



Cambridge Public Health Department
Cambridge Health Alliance

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To: Robert W. Healy
From: Harold Cox, Chief Public Health Officer *HC*
Date: 12/10/01
Re: City Council Order 0-22—public toilets

Please find responses to the City Council order regarding public toilets. The primary report was prepared by Suzy Feinberg. Additional legal response was prepared by the City Solicitor's Office.

Public Access Toilets in the City of Cambridge

City Council Order O-22

Submitted to the City Manager, Robert Healy

DECEMBER 10, 2001

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EXECUTIVE SUMMARY

At the May 14, 2001 Health and Environment Committee meeting, Cambridge City Council members asked the Cambridge Public Health Department to report back on the following items:

1. What signage exists for public access toilets?
2. Could letters be written by the City Manager to private enterprises that discriminate against non-customers of their establishments from using their facilities?
3. Could the City provide signage indicating locations of public access toilets that are owned and maintained by private enterprises (e.g., a mall)?
4. Provide an inventory of the facilities available and the signage used.
5. Investigate the public access options used in the boathouses along the River.

In response to this request the Cambridge Public Health Department interviewed representatives from 21 public agencies and institutions (at 38 sites); 9 private enterprises; and 7 private boathouses and sailing pavilions. The department also made on-site visits to many of these facilities, speaking directly to those on the public toilet “frontlines”—receptionists, librarians, firefighters, security guards, and maintenance supervisors. Although this report addresses each item separately, it is important to remember that access and signage policies are interconnected and influenced by socioeconomic, environmental, and health issues such as crime, homelessness, and alcohol and drug use.

Report highlights:

Inventory of public restrooms in Cambridge – At present, city agencies in 26 locations across Cambridge have public restrooms. In the private sector, only a small number of private enterprises allow non-customers to use their restrooms on a regular basis. The problem is most acute in Harvard Square, where a confluence of tourists, students, shoppers, homeless individuals, and street kids place enormous strain on the businesses that own and maintain public access restrooms.

Restroom signage – The Cambridge Public Health Department found very limited outdoor and indoor signage indicating locations of restrooms in city buildings. In the private sector, none of the malls, bookstores, fast-food restaurants, boathouses or sailing pavilions surveyed for this report have posted any outdoor or indoor signage indicating the whereabouts of their restrooms. For these enterprises, the dearth of signage largely has to do with reluctance to advertise their restrooms as “public.”

Signage agreement – The Cambridge Public Health Department asked businesses that currently offer public access toilets whether they might be willing to provide signage and to expand their restroom hours if the city paid for the signage and partially reimbursed them for maintenance costs. Representatives from three malls and arcades expressed interest in a signage agreement with the city. The two mall representatives stated that their respective companies might seriously consider such an agreement, depending on what the city was willing to offer, since their businesses were already effectively financing “public” toilets.

RECOMMENDATIONS

- ◆ **Advertise locations of public restrooms in city buildings** – The City of Cambridge should review its policy on restroom signage with regard to public restrooms in city buildings. For example, the city may want to select a group of city buildings to be officially designated as having public restrooms, and advertise accordingly.
- ◆ **Develop a signage agreement with malls and arcades** – The City of Cambridge should consider developing a signage agreement with selected private businesses that are amenable to the concept.
- ◆ **Homeless population** – Official public toilets in city buildings and malls will not solve the ongoing problem of homeless individuals using private facilities for showering and sleeping. Additional plans should be considered to address this issue.
- ◆ **Automatic Public Toilets** – The City of Cambridge should continue to explore the possibility of acquiring automatic public toilets.
- ◆ **Private boathouses and sailing pavilions** – The city should work with the Metropolitan District Commission (MDC) to develop a coherent, consistent and enforceable policy regarding the role of private boathouses and sailing pavilions in providing public amenities.
- ◆ **Charles River Master Plan** – The city should discuss with the MDC the time frame of the Charles River Master Plan and the feasibility of constructing the three “amenity clusters” in Cambridge along Memorial Drive. (A promise of MDC-financed and maintained “amenity clusters” might make the boathouses more willing to provide public access to their facilities, since the policy would be temporary.)

Item 1. What signage exists for public access toilets?

INTRODUCTION

In the early or mid-1990s, the Cambridge City Council ordered the Department of Public Works (DPW) to post signs indicating the location of “public” restrooms in Cambridge.¹ Signs were posted inside and outside certain city buildings, such as City Hall, the senior center, the firehouse at Lafayette Square, and the Lombardi building.

FINDINGS

Public Agencies & Institutions

In its toilet tour of Cambridge this summer, the public health department found three outdoor signs and five indoor signs. While it is possible there are other remaining outdoor signs, they are not in prominent display.

Outdoor signage

- ◆ Two DPW outdoor signs are posted in Central Square. One is posted at the stoplight in front of the Central Square Main Post Office. The other DPW sign is affixed to the exterior brick wall of the Central Square branch library, 45 Pearl Street. Both signs stated “public restrooms are available at Cambridge City Hall (795 Massachusetts Ave.), Police Station (Green St.), Fire Station (Lafayette Sq.)”

Notably, the signs do not provide hours of operation of the “public” restrooms nor exact addresses for the police and fire stations. It is also worth noting that the police station no longer has an open-door policy for restroom seekers (see Item 3).

- ◆ Outdoor signage is posted at Danehy Park for the “comfort station” located in the Park office.

Indoor signage

The Public Health Department found that “restrooms” were included in the building directories of City Hall, 51 Inman Square, and the Windsor Street Health Center. Indoor signage was posted at the Golf Course Club House and overhead signage is used at The Cambridge Hospital.

Private Companies and Institutions

None of the malls, bookstores, fast-food restaurants, boathouses, or sailing pavilions included in this report have posted any outdoor or indoor signage indicating the whereabouts of their restrooms, with the exception of the Harvard Coop, which lists “restroom” in its store directory between “religion” and “science.”

