Field trials should be

subject to an appeal. Under this proposal, if a field trial is approved in Traffic Council, it would be subject to an appeal, and only City Councilors are eligible to file an appeal. If this draft language was in the ordinance, perhaps we wouldn't have seen the Newton Centre Plaza Pilot as it was originally proposed.

The draft language states that in the case of an appeal of the Traffic Council's adoption that only affects a single ward, an appeal may be taken by a City Councilor from the affected ward or any three City Councilors. Normally for an appeal, there is a 20-day period deadline to file an appeal. This proposal specifies 7 days because 99.9% of field trials are not controversial. The City Charter states any ordinance change if approved, there is a 20 day waiting period before a new ordinance is in effect.

Mr. Codd stated his memo addresses the rationale and flexibility on field trials. We often want to implement things with some urgency and flexibility to try different things.

Councilor Oliver stated that he co-docketed this item because the ordinance is limited to City Councilors having the ability to appeal a pilot decision. The ability to appeal a pilot makes sense because it is important to ensure that if there is a significant level of public concern it be addressed.

Attorney Lee stated that there are no legal issues with this item. Edits were made to achieve the amendments Councilor Lucas proposed.

Councilors questions, answers and comments:

Once a trial is appealed, does it go to the City Council for a vote? Councilor Lucas answered the appeal would first come to this Committee to make a recommendation for City Council.

The proposed 7 days to file an appeal could actually drag out for more than a month because it would have to come to this Committee before City Council.

It is unfortunate the Newton Centre Plaza Pilot has evolved in the way that it has.

How long does it take for an appeal to get through the City Council process? Clerk Delaney explained that it would be sent to this Committee approximately one month after an appeal is received because the same people are notified as the original Traffic Council item. We allow approximately two-weeks notice to residents before an appeal item is heard. After that, it takes two weeks before City Council votes followed by the 20-day waiting period.

Have our previous trials been funded from the general fund? Mr. Codd answered field trials are associated with major projects. Sometimes a field trial is implemented for the construction phase. We like to test things first before making a situation permanent.

How does a school construction schedule affect your ability to try out new things? Mr. Codd answered that a school project could negatively affect construction operations, school operations and surrounding residents.

When we did trials during COVID for testing out the employee parking program in Newton Centre once it was solid and wouldn't interfere with customer parking is that when it was finalized? Mr. Codd answered yes, those spaces were tweaked, moved and adjusted over the course of what ended up being over a year trial period.

The Newton Centre Plaza Pilot is a one-time experiment, not permanent ending in November. Are we creating an ordinance for a one-time application, when what we really want to do is have more say on the Newton Centre Plaza Pilot? Councilor Lucas answered that the waiting period for the appeal is 7 days, a Traffic Council normal appeal period is 20 days.

If we approve this item, implement a trial and it's appealed is there a delay after the vote to allow for a mayoral veto or an appeal? Attorney Lee answered that is referencing the provision of the Charter that requires 20 days before any measure which is defined broadly including a resolution, act, ordinance, amendment, etc. on the decision of the City Council days before it becomes effective. It would be necessary for the 20 days to elapse.

Field trials should be non-controversial. They should be micromanaging of circumstances to try and make things work. It's unfortunate we don't feel that's the case with the Newton Centre Plaza Pilot field trial, maybe this shouldn't qualify as a field trial. Perhaps the field trial should be called something else to be covered by the normal appeal process.

This amendment will only be used in unusual circumstances, there's nothing in the amendment that states how it will be used. There's no guarantee that a Councilor/s would use this appeal process in a usual circumstance.

Are there examples on school designs or safety improvements which this amendment could help? Mr. Codd answered that the appeal process could impinge on our ability to deal with unforeseen impacts on projects we are trying. The trial process enables us to react quickly to address operational and convenience impacts. The police can step in with immediate safety interventions.

What is the process, if we feel the pilot is not working? Councilor Downs explained that once a trial is implemented, the situation is reviewed, weighed in by Councilors, the Mayor and residents. Changes are made during a trial.

If this item is approved causing a lot of impediments do we have to do this again? Chair Grossman answered yes, it would be necessary to file a new docket item and repeat the process we're going through now if we would like to change the ordinance back, or revise it further.

