



## CITY OF SOMERVILLE, MASSACHUSETTS LAW DEPARTMENT

February 25, 2011

The Honorable Board of Aldermen  
City Hall  
Somerville, MA

Re: Board Order #190773

Dear Honorable Board Members:

You have requested that this office review a certain agreement with the Department of Conversation and Recreation ("DCR") regarding Shore Drive and provide an opinion as to whether the Massachusetts State Police has authority to tow motor vehicles from Shore Drive during snow emergencies. I have reviewed the relevant documentation and conclude that but for the fact that state police officers generally have the powers of all police officers and can exercise same within the commonwealth, the agreement no longer provides specific authority for state police officers to remove motor vehicles from Shore Drive during snow emergencies.

The October 4, 1972 agreement between the City of Somerville and the Metropolitan District Commission n/k/a DCR provided that DCR shall have "care and control, including police protection" of Shore Drive<sup>1</sup>. In a letter dated March 22, 2010, DCR confirmed that it considers the agreement terminated, ending "the Department's role in Shore Drive". Accordingly, the City has full jurisdiction, care and control of Shore Drive. State Police formerly had authority to tow vehicles while enforcing DCR regulations on Shore Drive which are no longer applicable.

As Shore Drive is a way under the control of the city, the city, "at the direction of the Chief of Police or such other officers of the rank of Sergeant or higher in the Police Department", may authorize towing of motor vehicles for any parking or standing in

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<sup>1</sup> Described as "a public way of the City extending from No. 481 Mystic Avenue to Fellsway West".

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violation of a declared snow emergency. *See* City of Somerville Traffic Rules and Regulations, ss. 10-2; 10-10; MGL c. 40, § 22D.

Apart from the 1972 agreement, I note that state police officers generally have the powers of all police officers and can exercise same within the commonwealth, including the authority to enforce traffic regulations on streets adjacent to buildings owned by the commonwealth. MGL c. 22C, §§ 10, 12. Aside from whether state law provides an independent source of authority for towing vehicles in a snow emergency, I have discussed this matter with Massachusetts State Police Chief Legal Counsel LaDonna J. Hatton and am informed that state police officers do not intend to tow motor vehicles on Shore Drive during city snow emergencies.

Please contact me with any additional questions. Thank you.

Sincerely,



Jason D. Grossfield  
Assistant City Solicitor