¹ Fred Cabral (supervisor of maintenance, DPW), personal communication, September 6, 2001.

We spoke to representatives from the following businesses, schools, and universities:

- The Garage Mall (Harvard Square)
- The Atrium (Harvard Square)
- Holyoke Center (Harvard Square)
- The Cambridge Galleria (Harvard Square)
- Au Bon Pain at Harvard Square
- Starbucks Coffee (Central Square)
- Harvard Coop (Harvard Square)
- Porter Square Galleria (Porter Square)
- University Park Hotel @ MIT (Kendall Square)
- Weld Boathouse (Harvard women's crew)
- Harvard Sailing Center
- MIT Sailing Pavilion
- MIT Boathouse
- DeWolfe Boathouse (Boston University)
- Riverside Boat Club
- Buckingham, Brown & Nichols School Boathouse

CONCLUSIONS

Public Agencies & Institutions

The vast majority of public agencies and institutions in Cambridge allow the public to use their restrooms. Nonetheless, representatives from the same organizations voiced concern about posting prominent signage indicating that “public” restrooms were available on their premises. Concerns included:

- ◆ Inability to monitor the restrooms if traffic increased considerably
- ◆ Inability to maintain restrooms if traffic increased markedly. For instance, at the firehouses, the firefighters are responsible for cleaning the “public” bathrooms.
- ◆ Cost of maintaining restrooms could be prohibitive, if traffic increased markedly
- ◆ Potential for compromising patient/client privacy
- ◆ Liability
- ◆ Security/Safety/Terrorism
- ◆ Landlord issues – some agencies lease space in private buildings

Private Companies and Institutions

Among the private enterprises and universities included in this report, the rationale for not posting signage largely had to do with their reluctance to advertise their facilities as public. For more information, please see Item 3 (private enterprises) and Item 5 (boathouses).

Item 3: Could the city post signage indicating locations of public access toilets that are owned and maintained by private enterprises (e.g., a mall)?

INTRODUCTION

At the May 14, 2001 Health and Environment Committee meeting, Cambridge City Council members asked whether businesses that already offer public access toilets (e.g., malls) might be willing to provide signage and to expand their restroom hours if the city paid for the signage and partially reimbursed the businesses for maintenance costs associated with the restrooms. This offer was informally posed to representatives from:

- The Garage Mall (Harvard Square)
- The Atrium (Harvard Square)
- Holyoke Center (Harvard Square)
- The Cambridge Galleria (Harvard Square)
- Au Bon Pain at Harvard Square
- Starbucks Coffee (Central Square)
- Harvard Coop (Harvard Square)
- Porter Square Galleria (Porter Square)
- University Park Hotel @ MIT (Kendall Square)

FINDINGS

At present, only a handful of Cambridge businesses allow the public unrestricted access to their restroom facilities. These businesses include the Garage Mall, Holyoke Center, Au Bon Pain at Harvard Square (near the Pit), the Porter Square Galleria, the Harvard Coop stores, and several coffeehouses and fast-food restaurants.

While many Cambridge residents and tourists believe the bathrooms in these establishments are “public”—this is not actually the case. Restaurants, malls, and other places of assembly do not have a legal obligation to provide restroom facilities to non-customers. With the exception of the Holyoke Center*, the bathrooms in the aforementioned businesses are intended *only* for customers, tenants, and employees.

These bathrooms are “accessible” to the public-at-large because it is difficult, or sometimes impossible, for employees of malls, bookstores, and fast-food restaurants to discern customers from non-customers. In short, these “public access” toilets were never intended for large-scale public use; rather they have become *de facto* public by virtue of their location.

* Harvard University, which owns Holyoke Center, has designated the ground floor bathrooms in the Holyoke Center as public bathrooms.

Signage

None of the businesses that offer *de facto* public toilets post signage advertising this fact. Why? Many of the managers we spoke to felt overwhelmed by the amount of time and money they expend in maintaining their “public access” toilets, and do not want to expand their bathroom clientele any further. In fact, many have begun initiating policies to curtail unwanted bathroom traffic.

The managers’ concerns focus primarily on the chronic misuse and destruction of their restrooms by particular groups of non-customers, which they have identified as homeless individuals, substance abusers, and “Pit” kids. Illicit bathroom activities fell into two major categories:

- **Misuse of the bathrooms**– Including showering, washing clothes, sleeping, fighting, drinking, drug use.
- **Vandalism** – Including graffiti, plugged toilets, broken toilet bowls, bashed partitions, defecating on floor drains.

The following is a supervisor’s description of bathroom-related vandalism that occurred at Au Bon Pain at Harvard Square during his tenure:

They were ripping apart the bathrooms, there was a lot of graffiti. Several times I’ve had people go to the bathroom on the floor and not use the toilet, for no reason at all. It’s unbelievable and that is both men’s and ladies’ rooms. Broken mirrors, people just smashing the wall, and smashing the urinals, toilets, and dividers and things like that. Breaking the door knobs off. People doing drugs and having physical fights in the bathroom. Just unbelievable things that I’ve never experienced before in my life.²

These comments reflect the frustration of many property managers, maintenance supervisors, and store employees we interviewed. Vandalism and vagrancy were clearly on their minds as they pondered the city’s hypothetical offer of financial assistance in return for signage. Their responses are summarized below.

Positive/neutral responses

Representatives from three malls and arcades expressed interest in a signage agreement with the city. The two mall representatives stated that their respective companies might seriously consider such an agreement, depending on what the city was willing to offer, since their businesses were already effectively financing “public” toilets.

² The supervisor’s comments describe the situation prior to October 2000, when he initiated a “key” system.

The Garage Mall

Harvard Square

Hours: 7 a.m. – 11 p.m.

Owner: Trinity Properties

Contact: “an employee of the property management company”

The representative of Trinity Properties interviewed for this report had a mixed reaction to the signage proposal. On the one hand, his company might welcome the signage because it would draw more people into the mall, which would benefit the tenants.

