



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

October 21, 2021
REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

| Attendee Name | Title | Status | Arrived |
|--------------------|---------------------------|---------|---------|
| Lance L. Davis | Chair | Present | |
| Mark Niedergang | Vice Chair | Present | |
| Ben Ewen-Campen | Ward Three City Councilor | Present | |
| Matthew McLaughlin | Ward One City Councilor | Present | |
| Jesse Clingan | Ward Four City Councilor | Present | |

Others present: Angela Allen - Director of Purchasing, Jason Piques - Assistant City Solicitor, Eric Weisman - DPW Director of Operations, Alex Epstein - Bicycle Advisory Committee, Jill Lathan - Director of Public Works, Lauren Racaniello Legislative Affairs, Peter Forcellese - Legislative Clerk.

The meeting took place virtually via GoToWebinar and was called to order at 6:03 PM by Chair Davis and adjourned at 8:29 PM on a roll call vote of 5 in favor (Councilors Clingan, McLaughlin, Ewen-Campen, Niedergang and Davis), 0 against and 0 absent.

Approval of the September 30, 2021 Minutes

RESULT: ACCEPTED

Approval of the October 7, 2021 Minutes

RESULT: ACCEPTED

212255: That this Council consider an Automated Speed Enforcement in School Zones Home Rule Petition similar to the one already approved by Salem MA.

See item 212547

RESULT: WORK COMPLETED

212547: Requesting approval of a Home Rule Petition authorizing the City of Somerville to employ automated enforcement of speed limit violations in designated School Zones within the City of Somerville.

Chair Davis noted that there are some differences between this Home Rule Petition (HRP) and the version found in item #212255. The main difference is that this HRP (212547) would apply to safety zones and not just school zones. Neither Chair Davis nor Director Racaniello has received any feedback on this proposal. Councilor Ewen-Campen stated that he had no concerns with this newer version. Chair Davis noted that the city's Surveillance Ordinance would apply to this HRP, should it be approved by the legislature.

He asked the committee to consider what message the city wants to send with regard to the fine amount. He thinks that this is a more modern approach to safety zones and not just school zones, making it a more comprehensive piece of legislation, and the consensus of the committee is to accept the expansion to safety zones. The amount of the fine was discussed and Chair Davis asked Assistant City Solicitor Jason Piques if the petition might be less viable at the state level due to the fact that violations would be documented automatically. Councilor Ewen-Campen thinks that the city should not limit itself to an amount and **moved to delete the first sentence of Section 3. (a)**

Assistant City Solicitor Piques doesn't see any problems with that amendment.

Chair Davis moved for approval of the item, as amended.

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| RESULT: | APPROVED AS AMENDED. [UNANIMOUS] |
| AYES: | Davis, Niedergang, Ewen-Campen, McLaughlin, Clingan |

212250: That the Commissioner of Public Works, the Director of Purchasing, and the Director of Mobility report to the Legislative Matters Committee on enforcement of and annual reporting on the Ordinance to Safeguard Vulnerable Road Users.

Director Weisman updated the committee and said the ordinance, as it stands, places the burden on the Fleet Department to conduct inspections, however, the fleet mechanics don't have the certifications to perform inspections. Boston arranges for their inspections through the Weights and Measures Department and Cambridge is relying on Boston to handle their inspections. Director Allen stated that all bids and/or contracts that might utilize large trucks have the language (attached) included in them. If the city does not receive the filled out paperwork, the contract is held up until the vendor complies. Director Weisman said that the DPW could do a better job with the annual reporting on the ordinance. Director Lathan stated that there has been a delay with the transition in the DPW and she assured the committee that she wants to get this done properly.

Chair Davis asked Director Weisman to compile an aggregate report for the committee. Councilor Niedergang thinks that an implementation plan is needed for enforcement of the ordinance. He made a **motion that the administration prepare and present to the City Council, within 3 months from October 21, 2021, an implementation plan for the Vulnerable Road Users Ordinance.** Councilor Niedergang commented that councilors need to follow up on new ordinances to ensure that they are working as they were intended.

Chair Davis sponsored Alex Epstein to speak on this matter. Mr. Epstein, speaking in a resident capacity, gave a slide presentation (attached) and noted that several cities throughout the country have implemented truck safety ordinances since 2017, as noted at <https://www.volpe.dot.gov/>. He has worked as a consultant with the City of Boston to improve truck safety there and said that Boston is in the process of updating its ordinance. He compared the current truck safety bills before the legislature, noting some of the differences among them.

Councilor Niedergang noted that Somerville's ordinance is more formidable than the state's and some of the surrounding communities. Mr. Epstein commented that the difference between the Somerville and Cambridge ordinances actually may be smaller than what it appears to be. He thinks that it might

be wise to engage in conversations with Cambridge and Boston to update their ordinances to the standards of Somerville's.

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| RESULT: | KEPT IN COMMITTEE |
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209779: That this Council review with the Administration, Cambridge's recent Home Rule Petition to improve the safety of transportation network company vehicles operating there.

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| RESULT: | PLACED ON FILE |
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211679: Amending the Domestic Partnership Ordinance as attached and as further necessary to address issues in the existing version.

The meeting was recessed at 7:27 PM and reconvened at 7:40 PM.

Currently, 40 domestic partnerships have been applied for in Somerville. Chair Davis commented that some of the feedback received for this item noted that the ordinance doesn't reflect the realities of today's society. Chair Davis shared a tracked version of the proposed amendments showing the entirety of proposed changes from the existing ordinance, which includes the changes that he is proposing tonight.

Councilor Niedergang inquired if being in more than one domestic partnership constitutes bigamy and Chair Davis stated that the city's Law Office clarified that a domestic partnership is not a marriage. Chair Davis sponsored Kimberly Rhoten, from PLAC, to speak about some of the recommendations. They noted that the ordinance makes clear that it does not usurp state law with regard to marriage. Councilor Niedergang is willing to have the item go to the full City Council, thereby giving him time to review the changes. Chair Davis commented that if there are issues with the ordinance at the Council, he would have no objection to sending it back to the committee. Mx. Rhoten said that all of the changes proposed by their organization come from a place in the community. They made themselves available to the committee to address any concerns.

Chair Davis feels that the version with his proposed changes addresses the concerns previously raised by the Solicitor's Office. He also reviewed the Affidavit of Consent with the committee and Mx. Rhoten weighed in, suggesting some minor tweaks to the document.

Chair Davis moved to recommend approval, as amended with the changes discussed this evening, including the Affidavit of Consent.

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| RESULT: | APPROVED AS AMENDED. [UNANIMOUS] |
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| AYES: | Davis, Niedergang, Ewen-Campen, McLaughlin, Clingan |
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Referenced Material:

- Ordinance to Safeguard Vulnerable Road Users - Contracting Documents (with 212250)
- Truck safety legislation comparison - Assignments (with 212250)
- Domestic Partnership Ordinance Proposed Amendments 10-21-21 (with 211679)
- Affidavit by Consenting Spouse Draft (10-21-21 v2) (with 211679)