

By Messrs. Whittemore of Newton and Rawson of Newton, petition of Donald L. Gibbs relative to establishing the Newton traffic commission and defining its powers and duties. Cities.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-One.

AN ACT ESTABLISHING THE NEWTON TRAFFIC COMMISSION AND
DEFINING ITS POWERS AND DUTIES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. There is hereby established in the city of Newton,
2 hereinafter referred to as the city, a traffic commission to con-
3 sist of the chief of police, director of public works and fire chief.

1 SECTION 2. (a) The members of the traffic commission shall
2 receive no compensation for their services as commissioners.

3 (b) Any and all expenses incurred for the purposes of this act
4 shall be paid by the city, from an appropriation provided for
5 that purpose by the board of aldermen, with the approval of the
6 mayor. For said purposes, the traffic commission may, subject
7 to the approval of the mayor and chapter thirty-one of the
8 General Laws, employ engineers, experts, assistants and other
9 employees.

10 (c) All statutes and ordinances applicable generally to de-
11 partments shall apply to the traffic commission.

1 SECTION 3. (a) The traffic commission shall have exclusive
2 authority except as otherwise herein provided, to adopt, amend,
3 alter and repeal rules and regulations, not inconsistent with
4 general laws as modified by this act, relative to vehicular traffic
5 in the city, and to the movement, stopping or standing of ve-
6 hicles on, and their exclusion from, all or any streets, ways,
7 highways, roads and parkways, under the control of the city,
8 including rules and regulations designating any way or part

9 thereof under said control as a through way under and subject
10 to the provisions of section nine of chapter eighty-nine of the
11 General Laws as amended.

12 (b) The traffic commission may adopt rules and regulations,
13 not repugnant to law, prescribing a penalty not exceeding
14 twenty dollars for any violation of a rule or regulation adopted
15 hereunder which is not disposed of under section twenty A of
16 chapter ninety of the General Laws.

17 (c) No such rule or regulation, except such special rules and
18 regulations as are declared by vote of the traffic commission to be
19 urgently required by consideration of public safety or con-
20 venience or such as are of a temporary nature and are to be
21 effective for a period of not more than thirty days, shall take
22 effect until published for two successive weeks in one or more
23 newspapers published in the city.

24 (d) Upon petition of twenty-five registered voters of the city
25 relative to any rule or regulation adopted or proposed to be
26 adopted under this section, the traffic commission shall hold a
27 public hearing thereon within thirty days after the filing with
28 the commission of such petition, and final action thereon shall
29 be determined only by vote of a majority of the entire member-
30 ship of the traffic commission. Petitioners may be represented
31 at such hearing by any interested party.

32 (e) Neither the foregoing section three (d) nor section two of
33 chapter eighty-five of the General Laws shall apply to any rule
34 or regulation adopted by the Newton traffic commission under
35 section three (a) hereof which, by its terms, is to be operative
36 for not more than thirty days.

37 (f) The traffic commission shall have the power to erect,
38 make and maintain or caused to be erected, made and main-
39 tained, traffic signs, signals, markings and other devices for the
40 control of such traffic in the city and for informing and warning
41 the public as to rules and regulation adopted hereunder, sub-
42 ject however, to section two of chapter eighty-five and to sec-
43 tions eight and nine of chapter eighty-nine, of the General Laws
44 as amended.

45 (g) Nothing in this act shall be construed as to authorize the
46 traffic commission to adopt any rule or regulation excluding the
47 cars, trackless trolley vehicles or buses of the Metropolitan Tran-
48 sit Authority or any bus company from any way or part thereof
49 in which it has a location, or to modify or limit any power or

50 authority of the metropolitan district commission, of the state
51 department of public works or the state department of public
52 utilities, or any power now vested in the mayor, board of alder-
53 men or heads of departments with reference to the issuance of
54 licenses or permits for the opening, using or occupying of streets
55 and sidewalks.

1 SECTION 4. (a) All existing ordinances, relating to the control
2 of vehicular traffic shall remain in full force and effect until
3 amended, revised or repealed by regulations adopted by the
4 traffic commission under this act, and any amendment, revision
5 or repeal of any existing ordinances or the adoption of any new
6 regulation shall not affect any act done, any right accrued, any
7 penalty incurred, or any suit, prosecution or proceeding pend-
8 ing, at the time of said amendment, revision, repeal or adoption.

1 SECTION 5. This act shall take effect upon its acceptance,
2 during the current year, by vote of the board of aldermen of
3 said city, subject to the provisions of its charter, but not other-
4 wise; provided that for the purpose of such acceptance only,
5 this act shall take effect upon its passage.