However, he worried that signage alone would only exacerbate the mall’s ongoing problems with vandalism and vagrancy without alleviating the bathroom problem in Harvard Square.

The Garage Mall bathrooms are routinely damaged and misused. Problems include homeless individuals using the bathrooms for showering and sleeping; daily graffiti; broken toilet bowls; toilets plugged with beer cans; and marijuana and hard drug use (at least three overdoses have been reported in the past 15 years). These incidents happen despite the fact that the maintenance crew stands watch near the stairs leading to the bathrooms morning until 4 p.m., at which time a security guard takes over until midnight.

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Porter Square Galleria

Porter Square

Hours: 10 a.m. to 12 a.m.

Owner: Porter Square Equity Partners LLC

According to a representative from facilities management at the Porter Square Galleria, the building owner might be interested in a signage agreement, depending on what the city was willing to offer. Without a financial incentive, the representative believes Porter Square Equity Partners would not expand access to the restrooms for fear it would increase incidents of vagrancy and vandalism. He reported that a handful of homeless individuals routinely use the Galleria restrooms for washing clothes, taking sink “showers,” drinking, and sleeping. He estimates that the Galleria bathrooms probably need \$25,000 in repair work due to water damage (e.g., plugged sinks have caused deterioration of the dry walls) and vandalism (e.g., graffiti, kicked-in stall doors).

In an attempt to reduce these problems, the Galleria has adopted a system whereby security guards pass out tokens to tenants who then distribute them to customers. However the token system has not prevented the homeless population from using the facilities.

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Holyoke Center

Harvard Square

Hours: 6 a.m. to 9 p.m.

Owner: Harvard University

A representative from Harvard Planning and Real Estate, the entity that manages the Holyoke Center, said that negotiating a signage agreement with the city was a “definite possibility,” assuming the concept was approved by Harvard’s insurance and legal departments. A signage

agreement is probably more attractive to the Holyoke Center than other establishments because its bathrooms are genuinely “public.”

A full-time security guard is stationed near the Holyoke Center restrooms, which has helped to reduce vandalism and vagrancy. Nonetheless, the maintenance crew reports ongoing problems with graffiti, “showering,” sleeping, and alcohol use.

Negative Responses

In addition to the malls, we interviewed managers from a handful of fast-food restaurants, coffeehouses, hotels, and bookstores. These managers voiced a number of concerns about advertising their bathrooms as “public toilets.” These concerns included:

- Not enough stalls to meet increased demand; system is already “overloaded.”
- If toilets were “public,” would they be subject to city inspections?
- Limited staff capacity to monitor bathrooms.
- Providing public restrooms is the job of the city, not private businesses.
- The presence of unkempt/mentally ill/delinquent bathroom users may frighten paying customers, who may then take their business elsewhere.
- In controlled environments like hotels, it is not desirable to give unknown people unrestricted access to the building.

The Harvard Coop

Harvard Square

Hours: 9 a.m. to 10 p.m. (Mon.-Sat.); 10 a.m.-9 p.m. (Sun.)

Owner: Harvard University

The manager interviewed for this report said the Harvard Coop would probably decline a signage offer from the city because its limited facilities are already overburdened.

As discussed previously, the Coop bathrooms are *intended* only for customers. However, word-of-mouth advertising in Harvard Square long ago made the Coop a hub of bathroom activity. The result is often long lines outside the six-single stall restrooms and frequent complaints about cleanliness.

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Au Bon Pain at Harvard Square

Harvard Square

Hours: 5:30 a.m.-11:50 p.m., Sun.-Thurs.; 5:30 a.m.-12:30 a.m., Fri.-Sat.

Owner: Compass Group

The representative from Au Bon Pain at Harvard Square interviewed for this report said his company would probably decline a signage offer from the city because of the long history of non-customers vandalizing the bathrooms.

The representative said he spent a year trying to clamp down on the wanton destruction of the Au Bon Pain bathrooms before he implemented a “key” system in October 2000. Au Bon Pain employees now unlock the restrooms for customers, and lock them again after customers exit. The representative stated that no one is refused use of the bathroom unless the person has caused problems in the past and is not currently a customer.

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University Park Hotel @ MIT

Kendall Square

Owner: MIT

Contact: a representative of the University Park Hotel @ MIT

The representative from the University Park Hotel @ MIT interviewed for this report said the hotel would probably decline a signage offer from the city because non-customer traffic could compromise hotel security and potentially inconvenience hotel guests.

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The Atrium

Harvard Square

Owner: Trinity Properties

Contact: “an employee of Trinity Properties”

Trinity Properties would likely decline a signage offer from the city in regard to the Atrium, the arcade on Church Street that houses The Gap, Brew Moon, and Fire & Ice. Although the restrooms are located in a public walkway, they are not “public,” according to a source at Trinity Properties. The bathrooms are shared by Brew Moon and The Gap, and are intended only for patrons of those businesses. This policy is enforced through a “buzzer” system: Upon request, a hostess or salesperson will press a buzzer that unlocks the bathroom door. The door automatically locks after the customer exits.

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The Cambridge Galleria

Harvard Square

Contact: Building tenants

The Cambridge Galleria does not have restrooms.

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Starbucks Coffee

Central Square

Owner: Starbucks Coffee Company

Contacts: Starbucks “baristas”

Starbucks Coffee in Central Square shut down its customer bathroom this summer following two heroin overdose incidents. One of the incidents resulted in death.

CONCLUSIONS

At present, only a small number of private enterprises allow non-customers to use their restrooms on a regular basis. As a result, these businesses are assuming a financial burden they feel is underappreciated by the city and their bathroom clientele. With the exception of the Holyoke Center, these businesses never intended their facilities to receive the volume of non-customer pedestrian traffic that they currently experience.

