

PAPER NUMBER _____:

ORDERED: That the City of Malden submit to the Massachusetts Legislature for passage in substantially the following form:

AN ACT RELATIVE TO AMENDMENT OF THE MALDEN CITY CHARTER IN ORDER TO ESTABLISH A TRANSPORTATION COMMISSION

Section 1: The Malden City Charter is hereby amended by striking section 23 D regarding the Traffic Commission and replacing it with the following language:

TRANSPORTATION COMMISSION

Section 23 D. There is hereby established a commission to consist of the city engineer, the chief of police, the public works director, the parking director and the director of strategic planning and community development or their designees, and two Malden residents with familiarity and interest in urban transportation issues, appointed by the Mayor subject to approval by the City Council.

The commission shall annually elect a chairperson of said commission who shall be known as the transportation commissioner. The members and secretary of the commission shall receive such compensation for their services as may be fixed by the city council. All statutes and ordinances applicable generally to the departments of the city shall apply to the commission.

The commission shall seek to ensure the safety and ease of travel in Malden, enhance quality of life in our neighborhoods, support active living and encourage modes and practices that can increase the efficient

use of our limited public spaces dedicated to travel and parking

The commission shall have primary authority, except as otherwise herein provided, to adopt, amend, alter and repeal rules and regulations, not inconsistent with general law as modified by this act, relative to travel and parking in the city, and to the movement, stopping or standing of vehicles and pedestrians on, and their exclusion from, all or any streets, municipal public parking places, ways, highways, roads and parkways, sidewalks, multi-use trails under the control of the city, including rules and regulations designating any way or part thereof under said control as a through way under and subject to the provisions of section nine of chapter eighty-nine of the General Laws, and may prescribe penalties for the violation of any rule or regulation adopted hereunder. Any rule or regulation adopted under this section, prohibiting the parking or standing of vehicles on the whole or any part or parts of one or more streets, ways, highways, roads, parkways, sidewalks or multi-use trails under the control of the city, may provide that it shall not apply in such residential areas as shall be specified, and at such times as shall be prescribed, in such rule or regulation, to any motor vehicle registered under chapter ninety of the General Laws as principally garaged in the city and owned or used by a person residing in such area who, in the year in which such vehicle is parked or in the preceding December for such year, shall have given, by a writing executed in such form and detail as such rule or regulation shall prescribe, and filed with the parking director, notice of intention to park in such but neither the giving of such notice nor the issuance of visible evidence of the giving thereof shall be construed to assign any specific space to any person or vehicle.

No such rule or regulation, except such special rules and regulations as are declared by vote of the commission to be urgently required by considerations of public safety or convenience or such as are of a temporary nature and are to be effective for a period of not more than two weeks, shall take effect until published for two successive weeks.

Upon petition of twenty-five registered voters of the city relative to any rule or regulation adopted or proposed to be adopted under this section, the commission shall hold a public hearing thereon within thirty days after the filing with the commission of such petition, and final action thereon shall be determined only by vote of a majority of the entire membership of the commission, subject to a further petition to the City Council, who may veto or amend such final action of the Commission by two-thirds vote.

The commission shall have power to erect, make and maintain, or cause to be erected, made and maintained, traffic signs, signals, markings and other devices for the control of such traffic in the city and for informing and warning the public as to rules and regulations adopted hereunder, subject, however, to section two of chapter eighty-five, and to sections eight and nine of said chapter eighty-nine, of the General Laws. Nothing in this act shall be construed to authorize the commission to adopt any rule or regulation excluding the trackless trolley vehicles or buses of a street railway or bus company from any way or part thereof in which it has a location, or to modify or limit any power or authority of the department of conservation and recreation, of the state department of transportation or of the state department of public utilities, or any power now vested in the mayor, city council or heads of departments with reference to the issuance of licenses or permits for the opening, using or occupying of streets and sidewalks.

The city of Malden is hereby authorized to install parking meters on streets and in all off-street parking lots which are currently leased, or which may hereafter be leased, by the city of Malden for public parking purposes, and may use any receipts from parking meters so installed for the purpose of leasing additional parking lots, the care and maintenance of the same, and in general to ensure the safety and ease of travel in Malden, including the operation of the commission and payment for public liability coverage in connection with the use of said municipally leased off-street parking lots.

Notwithstanding the provisions of any general or special law to the contrary, the city of Malden shall designate areas within said city as speed safety zones under general law chapter ninety, section eighteen B. The transportation commission of said city, in consultation with the department of public works, may erect flashing lights and post signs bearing such designation and to establish appropriate speed limits for such zones. Said transportation commission may adopt, from time to time, rules and regulations to carry out the provisions of this act.

Section 2: This Act shall go into effect on the 1st day of January following approval of a referendum on this Act by a majority of voters casting ballots during a November final municipal, state or federal election.

Section 3: All rules and regulations of the Malden Traffic Commission adopted prior to the effective date of this Act shall remain in full force and effect until modified by the Malden Transportation Commission.