



CITY OF SOMERVILLE, MASSACHUSETTS
LAW DEPARTMENT

August 9, 2012

Honorable Board of Aldermen
City Hall
93 Highland Avenue
Somerville, MA 02143

Re: Order No. 193457 -- Traffic Commission Oversight of Increases in Traffic
Related Fees and Fines as Opposed to Board of Aldermen Oversight

Dear Honorable Board Members:

You have asked for the "rationale" for Traffic Commission oversight of increases in traffic related fees and fines as opposed to Board of Aldermen oversight. I assume that you are referring to the legal rationale rather than policy rationale.

With respect to fines, Chapter 285 of the Acts of 2002 provides that "[t]he traffic commission may, with the approval of the mayor and board of aldermen, prescribe fines for violations of rules or regulations adopted under this chapter excluding snow emergency parking violations as described in this paragraph; provided, however, that no penalty in excess of \$30 shall be imposed except by ordinance. The traffic commission may, with the approval of the mayor and the board of aldermen, prescribe a schedule of fines for the following snow emergency parking violations: parking within 20 feet of an intersection, parking within the area of a fire hydrant and parking within designated fire lanes; provided, however, that no penalty in excess of \$50 shall be imposed except by ordinance."

Therefore, fines are prescribed by the Traffic Commission, with the approval of the Mayor and Board of Aldermen. In addition, an ordinance adopted by the Board of Aldermen is generally required if the fine exceeds \$30.

With respect to fees, G. L. c. 40, § 22F provides that "[a]ny municipal board or officer empowered to issue a license, permit, certificate . . . may ... fix reasonable fees for all such licenses, permits, or certificates issued pursuant to statutes or regulations ..."

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Therefore, the Traffic Commission is empowered to fix reasonable fees for any licenses, permits, or certificates issued pursuant to the Traffic Regulations.

Please feel free to contact me with any additional questions.

Very truly yours,

David Shapiro
Assistant City Solicitor

cc: Francis X. Wright, Jr, City Solicitor
Matthew Dias, Traffic and Parking Director