The problem is most acute in Harvard Square, where a confluence of tourists, students, shoppers, homeless individuals, and street kids place enormous strain on the few private businesses who allow the public to use their facilities. As noted previously, these businesses are coping with more than additional foot traffic; they are dealing with issues of homelessness and delinquency that has frequently resulted in wanton destruction of their bathrooms.

Nonetheless, three of the businesses we spoke to expressed interest in a signage agreement with the city, depending on what the city had to offer. Positive responses were given by The Garage Mall (Harvard Square), the Porter Square Galleria (Porter Square), and Holyoke Center (Harvard Square). The sentiment among the two mall representatives was that financial support from the city would be greatly appreciated since they are already effectively financing “public” toilets.

Item 4. Inventory of Available Facilities and Signage Used

INTRODUCTION

We interviewed representatives from 21 public agencies and institutions to find out if they provided “public access” restrooms. We also made on-site visits to many of these facilities, speaking directly to those on the public toilet “frontlines”—receptionists, librarians, firefighters, security guards, and maintenance supervisors. The public entities included in this section represent nearly all government agencies and institutions that operate in Cambridge.

FINDINGS

Our investigation revealed that public buildings in 26 locations across Cambridge have public access restrooms. The agencies and institutions represented are:

- The Cambridge Public Library (7 locations)
- Cambridge Fire Department (8 locations)
- City Hall
- The Cambridge Health Alliance (4 locations)
- Citywide Senior Center
- Building Department
- Multi-Service Center
- 57 Inman municipal building
- Parks Department (2 locations)
- MDC Magazine Pool

The location and hours of these buildings are listed in Table 1. Public agencies that restrict or forbid public access to their restrooms are excluded from the table. Also excluded are unofficial public access restrooms that are maintained by private companies or universities. For detailed information on agencies’ restroom policies, signage status, and security issues, see Appendix A.

Table 1**A Short List of Public Restrooms in Cambridge**

Organization	Address	Neighborhood	Hours
Firehouse – North Cambridge	2029 Mass. Avenue	NORTH CAMBRIDGE	6 am – midnight, daily Note: bathrooms inaccessible when firefighters are out.
Library – O’Neill Branch	70 Rindge Avenue	NORTH CAMBRIDGE	9am-8pm –M, W, Th 9am-5:30 pm – T, F
North Cambridge Health Center	266 Rindge Avenue	NORTH CAMBRIDGE	8:30 a.m.-8 p.m., M,W; 8:30 a.m.-5 p.m., T-TH-F
Danehy Park	99 Sherman Street	NORTH CAMBRIDGE/ ALEWIFE	Permanent restrooms: 7 a.m. to dusk, year-round Temporary toilets: 24/7
Firehouse – Taylor Sq.	113 Garden	TAYLOR SQUARE	6 am – midnight, daily Note: bathrooms inaccessible when firefighters are out.
Golf Course Club House	691 Huron Ave.	WEST CAMBRIDGE	Dawn to dusk
Library – Collins Branch	64 Aberdeen Ave.	WEST CAMBRIDGE	M, Th: 1 pm-8 pm T, W, F: 9 am-5:30 pm
Firehouse –West Cambridge	167 Lexington Ave.	WEST CAMBRIDGE	6 am – midnight, daily Note: bathrooms inaccessible when firefighters are out.
Library – Main	449 Broadway	MID CAMBRIDGE/ HARVARD SQUARE	Monday-Friday: 9am-9pm Sat: 9am-5pm Sun: 1pm-5pm (Sept-May)
Firehouse – Main	491 Broadway	MID CAMBRIDGE/ HARVARD SQUARE	6 am – midnight, daily Note: bathrooms inaccessible when firefighters are out.
Library – Central Sq.	45 Pearl St.	CENTRAL SQUARE	M, W, F: 9:30 am-6 pm T & Th: 9:30 am-9 pm S 9:30am-6pm (Sep-Jun)
Firehouse – Lafayette Square	378 Mass. Avenue	CENTRAL SQUARE	6 am – midnight, daily Note: bathrooms inaccessible when firefighters are out.
City Hall	795 Mass. Avenue	CENTRAL SQUARE	8:30 a.m.-6 p.m.; later on meeting nights
Citywide Senior Center	806 Mass. Avenue	CENTRAL SQUARE	8:30 a.m.-4:50 p.m., M-F; 8:30 a.m.-12:50 p.m., S-S
Building Department	831 Mass. Avenue	CENTRAL SQUARE	Regular hours: 8 a.m.-5 p.m. Hearing nights: 6 pm-10 pm
Multi-Service Center	19 Brookline Street	CENTRAL SQUARE	8:30 a.m.– 5 p.m.
Windsor Street Health Center	119 Windsor Street	CENTRAL/KENDAL L	7 am-11 p.m., M-F; 10 am-2 p.m., Sat.
Riverside Health Center	205 Western Avenue	CENTRAL/SOUTH SIDE	9 a.m.-5 p.m., MWF; 9 a.m.-8 p.m., T,TH
Firehouse – South Side	176 River Street	SOUTH SIDE	6 am – midnight, daily Note: bathrooms inaccessible when firefighters are out.

Organization	Address	Neighborhood	Hours
Magazine Pool	719 Memorial Drive	CHARLES RIVER	M-F: 11 am – 7 pm S-S: 10 am – 6 pm *Open in July & August:
57 Inman – municipal building	57 Inman	INMAN SQUARE	7 a.m.-8 p.m., later on meeting nights
Firehouse – Inman Sq.	1384 Cambridge St.	INMAN SQUARE	6 am – midnight, daily Note: bathrooms inaccessible when firefighters are out.
The Cambridge Hospital	1493 Cambridge Street	INMAN SQUARE	Reception area: 6 am.-8 pm ED restrooms: 24/7
Library – Valente Branch	826 Cambridge Street	INMAN/ EAST CAMBRIDGE	M, Th, F: 10 am-6 pm T, W: 10 am-8 pm
Firehouse – East Cambridge	175 Cambridge Street	EAST CAMBRIDGE	6 am – midnight, daily Note: bathrooms inaccessible when firefighters are out.
Library – O’Connell Branch	48 Sixth Street	EAST CAMBRIDGE	M, W, Th: 10 am-5 pm Tues: 10 pm-7:30 pm Friday: 1pm-5pm

