



## CITY OF CAMBRIDGE

Office of the City Solicitor  
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Cambridge, Massachusetts 02139  
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*Russell B. Higley*  
City Solicitor

*Donald A. Drisdell*  
Deputy City Solicitor

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Assistant City Solicitor

### Legal Counsel

*Birge Albright*  
*Gail S. Gabriel*  
*Arthur J. Goldberg*  
*Linda A. Stamper*  
*Deborah R. Cautela*  
*Nancy E. Glowa*

March 3, 1995

Robert W. Healy  
City Manager  
City Hall  
Cambridge, MA 02139

Re: Council authority over bicycle riding on sidewalks;  
Council Order #44 dated 1/9/95;  
Committee Report Order #05 dated 2/27/95

Dear Mr. Healy:

The City Council requested an opinion as to its legal rights to prohibit bicycle riding on City sidewalks (copy attached). The exclusive authority over bicycle riding on sidewalks resides in the Director of Traffic and Parking pursuant to section 3 of the Special Act establishing the Department of Traffic and Parking in Cambridge, Chapter 455, Acts of 1961. The Council is without authority to prohibit bicycle riding on City sidewalks.

Section 3 of the Act provides that:

The traffic director shall have exclusive authority...to take any and all of the following actions, if he determines that such actions serve the public safety, welfare or convenience....

(a) The traffic director may adopt, alter or repeal rules and regulations...relative to vehicular and pedestrian traffic in the streets of the city and to the movement...of vehicles on, and their exclusion from, all or any streets...under the control of the city....

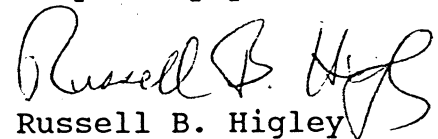
The Traffic Regulations define "vehicle" to include bicycles (Sec.

1.50) and define "street" to include sidewalks (Sec. 1.41). Article XII of the Traffic Regulations is entitled Regulations for Bicycles.

G.L.c.85, s.11B provides that "bicycles may be ridden on sidewalks outside business districts when necessary in the interest of safety, unless otherwise directed by local ordinance." The reference to "local ordinance", in Cambridge, should be read to mean "local traffic regulation," in light of the Special Act for Cambridge giving exclusive regulatory authority to the Director of Traffic and Parking.

Please contact me if I can be of further assistance.

Very truly yours,

  
Russell B. Higley



# The Cambridge Hospital



1493 Cambridge Street, Cambridge, Massachusetts 02139 (617) 498-1000

March 9, 1995

RECEIVED  
95 MAR 10 PM 2:18  
OFFICE OF THE CITY MANAGER

Mr. Robert W. Healy  
City Manager  
City Hall  
City of Cambridge  
Cambridge, MA 02139

Dear Mr. Healy,

I am writing in regards to City Council Order #44, dated 1/9/95, regarding various issues with bicycling riding on the sidewalks. I understand that there has been an increase in complaints to the City Council regarding accidents between bicyclists and pedestrians. The Cambridge Hospital currently does not collect statistics on such accidents. As a first step, we will begin surveying The Cambridge Hospital's Emergency Department staff to see how many people have been treated who sustained an injury that resulted from a bicycle traveling on a Cambridge sidewalk. We will also be surveying ambulance crews and fire rescue personnel. Once collected and analyzed, we will have a better understanding of the volume and how we should respond to these accidents. We are willing to assume the responsibility of collecting these statistics, and will provide you and the City Council with our findings.

I hope this will address any concerns members of the City Council may have. Please contact me if you require additional information.

Sincerely,

John G. O'Brien  
Chief Executive Officer



*City of Cambridge*  
*Police Department*  
*Office of the Commissioner*

TELEPHONE  
(617) 349-3300

FAX  
(617) 349-3320

**Perry L. Anderson, Jr.**  
*Police Commissioner*

**Robert W. Healy**  
*City Manager*

February 6, 1995

Walter Boyle  
*Superintendent*

Mr. Robert W. Healy  
City Manager  
City of Cambridge  
Cambridge, Mass.

Harold Murphy  
*Superintendent*

Subject: City Council Order # 44, dated 1/9/95

David Degou  
*Deputy Superintendent*

There currently is no legal mandate requiring accidents between bicyclists and pedestrians to be reported. It is considered a civil matter. Only "motorized bicycles" are covered under M.G.L. c90 reporting requirements.

Michael Giacoppo  
*Deputy Superintendent*

The Police Department does record accidents involving motor vehicles and either bicyclists or pedestrians.

Yvonne Hall  
*Deputy Superintendent*

Gloria Pimentel  
*Deputy Superintendent*

Perry L. Anderson, Jr.  
Police Commissioner

Lt. Thomas O'Connor  
*Quality Control Detail*

PLA:smc

Mr. Raymond Santilli  
*Planning, Budget & Personnel*

Mr. Frank Pasquarello  
*Aide to the Commissioner*

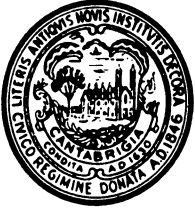
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95 FEB -8 AM 10:52  
OFFICE OF THE CITY MANAGER

Sandy Coppola, *Secretary*  
(617) 349-3377



ADDRESS ALL COMMUNICATIONS TO  
5 WESTERN AVENUE, CAMBRIDGE, MASSACHUSETTS 02139





EXECUTIVE DEPARTMENT  
ROBERT W. HEALY  
City Manager

RICHARD C. ROSSI  
Deputy City Manager

CITY OF CAMBRIDGE  
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300  
FAX. 349-4307

June 5, 1995

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 11, regarding various issues with bicycle riding on the sidewalk, received from City Solicitor Russell Higley, CEO of the Cambridge Hospital Community Health Network John O'Brien and Police Commissioner Perry L. Anderson.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert W. Healy", is written over a horizontal line.

Robert W. Healy  
City Manager

Consent Agenda # 5

8-195

Response to Awaiting Report Item Number  
Eleven regarding various issues with  
bicycle riding on the sidewalk.

In City Council,

June 5, 1995

*Placed on file*