



## Traffic Board Public Hearing Minutes

Tuesday, December 20, 2022, 6:00PM

### Virtual meeting

**Traffic Board Members in attendance:** Arah Schuur (Chair), Alex Epstein, Joan Liu

**Board Members absent:** none

**City Staff:** Kate White from the Office of Strategic Planning and Community Development (OSPCD) as Traffic Board Staff Liaison.

Video recording of the hearing: <https://www.youtube.com/watch?v=VEFNtan5SVM>

Link to the written testimony: <https://www.somervillema.gov/events/2022/12/20/traffic-board-public-hearing-somerville>

The meeting began at 6:00 pm and ended at 6:48 pm.

Traffic Board Public Hearing regarding the Somerville Traffic Commission Regulations Article 121 ("Pedestrian crossing ways or roadways")

The Traffic Board received an appeal describing the following:

"We the undersigned registered voters of the City of Somerville hereby petition that the Somerville Traffic Board conduct public hearing regarding the jaywalking laws in Somerville's Traffic Regulation (April 2022).

We support omitting the following bolded text from Somerville's Traffic Regulation Article XII Section 2.1 (the underlined text provides the relevant framing): whenever there is an officer directing traffic, a traffic control signal **or a marked crosswalk within three hundred (300) feet of a pedestrian, no such pedestrian shall cross a way or roadway except within the limits of the marked crosswalk** and as hereinafter provided in these regulations. Under this law, pedestrians could be required to walk 598 feet, or a more than one tenth of mile, just to get to the other side of the street.

In repealing this language, we support having road crossing regulations restricted to the other regulations that already exist. These require adherence to signals at signalized intersections, and safe behaviors, particularly Section 12-4(a): *No pedestrian shall suddenly leave a sidewalk or safety island and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield the right of way.* Pedestrians should have the right to cross the street when this need is safely met."

The Chair reiterated the Traffic Board Public Hearing Rules and Regulations approved by the board on October 19, 2021.

The City of Somerville provided a brief presentation prior to the opening of public testimony.

### ***Project Proponent Presentation***

Kate White, Community Outreach Coordinator for the City's Mobility Division provided the presentation. K. White stated that the current Somerville Traffic Regulations around pedestrian crossings were incorporated at the creation of the Somerville Traffic Commission in the 1970s and allows the City to enforce and provide citations. K. White shared that the state provides the mechanism to enforce under Chapter 90, Section 18A, but the City must affirmatively choose to have the provision in local regulations to cite an individual under this rule.

K. White stated that under Chapter 89 Section 11, when traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be so to yield, to a pedestrian crossing the roadway within a crosswalk marked in accordance with standards. Additionally, in the Code of Massachusetts Regulations Title 700 5.301, Pedestrians shall obey all traffic signals, traffic control devices, and heed traffic pavement markings when they are within 300 feet of these elements unless directed otherwise by an authorized Police Officer or a DCR Ranger.

K. White stated that by omitting the rule, the City would not be able to cite someone for jaywalking, unless it falls under Somerville Traffic Regulation Article 12 Section 2.1, but it does not protect a pedestrian from fault if they are involved in a crash that occurs outside a marked crosswalk. K. White described the racist bias seen in traffic stops and enforcement across the country. K. White shared that the City of Somerville is working to transform street design and enhance the built environment to improve transportation safety at the same time as de-emphasizing enforcement through the Vision Zero Action Plan. One of the adopted safety objectives a part of the plan is to prioritize safe street design such as enhancing the design of major intersections, building safe mid-block crossings, and building safe pedestrian routes.

K. White stated that the City is working to develop crosswalk spacing guidelines to determine locations where the gap between crosswalks is too far and focus on increasing crossing opportunities. The City aims to correct behaviors with design but recognizes that enforcement efforts will continue to play a role in achieving many of the goals outlined in the plan. K. White stated that the City has committed to employing enforcement strategies that will not result in racial profiling and focus on the most dangerous behaviors, such as speeding and violating pedestrian right of way, over minor infractions.

K. White shared that the petition was submitted and certified in October 2022. Since the petition is regarding a decision made by the Traffic Commission decades ago, City staff recommended bringing the petition to the current Traffic Commission for a discussion prior to hosting a Traffic Board public hearing. The Traffic Commission was briefed at the December 8, monthly meeting. The Traffic Commission acknowledged the gap between the installment of the regulations and community values. K. White stated that the representative for the Somerville Police Department (SPD) shared that the regulation has not been enforced during the last 10 administrations. SPD are continuing to compile more detailed data for the Mobility Department, but they acknowledged that the regulation is an antiquated law.

K. White stated that the Traffic Commission did not propose any changes to the regulation; therefore, the petition moved forward to the Traffic Board.

### ***Traffic Board Discussion of Project Proponent Presentation***

Joan Liu asked if the regulation in question was regarding only jaywalking outside of a marked crosswalk, and not related to crosswalks at a signalized intersection or when an officer is direction traffic. K. White affirmed. J. Liu asked if the Traffic Commision wanted to consider the other jaywalking regulations. K. White conveyed that they cannot speak for the Traffic Commission.