Item 5. Investigate the public access options used in the boathouses along the Charles River

INTRODUCTION

At the May 14, 2001 Health and Environment Committee meeting, Cambridge City Council members asked the Cambridge Public Health Department to investigate whether any of the boathouses along the Charles River allow the public to use their restrooms. We spoke to representatives from the following boathouses, sailing pavilions, and public pools:

- Weld Boathouse (Harvard women's crew)
- Harvard Sailing Center
- MIT Sailing Pavilion
- MIT Boathouse (MIT men's crew)
- DeWolfe Boathouse (Boston University)
- Riverside Boat Club
- Buckingham, Brown & Nichols School
- MDC Magazine Pool*

Note: We were unable to reach the Cambridge Boat Club

FINDINGS

“Weld Boathouse is open to members and guests of the Harvard community. Public restrooms and pay phones can be found in Harvard Square. Thank you.”

—Sign posted at the front entrance to Harvard's Weld Boathouse

Though the Harvard crew team may be blunter than its colleagues on Memorial Drive about its unwillingness to share its boathouse amenities with the public—its stance is certainly not unique.

All the boathouses and sailing pavilions on the Cambridge side of the Charles River lease land from the Metropolitan District Commission (MDC), a state agency affiliated with the Executive Office of Environmental Affairs. The terms of the leases vary considerably. For instance, the MIT Sailing Pavilion has an annual lease; Harvard's Weld Boathouse holds a 999-year lease.

Because the boathouses and sailing pavilions are all privately owned, they have no legal obligation to provide restrooms to non-members. Recognizing this, the MDC has argued that university and private boathouses, many of whom lease Charles River parklands at nominal cost, have an *ethical* obligation to the community to provide public drinking fountains, toilets, and other amenities.

So far, this appeal to community goodwill has met with tepid response. According to the MDC, the boathouses' biggest objection to allowing public access to their restrooms has been liability. So far, only the MIT athletic department, the Harvard Sailing Center, and the Riverside Boat

* The MDC Magazine pool is a public pool owned by the Metropolitan District Commission.

Club have taken seriously the MDC's request for public-access restrooms. Both the MIT Sailing Pavilion and MIT boathouse have an unofficial open door policy regarding public access to its drinking fountains and restrooms. The Riverside Boat Club provides outdoor temporary toilets for public use during rowing season.

Some clubs with closed door policies are trying to satisfy the MDC's request in other ways. The Boston University DeWolfe Boathouse and the Cambridge Boat Club (CBC) have installed public drinking fountains, the CBC allows rowers from Cambridge Rindge and Latin to use its bathrooms, and Harvard's Weld Boathouse has, in the past, donated its facility for fundraisers.

In June 2000, the MDC released its master plan for the Charles River Basin. Included in this plan are provisions for nine "amenity clusters" on both banks of the Charles. Amenity clusters would include public bathrooms, water fountains, and phones. Three of these amenity clusters are slated for Cambridge, near MIT, the BU Bridge, and the Larz Anderson Bridge (near Harvard Square). The MDC has projected it will take 5 to 15 years to complete the revitalization project.

The representatives we spoke to raised similar objections to providing public access restrooms. Unlike the malls and restaurants, the boathouses were primarily concerned with security, not vandalism or vagrancy. Theft of personal belongings and equipment were cited as major concerns. Also, coaches worried about the personal safety of their members; particularly in boathouses where restrooms are located in women's locker rooms. Finally, coaches worried about liability issues, given that the boathouses are located near motor boats and gas tanks.

Boathouse policies toward public use of their restroom facilities fell into three categories:

- **Official open door policy** – MDC Magazine Pool, Riverside Boat Club (provides outdoor temporary toilets for public use)
- **Unofficial open door policy** – MIT Boathouse, MIT Sailing Pavilion, Harvard Sailing Center
- **Closed door policy** – Weld Boathouse (Harvard Women's Crew), Boston University DeWolfe Boathouse, Buckingham, Browne & Nichols School

Official open door policy

MDC Magazine Pool

Owner: Charles River Metropolitan District Commission

Location: 719 Memorial Drive

Hours: 11 a.m.-7 p.m., Sat.-Sun.; 10 a.m.-6 p.m., Mon-Fri., July and August

Bathroom policy: As a public pool, the official bathroom policy at the MDC Magazine pool is that the bathroom is open to the public, not just pool users. Pool management estimated about 50 to 75 non-customers used the bathrooms on a daily basis during summer 2001. Primary users were joggers, walkers, tourists, and several homeless people.

Security & past incidents: Pool staff walk through the bathroom areas on a regular basis. There have been no significant incidents. According to a pool manager, the few homeless people who used the bathrooms and showers on a regular basis last summer did not interfere with pool users because the homeless men used the facilities early in the morning.

Riverside Boat Club**Owner:** Riverside Boat Club**Location:** 769 Memorial Drive (near Pleasant St.)**Hours:** Porta-potties – 24 hours/7 days a week during rowing season, April to Nov.

Bathroom policy: The Riverside Boat Club rents and maintains outdoor porta-potties during crew season (April-Nov.), according to a representative of the Riverside Boat Club. For safety reasons, the club has a closed door policy with regard to its indoor restrooms, which are integrated with the women's locker rooms.

Security & past incidents: No security guard. No reported incidents with temporary toilets.

