

ARTICLE VII. TRAFFIC COMMISSION*

***Editor's note:** Specific rules and regulations of the traffic commission are not printed in this volume but are on file in the traffic commission office.

Sec. 1. Established; composition; terms of appointment members.

There is hereby established in the City of Somerville, hereinafter referred to as the city, a traffic commission, consisting of the commissioner of public works, the chief of police or his designee, the chief engineer of the fire department or his designee, the chairman of the committee on traffic and parking of the board of aldermen and one member of the general public of the city appointed by the mayor and confirmed by the board of aldermen. The member appointed by the mayor shall serve for a term coterminous with the mayor, or until the qualification of a successor.

(Acts 1978, Chapter 397, Section 1)

Sec. 2. Chairman; compensation of members.

The commissioner of public works shall be chairman of the traffic commission. The members of the traffic commission shall receive no compensation for their services as commissioner, but shall be reimbursed by the city for any expenses actually and necessarily incurred in the performance of their duties.

(Acts 1978, Chapter 397, Section 2)

Sec. 3. Meetings; notice required.

Meetings of the traffic commission shall be held on the third Tuesday of each month unless sooner necessitated for reasons of public safety, welfare or convenience, in which case a meeting may be called on motion of the chairman. Notice of meetings shall be posted according to the provisions of Section twenty-three B of Chapter thirty-nine of the General Laws and shall be sent to all commission members, the mayor, the board of aldermen and the planning director. All of said persons may attend commission meetings and present their views, but only commission members may vote.

(Acts 1978, Chapter 397, Section 2)

Sec. 4. Appointment of certain positions.

Upon recommendation of the traffic commission the mayor, with the approval of the board of aldermen shall have the authority to create the position of director of traffic and parking and subordinate staff positions including parking control officers. The mayor shall, with the approval of the board of aldermen, make appointments to such positions and shall fix their compensation.

(Acts 1978, Chapter 397, Section 2)

Sec. 5. Traffic director; qualifications, removal.

The traffic director shall be a traffic engineer, possessing the qualifications required for associate or full membership in the Institute of Traffic Engineers and his position shall not be subject to Chapter thirty-one of the General Laws. He may be removed for cause after a public hearing, upon a four-fifths vote of the entire board of aldermen.

(Acts 1978, Chapter 397, Section 2)

Sec. 6. Board of traffic and parking--Established; composition; terms; compensation.

There is hereby established in the City of Somerville a board of traffic and parking, hereinafter referred to as the traffic board, consisting of three persons to be appointed as follows: one by the mayor for a term of one year, one by majority vote of the board of aldermen for a term of two years and one by vote of the first two members for a term of three years; provided, however, that if, after thirty days from the appointment of the first two members the third member has not been agreed to, such member shall be appointed by the mayor, subject to confirmation by the board of aldermen. Upon the expiration of the term of a member, his successor shall be appointed for a term of three years. Members shall be eligible for reappointment. No person holding public office in said city shall be eligible for appointment. A member shall not receive any compensation for his services, but shall be reimbursed for all reasonable expenses incurred by him in carrying out his duties. The chairman of the traffic board shall be chosen by and from its membership.

(Acts 1978, Chapter 397, Section 2A)

Sec. 7. Same--Functions.

The traffic board shall carry out the functions prescribed in clause (b) of section three (section 8(b) of this article) and, in addition, shall be available to the traffic commission for advice and consultation with respect to all of its activities.

(Acts 1978, Chapter 397, Section 2A)

Sec. 8. Powers and duties.