Alex Epstein verified that the regulation is Section 12.1 in the Traffic Regulations. A. Epstein asked if someone crossing the street outside of a marked crosswalk could still be cited by the CMR state regulation. K. White conveyed that SPD could not enforce jaywalking near a marked crosswalk if the regulation was not in the Somerville Traffic Regulations. A. Schuur asked if the state roads were governed by state jurisdictions. K. White affirmed.

J. Liu asked if removing this regulation would change the City's plan for new crosswalks. K. White conveyed that it would not change the City's plan.

A. Epstein shared that a conjunction would be needed in the sentence if the language identified in the appeal was omitted.

### ***Public Testimony***

A. Schuur stated that prior to the public hearing, the Traffic Board received written testimony from 2 people.

Stephanie Galaitsi, 44 Morrison Ave, member of Somerville Alliance for Safe Streets, stated that they filed the petition. S. Galaitsi shared that it is important to look at the historical basis of jaywalking. S. Galaitsi shared that the policy was put in place to prioritize cars moving fast rather than for people living in cities being able to get around their community. S. Galaitsi asked for clarification for yielding at crosswalks. S. Galaitsi shared that at crosswalks, vehicles must yield to pedestrians, but when not at crosswalks, pedestrians yield to vehicles. S. Galaitsi shared that they hoped by omitting the regulation, this would improve the lives of people living in Somerville.

Max Meinhold, 23 Elm Street, stated their support for the regulation change. M. Meinhold shared that the change deprioritizes cars. M. Meinhold stated that an additional 300 feet can be a difficult distance for some people to walk and that there are many places where there can be a safe crossing without needing to go to a crosswalk.

Alex Frieden, 4 Lake Street, stated their support for repealing the regulation. A. Frieden stated that the regulation is used for victim blaming.

Tori Antonino, 65 Boston Street, stated their support for repealing the regulation. T. Antonino stated that there are not enough crosswalks and they do not believe that anyone should be punished for trying to cross the street. T. Antonino stated their support for more traffic calming and safe passageways.

S. Galaitsi shared an additional comment regarding clarifying the petition language and shared that removing 300 feet from the regulation could create ambiguity around signalized intersections.

### ***Traffic Board Discussion***

A. Schuur asked if vehicles are meant to yield to pedestrians at crosswalks and if pedestrians are meant to yield outside of a crosswalk. K. White stated that a pedestrian at a crosswalk or at a signalized intersection within a pedestrian signal phase have the rights of way. If they are outside of that, they

yield to the people driving and biking. A. Epstein stated that Section 12-5 of the traffic regulations makes that clear.

A. Epstein asked for more details about the Vision Zero program. K. White conveyed that the City is working to implement different types of traffic calming such as speed humps at priority locations where there are higher levels of speeding and volumes near schools, and longer-term reconstruction of streets to install elements like raised crosswalks and curb extensions.

A. Schuur asked if the City has a plan for more mid-block crosswalks or additional crosswalks where there are long stretches without crosswalks. K. White stated that the City does not currently have a list but is working to identify locations and determine a standard spacing policy. A. Epstein asked if that list was only for neighborhood streets or also for major streets like Elm Street. K. White stated that they did not have that answer at this time.

J. Liu shared that by omitting the bolded language in the petition, the language could be confusing and make it seem that a person would be restricted from crossing the street except at signalized intersections. A. Epstein suggested inserting an "or". A. Schuur shared their support for the clarification.

A. Epstein shared that they have a child that goes to the Kennedy School and that there is no crosswalk at Sartwell Avenue and Ashland Street, even though people travel that way around school pickup and drop off. A. Epstein shared that how streets work today is inconsistent with the current regulations in Section 12-1. A. Epstein shared that they hoped there would be more emphasis on traffic calming on streets so that it is more comfortable and safer to cross for people of all ages, including children.

A. Epstein asked about traffic calming efforts around schools and more specifically, the traffic calming petition regarding the surrounding streets by the Kennedy School. K. White stated that they were not aware at this time. A. Epstein stated that many cross outside marked crosswalks on neighborhood streets. They do not believe omitting this language would change that behavior but hoped this would catalyze additional emphasis on traffic calming.

A. Schuur asked to verify that the SPD representative at the Traffic Commission meeting shared that he was not aware of any enforcement of this rule in the past 10 administrations. K. White affirmed and offered to clarify in follow up. K. White conveyed that the representative shared that this is an antiquated law and they do not enforce it.

J. Liu asked why the Traffic Commission did not repeal the language. K. White stated that City staff presented the petition to the Traffic Commission who held a discussion but made no motions to change the regulation.

A. Schuur shared support for removing the regulation since it is not enforced. J. Liu shared that they hoped the Traffic Commission would take the opportunity to review all pedestrian regulations.

### ***Vote***

Joan Liu made a motion to affirm the alteration of regulation change proposed in the petition. Arah Schuur seconded the motion. The motion carried.

### ***Adjournment***

Alex Epstein made a motion to adjourn. Joan Liu seconded the motion. The motion carried.