Unofficial open door policy**MIT boathouse (Men's Crew)****Owner:** Massachusetts Institute of Technology**Location:** Memorial Drive, just west of Harvard Bridge**Hours:** 6 a.m.-8 p.m., Mon-Fri.; 6 a.m.-noon, Sat.; open year-round

Bathroom policy: The MIT boathouse facilities are open to the public during hours of operation. A boathouse representative estimated that during the peak summer months, about 25 to 50 people from the community use the restrooms and drinking fountains. Primary users are runners, state police, and MDC workers. The boathouse is also open during regatta season, and on an average Saturday, as many as 250 people might use the facilities. Even on Saturdays when MIT is not racing, the athletic department pays a staff member to man the boathouse so that the facilities (including the bathrooms) are available to toilet-seekers, spectators, and the media.

The reason for the generous open door policy is that the MIT athletic department has a "loose understanding" with the MDC that it is obligated to provide public amenities. However, the boathouse representative said the policy is very ambiguous. The boathouse does not post signage advertising its bathrooms.

Security & past incidents: No security guard. At least one locker room break-in occurs annually; this has been an ongoing problem for the past 15 years.

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MIT Sailing Pavilion**Owner:** Massachusetts Institute of Technology**Location:** Mass Ave. & Memorial Drive**Hours:** Noon until sunset, April to November

Bathroom policy: Unofficially, the public can use the restrooms. A sailing pavilion representative estimated that in good weather about 50 joggers a day use the facilities.

Security & past incidents: No security guard. Wallets and other items are stolen from time to time. The representative stated that if the sailing pavilion were to initiate a stricter security system, the public restrooms would be eliminated as a security measure. However, MIT is taking other steps to minimize risk in order to avoid this.

Harvard Sailing Center

Owner: Harvard University

Location: 45 Memorial Drive (on MIT campus)

Hours: 1 p.m. to sunset; Tues.-Sun.; April 1-Nov. 1

Bathroom policy: The Harvard Sailing Center does not have official public restrooms, but in most instances employees allow people to use them. The policy works because foot traffic is limited, and consists mostly of joggers, roller bladers, and bicyclists—not homeless individuals.

Security & past incidents: No security guard. Most incidents have occurred during Harvard-hosted sailing regattas because staff tend to leave the main door unlocked. Strangers have entered the building, rifled through bags, and stolen wallets.

Closed door policy

Weld Boathouse (Women's Crew)

Owner: Harvard University

Location: Memorial Drive & JFK

Bathroom policy: Weld discourages the public from using its restrooms for both safety and security reasons. The boathouse doesn't have the security capability to adequately safeguard members, their belongings, or the equipment. In addition, the bathrooms are located in the women's locker room, which is an added risk to personal security. Finally, because the boathouse is in close proximity to the dock, gas tanks, and motor boats, Harvard would be liable for any accidents that involved the public on boathouse premises. A boathouse representative said that the "potential for disaster" was significant.

Security & past incidents: No security guard. In the past, wallets have been stolen. However, theft occurs infrequently because either a staff member is monitoring the front door, or the front door is locked.

Contributions to community: In the past, Harvard has allowed the Weld boathouse to be used for community events such as fund-raisers.

* * * * *

Boston University DeWolfe Boathouse

Owner: Boston University

Location: Memorial Drive (across from Hyatt)

Bathroom policy: Since a rash of thefts in the mid-1990s, the Boston University boathouse bathrooms have been closed to the public.

Security & past incidents: Theft (see above).

Contribution to community: According to the MDC, Boston University installed a drinking fountain at the new DeWolfe boathouse. (*Note:* This question was not posed to a boathouse representative).

Buckingham, Browne & Nichols School Boathouse**Owner:** Buckingham, Browne & Nichols School**Location:** 80 Gerrys Landing**Contact:** Athletic Department

The Buckingham, Browne & Nichols School boathouse does not have any restrooms. During spring crew season, temporary bathrooms are set up outside; their use is restricted to BBN students.

CONCLUSIONS

The restroom policies of the university-owned and private boathouses and sailing pavilions vary considerably. The policies appear to reflect the individual relationships each university or club has with the MDC. It appears that the MDC holds more sway over newcomers to the Charles River (e.g., MIT) than it does over older rowing establishments (e.g., Harvard). It is also possible that the newer structures are better able to accommodate the public. The end result, however, is that certain institutions are shouldering most of the burden for providing public access restrooms.

At present, only the MIT Boathouse, MIT Sailing Pavilion, and the Harvard Sailing Pavilion provide unofficial public access restrooms. Unfortunately, they are clustered together, near the Harvard Bridge. The only other “pit stops” along the Cambridge side of the Charles are the porta-potties near River Street, maintained by the Riverside Boat Club, and the Magazine Pool, also near River Street, which is open only in July and August.

APPENDIX A: INVENTORY OF PUBLIC ACCESS RESTROOMS

PUBLIC AGENCIES & INSTITUTIONS

Open to Public

Cambridge Public Library All Branches			
Address & Hours	<p><u>Main Library</u> 449 Broadway Monday-Friday 9am-9pm Sat 9am-5pm Sun 1pm-5pm (Sept-May)</p> <p><u>Collins Branch</u> 64 Aberdeen Ave M, Th 1pm-8pm T, W, F 9am-5:30pm</p>	<p><u>O'Neill Branch</u> 70 Rindge Ave M, W, Th 9am-8pm T, F 9am-5:30 pm</p> <p><u>Valente Branch</u> 826 Cambridge St M, Th, F 10am-6pm T, W 10am-8pm</p> <p><u>Boudreau Branch</u> 245 Concord Ave M, W, F 9am-6pm T, Th 9am-8pm</p>	<p><u>Central Square</u> 45 Pearl St (617) 349-4010 M, W, F 9:30am-6pm T & Th 9:30am-9pm S 9:30am-6pm (Sep-Jun)</p> <p><u>O'Connell Branch</u> 48 Sixth St M, W, Th 10am-5pm Tues 10am-7:30pm Friday 1pm-5pm</p>
Building Owner	City of Cambridge		
Official Restroom Policy	Open to the public; however use of restrooms in children's room restricted to children and parents.		
Location of Restrooms	Varies.		
Restroom Signage	No outside signage		
# of Stalls	Unisex single-person restrooms; at least two units in each library branch.		
Estimated non-patron usage/day	<p>Central Square Branch: 50-100 people (librarians' estimate) * Winter is a popular time because library bathroom is indoors. Especially attractive to homeless population; number of homeless patrons triples in winter.</p> <p>Information not available for other branches.</p>		
Primary users	Diverse population: CRLS students; patrons; library programs participants; children, seniors, homeless individuals, business professionals		
How often cleaned?	Restrooms at Central Square and the Main Library are thoroughly cleaned 2X or 3X a day (morning & evening). In addition, custodians check the Central and Main bathrooms every hour to restock paper towels and toilet paper. The other branches, which are less trafficked, are cleaned several times a week.		
Security	No security guard. However, librarians are on alert for potential misuse of restrooms.		
Problems	<ul style="list-style-type: none"> ▪ Vagrancy (Central Sq.) ▪ Alcohol & drug use (Central Sq.) ▪ Occasional vandalism ▪ High demand for restrooms ▪ Cleanliness 		