The traffic commission shall have exclusive authority, except as otherwise provided in this Act, to take any and all of the following actions, if it determines that such actions serve the public safety, welfare or convenience. Subject to the provisions of Section two of Chapter eighty-five of the General Laws:

(a) The traffic commission may adopt, alter or repeal rules and regulations, not inconsistent with General Law as modified by this Act, relative to vehicular and pedestrian traffic in the streets of the city, and to the movement, stopping, standing or parking of vehicles on, and their exclusion from, all or any streets, ways, highways, roads and parkways under the control of the city, including rules and regulations designating any way or part thereof under such control as a through way under and subject to the provisions of Section nine of Chapter eighty-nine of the General Laws. Any rule or regulation adopted under this clause, prohibiting the parking or standing of vehicles on the whole or any part or parts of one or more streets, ways, highways, roads or parkways under the control of the city, may provide that it shall not apply in such residential areas as shall be specified, and at such times as shall be prescribed, in such rule or regulation, to any motor vehicle registered under Chapter ninety of the General Laws as principally garaged in the city and owned or used by a person residing in such area who, in the year in which such vehicle is parked or in the preceding December for such year, shall have given, by a writing executed in such form and detail as such rule or regulation shall prescribe, and filed with the chief of police, notice of intention to park in such area and shall display in a conspicuous place on such vehicle, while parked, such visible evidence of the giving of such notice as such rule or regulation shall prescribe; but neither the giving of such notice nor the issuance of visible evidence of the giving thereof shall be construed to assign any specific space to any person or vehicle. The traffic commission may, with the approval of the mayor and board of aldermen, prescribe

a schedule of fines not exceeding fifteen dollars for each violation of parking regulations in the calendar year as authorized by Section twenty-C of Chapter ninety of the General Laws. All other violations of regulations adopted under the provisions of this Act, except as otherwise provided by statute, shall be subject to fines not to exceed fifty dollars for each offense as set forth in the regulations.

No adoption, alteration or repeal of a regulation shall take effect until public notice of the proposed action has been given, except with respect to such special rules or regulations as are declared by the traffic commission to be urgently required for the public safety or welfare or such as are of a temporary nature and are to be effective for a period of not more than three weeks. Public notice shall be given by publication in full of the proposed adoption, alteration or repeal not less than once in each of three successive weeks in one or more newspapers published or distributed in the city. The public notice shall include a statement of the effective date of the proposed action, which shall not be less than twenty-one days following the first of the three newspaper publications.

(b) Upon the filing of petitions with the traffic board by not less than fifty registered voters of the city, relative to any rule or regulation proposed to be adopted, altered or repealed, and not yet in effect, the proposed action shall be suspended, and the traffic board shall hold a public hearing thereon within two weeks of the date the petitions were filed, and shall by majority vote approve or disapprove the proposed action within two weeks following the public hearing. Upon the filing of petitions with the traffic board by not less than fifty registered voters of the city, relative to any rule or regulation which has been adopted, altered or repealed for a period of at least thirty days, the traffic board shall hold a public hearing thereon within two weeks of the date the petitions were filed and shall, following such hearing, determine by majority vote whether to avoid the adoption, alteration or repeal of the rule or regulation.

(c) The traffic commission may erect, make and maintain, or cause to be erected, made and maintained, traffic signs, signals, markings and other devices for the control of traffic and parking in the city and for informing and warning the public as to rules and regulations adopted under this act, subject, however, to Section two of Chapter eighty-five and to Sections eight and nine of Chapter eighty-nine of the General Laws.

(d) The traffic commission may recommend to the board of aldermen the alteration, construction, erection, installation and maintenance of street lights.

(e) The traffic commission, with the approval of the mayor, may retain the services of qualified consultants when such retention is deemed necessary or advisable.

(f) The traffic commission may promulgate regulations that provide that any sergeant or officer of higher rank in the police department may cause to be removed to some convenient place by towing by an independent contractor any vehicle except a vehicle owned by the Commonwealth or a political subdivision thereof or by the United States or an instrumentality thereof or registered by a member of a foreign diplomatic corps or by a foreign consular officer who is not a citizen of the United States and bearing distinctive number plate otherwise conspicuously marked as so owned or registered, and except a vehicle owned by a disabled veteran or a handicapped person and bearing a distinctive number plate, which is parked or standing on any part of any street, way, highway, road or parkway if in the calendar year in which such vehicle is so removed and in the preceding calendar year, five or more notices, in the aggregate, have been affixed to said vehicle, as provided in Section twenty C of Chapter ninety of the General Laws, and remain unpaid and the cost of such removal and of storage charges resulting therefrom, in accordance with the traffic regulations then in effect, shall be imposed upon the owner of such vehicle. Any such vehicle so removed shall be held until all charges imposed for such removal and storage following the same have been paid and due notice has been received that the fines provided in such notices affixed to said vehicle have been paid or