Can our Council Rules and Orders be changed rather than implement this ordinance? Attorney Lee answered that the City Council could designate another Committee to review. He would appreciate the opportunity to take it under advisement, draft language and process it to ensure that it is not a problem if this Committee chooses to proceed in that fashion.

Public Comment:

Jeremy Freudberg, 102 Clark Street, stated that this is a very tame proposal. You won't see much change. Regarding safety concerns, the police have the power to implement any change to the Traffic and Parking regulations on an emergency basis. I support this item.

Mike Halle, 62 Cherry Place, stated he has seen trials come through in general, they are non-controversial. The Newton Centre Plaza Pilot has not rolled out as well as we would have wanted. I would consider seeing how this process works with everyone's best intentions as the public process happens before we come up with a mechanism to do this override to address it.

A suggestion was made to hold this item for Attorney Lee to advise us on ways we could limit the time that an appeal could linger, and allow for an appeal process on a proposed field trial.

Councilor Lucas made a motion to approve.

A Councilor asked Councilor Lucas if he was open to a friendly amendment or withdraw his motion to hold for a future discussion. Councilor Lucas answered yes, he is open to a friendly amendment but would not withdraw his motion of approval.

Chair Grossman stated that if the motion to approve fails, the item is denied and forwarded to City Council.

Councilor Lucas made a motion to approve. Councilors agreed 5-2, Councilors Greenberg and Downs opposed.

#19-25 Discussion regarding proposed plaza in Newton Centre

COUNCILORS FARRELL, MALAKIE, LUCAS, AND MICLEY requesting a discussion regarding of the proposed temporary carving out of 51 parking spaces in the Langley Parking Lot to install a trial public plaza. Discussion to include planning for possible long-term community space; coordination of the plan with local businesses on customer sales; and the appropriateness of using ARPA funding for a short-term, experimental purpose.

Action: Public Safety & Transportation Held 7-0

Note: This report will be available at a later date.

Councilor Lucas made a motion to hold. Committee members agreed 7-0.

The Committee adjourned at 9:45 p.m.

Respectfully submitted,

Becky Grossman, Chair

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO.

, 2025

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON that the Revised Ordinances of Newton, Massachusetts, 2017, as amended, be and are hereby further amended with respect to **Chapter 19 MOTOR VEHICLES AND TRAFFIC** as follows:

- I. **INSERT** after the words “section 19-26(a)” where they appear in **Sec. 19-33(b)** the following: “, or of a field trial under section 19-32,”.
- II. **INSERT** after the word “regulation” where it appears in **Sec. 19-33(c)** the following: “or field trial”.
- III. **INSERT** after the word “regulations” where it appears in **Sec. 19-33(d)** the following: “or field trials”.
- IV. **INSERT** after the word “appeal” where it appears in **Sec. 19-34(a)** the following: “concerning a regulation”.
- V. **DELETE** the word “a” where it appears after the words “repeal of” in **Sec. 19-34(a)** and **INSERT** in place thereof the word “the”.
- VI. **INSERT** a new **Sec. 19-34(b)** as follows and reletter the following sections accordingly:
 - (b) An appeal concerning a field trial shall be filed with the clerk of the city council by filing a petition meeting the requirements of this section within seven (7) days of the traffic council's adoption, amendment or repeal of the field trial pursuant to its authority under section 19-32.
- VII. **INSERT** a new **Sec. 19-34(c)(4)** as follows:
 - (4) In the case of an appeal of the traffic council’s adoption, amendment or repeal of a field trial under section 19-32 that only affects a single ward, an appeal may be taken by (1) a city councilor from the affected ward, or (2) any three city councilors.

VIII. **INSERT** a new **Sec. 19-34(c)(5)** as follows:

- (5) In the case of an appeal of the traffic council's adoption, amendment or repeal of a field trial under section 19-32 that affects more than one ward, an appeal may be taken by any three city councilors.

Approved as to legal form and character:

Alissa O. Giuliani

City Solicitor

Under Suspension of Rules

Readings Waived and Approved

(SGD) Carol Moore

City Clerk

(SGD) RUTHANNE FULLER

Mayor