PUBLIC AGENCIES & INSTITUTIONS

Open to Public

	Fire Department City of Cambridge Firehouses	
Addresses	Mid Cambridge/Harvard Square 491 Broadway Lafayette Square 378 Massachusetts Avenue North Cambridge 2029 Massachusetts Avenue East Cambridge 175 Cambridge Street	Inman Square 1384 Cambridge Street South Side 176 River Street Taylor Square 113 Garden Street West Cambridge 167 Lexington Avenue
Building Owner	City of Cambridge	
Official Restroom Policy	Open to the public	
Hours	The firehouses operate 24 hours a day. However since Sept. 11 the firefighters have been instructed to lock the stations when they are called out. The firefighters are frequently out; last year they responded to 28,000 calls.	
Location of Restrooms	Varies.	
Restroom Signage	No exterior/interior signage. The fire dept. would prefer that the city did not advertise the facilities since the already overburdened firefighters are also charged with cleaning and maintaining the "public" restrooms. The representative interviewed for this report said that if bathroom traffic increased markedly, the city might be a need to hire janitorial services to relieve the firefighters of privy duty.	
# of Stalls	Most are single stall	
Estimated non-patron usage/day	N/A	
Primary users	N/A	
How often cleaned?	Varies; some firehouse restrooms are cleaner than others.	
Security	On-duty firefighters. No official security guard.	
Problems	The level of problems vary among firehouses. The Lafayette Firehouse (see separate entry) in Central Square, the River Street station, and the Inman Square station have reported the most problems, which include individuals urinating on the floor and drug use. Other stations, including the main firehouse in Harvard Square, report few to no problems.	

PUBLIC AGENCIES & INSTITUTIONS

Open to Public

	Fire Department—Lafayette Square
Address	378 Mass. Avenue – Central Square
Building Owner	City of Cambridge
Official Restroom Policy	Open to public; need to ask firefighters for permission.
Hours	6 a.m.–midnight, daily; however since Sept. 11 all firehouses are locked when firefighters are called out.
Location of Restrooms	Inside firehouse, in back corner
Restroom Signage	<p><i>Outdoor signage:</i> DPW signs posted at the Central Square Library branch and in front of the Central Square Post Office indicating that restrooms are available at the Lafayette Sq. Firehouse. There is no similar signage at the firehouse, however.</p> <p><i>Indoor signage:</i> None. Sign on bathroom door reads “Natural Gas.”</p>
# of Stalls	Unisex – 1 stall.
Estimated non-patron usage/day	25 people (firefighters’ estimate)
Primary users	“Street” people, MBTA workers, cops, construction workers
How often cleaned?	N.A.; firefighters responsible for cleaning restrooms.
Security	Must walk by on-duty firefighters to get to bathroom.
Problems	<ul style="list-style-type: none"> ▪ Vagrancy ▪ Drug use

PUBLIC AGENCIES & INSTITUTIONS

Open to Public

	Cambridge City Hall City of Cambridge
Address	795 Mass. Avenue – Central Square
Building Owner	City of Cambridge
Official Restroom Policy	Open to public (basement bathrooms)
Hours	8:30 a.m.-6 p.m.; later on meeting nights
Location of Restrooms	Basement
Restroom Signage	<p><i>Outdoor signage:</i> DPW signs posted at the Central Square Library branch and in front of the Central Square Post Office indicate that restrooms are available at City Hall. There is no similar outdoor signage at City Hall, however.</p> <p><i>Indoor signage:</i> Restrooms listed in the building directory</p>
# of Stalls	Women's: 2; Men's: N/A
Estimated non-patron usage/ day	"Many"
Primary users	People doing business in City Hall, homeless individuals
How often cleaned?	2X to 3X a day.
Security	No security guard.
Problems	<ul style="list-style-type: none"> ▪ "Showering" in sinks ▪ Vagrancy ▪ Littering ▪ Alcohol use ▪ Drug use (small scale) <p>Issues related to homelessness – According to the maintenance supervisor, a few "regular customers" shave and wash up in city hall bathrooms on a daily basis and often leave the floor littered with toilet paper, paper towels, and magazines. Several times in past two years the maintenance crew has had to call the police to "remove" men who wouldn't leave the stalls when the building was closing.</p> <p>Drugs & alcohol use – In the women's room, the cleaning crew routinely finds airline-sized whiskey bottles in sanitary boxes. There is less evidence of drug use; however, one of the maintenance bosses accidentally stabbed himself with a needle as he was emptying trash in the men's room.</p>