security for the payment thereof has been deposited. The police department shall promptly mail written notice to the registered owner of any such vehicle so removed, directed to the address furnished by the registry of motor vehicles or comparable agency of the state in which said vehicle is registered, stating the date on which such vehicle was removed, the location to which such vehicle has been removed, and a statement that such vehicle shall be released by the police on the payment of all fines, storage and towing charges due. Any such vehicle so removed shall be deemed to have been abandoned and may be disposed of in accordance with Section twenty-two C of said Chapter ninety if, within thirty days of the mailing of the notice to the registered owner as provided for herein, said owner has not paid all charges imposed for such removal and storage following the same and the fines provided in such notices affixed to said vehicle or security for the payment thereof has been deposited.

Nothing in this Act shall be construed to authorize the traffic commission to adopt, alter or repeal any rule or regulation excluding the trackless trolley vehicles or buses of a street railway or bus company from any way or part thereof in which said company has a location; or to modify or limit any power or authority of the metropolitan district commission or the departments of public works or public utilities of the Commonwealth; or to modify or limit any power or authority of the mayor, board of aldermen or of any board or head of a department with reference to the issuance of licenses or permits for the opening, using or occupying of streets and sidewalks for reasons not relating to traffic.

(Acts 1978, Chapter 397, Section 3)

Sec. 9. Enforcement.

The planning director, the chief of police, the chief engineer of the fire department, the commissioner of public works, the city engineer, the city electrician and city solicitor shall be available to the traffic commission to advise on matters relating to their respective departments and shall be responsible for putting into effect the rules and regulations adopted by the traffic commission in so far as such rules and regulations relate to their respective departments. The traffic commission shall cooperate with the planning board and with such public carriers as may be authorized and licensed to render service within the city, on matters relating to traffic planning, and shall cooperate with the planning board on all matters that may relate to the need for, location, construction, erection and maintenance of public parking facilities or of private parking facilities for public use within the city. When it is necessary to coordinate with federal, state or other local agencies on matters of traffic movement and traffic planning, the traffic commission may serve as liaison for the city.

(Acts 1978, Chapter 397, Section 4)

Sec. 10. Existing ordinances, orders, etc., to remain in effect.

All existing orders, ordinances, rules and regulations relating to the control of vehicular traffic, including those relating to the parking of vehicles on any streets, ways, highways, roads and parkways, under the control of the city, shall remain in full force and effect until superseded by rules and regulations adopted by the traffic commission pursuant to clause (a) of section three (section 8(a) of this article), and the adoption thereof shall not effect any act done, any right accrued, any penalty incurred or any suit, prosecution or proceeding pending at the time of such adoption.

(Acts 1978, Chapter 397, Section 5)

Sec. 11. Revocation of Act after acceptance.

At any time after the expiration of two years from the date of acceptance of this Act, such acceptance may be revoked by a two-thirds vote of the board of aldermen, subject to a referendum which shall be held at the municipal election next succeeding such vote. Upon such revocation, all existing rules and regulations shall remain in full force and effect until superseded by orders, ordinances, rules or regulations adopted in accordance with the provisions of law then applicable to said city, and neither such revocation nor adoption of superseding orders, ordinances, rules or regulations shall affect any act done, any right accrued, any penalty incurred or any suit, prosecution or proceeding pending, prior to revocation or adoption.
(Acts 1978, Chapter 397, Section 6)

Sec. 12. Effective date.

This Act shall take effect upon its acceptance by the City of Somerville.
Accepted by board of aldermen July 27, 1978, and approved by the mayor July 31, 1978.
(Acts 1978, Chapter 397, Section 7)