PUBLIC AGENCIES & INSTITUTIONS

Open to Public

	The Cambridge Hospital Cambridge Health Alliance
Address	1493 Cambridge Street – Inman Square
Building Owner	Cambridge Health Alliance
Official Restroom Policy	<p>Open to the public. A Cambridge Health Alliance representative said that he would be concerned if the council were to legislate that city agencies, which conceivably could include “public entities” such as the Alliance, must provide access to their bathrooms. He said that such a regulation could increase maintenance costs and compromise hospital security (see below).</p> <p>Security concerns</p> <ul style="list-style-type: none"> ◆ Bioterrorism – There have been two recent anthrax hoaxes at CHA facilities; one incident involved a bathroom. ◆ Bathrooms not patrolled ◆ Homelessness – In the past, homeless individuals have briefly taken up residence on hospital property. <p>Liability</p> <ul style="list-style-type: none"> ◆ Potential for injury of bathroom seeker while on hospital premises ◆ Potential for drug abuse/overdose in a “public” bathroom ◆ In case of emergency, hospital responsible for evacuating everyone in the building; bathroom users would be an added responsibility. <p>Maintenance</p> <ul style="list-style-type: none"> ◆ Increased use of facilities will increase maintenance costs. ◆ Vandalism could result in thousands of dollars of cleanup. <p>Customer satisfaction</p> <ul style="list-style-type: none"> ◆ If increased bathroom traffic make it harder to keep clean; patients and patients’ families may give hospital poor marks on customer service. <p>Patient privacy & health concerns</p>
Hours	Ground floor restrooms: 6 a.m.-8 p.m.; Emergency Department restrooms accessible 24 hours/7 days a week.
Location of Restrooms	Main public restrooms located in main reception area; there are “dozens” of restrooms on other floors.
Restroom Signage	No outside signage; not listed in directory; but there is overhead signage indicating restroom locations.
# of Stalls	Women’s: 2 toilets; Men’s: N/A
Estimated usage	“a lot”
Primary users	Regular pedestrian traffic; occasionally homeless individuals
How often cleaned?	1X a day; some are cleaned more frequently.
Security	The Cambridge Hospital has security guards, but they are not charged with patrolling the bathrooms. Many of the neighborhood health centers do not have security guards.
Problems	<ul style="list-style-type: none"> • Graffiti • Other vandalism (infrequent) • Recent anthrax hoax

PUBLIC AGENCIES & INSTITUTIONS

Open to Public

	Riverside Health Center Cambridge Health Alliance
Address	205 Western Avenue—Riverside
Building Owner	Cambridge Health Alliance
Official Restroom Policy	Open to public.
Hours	9 am-5 pm, MWF; 9 am-8 pm T,TH
Location	1st Floor
Restroom Signage	No outside signage. However for health and privacy reasons, the health center would not want the bathrooms advertised as “public.”
# of Stalls	1 single-stall unisex bathroom
Estimated non-patron usage/day	1-2 people a week.
Primary users	N/A
How often cleaned?	1X a day
Security	No security guard.
Problems	No history of problems.

	Windsor Street Health Center Cambridge Health Alliance
Address	119 Windsor Street – Between Central Square & Kendall Square
Building Owner	Cambridge Health Alliance
Official Restroom Policy	Open to the public.
Hours	7 a.m.-11 p.m., M-F; 10 a.m.-2 p.m., Sat.
Location of Restrooms	Ground Floor, near Public Health Department
Restroom Signage	Restrooms are listed in building directory
# of Stalls	Women’s: 2; Men’s: 1 stall; 2 urinals
Estimated non-patron usage/day	N/A
Primary users	Delivery people, postal workers
How often cleaned?	1X a day
Security	Security guard posted at front entrance to building
Problems	No significant problems reported.

PUBLIC AGENCIES & INSTITUTIONS

Open to Public

	North Cambridge Health Center Cambridge Health Alliance
Address	266 Rindge Avenue—near Jefferson Park
Building Owner	Cambridge Health Alliance
Official Restroom Policy	Open to the public.
Hours	8:30 a.m.-8 p.m., M,W; 8:30 a.m.-5 p.m., T-TH-F
Location of Restrooms	One to either side of the waiting room.
Restroom Signage	None
# of Stalls	Two single-stall, handicap accessible bathrooms
Estimated non-patron usage/day	5 people a day
Primary users	Bus riders (stop is in front of health center); police, postal workers.
How often cleaned?	2X a day
Security	Security guard on duty on “late” nights: Mon. & Wed.
Problems	No significant problems reported.

PUBLIC AGENCIES & INSTITUTIONS

Open to Public

	Citywide Senior Center City of Cambridge
Address	806 Massachusetts Avenue
Building Owner	City of Cambridge
Official Restroom Policy	Open to public during business hours
Hours	8:30 a.m.-4:50 p.m., M-F; 8:30 a.m.-12:50 p.m., Sat.-Sun
Location of Restrooms	Street level, near reception desk. Bathroom seekers must sign in with receptionist and leave upon exiting restrooms.
Restroom Signage	No signage. A representative from the Senior Center stated that outdoor signage could potentially put older people in harm's way (especially the seniors who man the front desk) if the signs created an explosion in bathroom traffic or attracted people with substance abuse problems.
# of Stalls	Two women's and two men's restrooms are designated for public use.
Estimated non-patron usage/day	N/A
Primary users	N/A
How often cleaned?	Daily, except Sat. and Sun.
Security	No security guard
Problems	In general, there are few reported problems. The problems that do occur include: <ul style="list-style-type: none"> ▪ People disappear into bathrooms and stay there for hours ▪ Homeless or inebriated people who spread paper towels on the bathroom floor and fall asleep. ▪ "Showering" in sinks ▪ Alcohol use & other "undesirable" practices

PUBLIC AGENCIES & INSTITUTIONS

Open to Public

	Building Department—City of Cambridge
Address	831 Mass. Avenue, Lombardi Building – Central Square
Building Owner	City of Cambridge
Official Restroom Policy	Ground floor bathrooms are open to the public
De Facto Policy	Open to public
Hours	Regular hours: 8 a.m.-5 p.m. Hearing nights: 6 p.m.-10 p.m.
Location of Restrooms	Ground floor, on left-hand side as you walk in.
Restroom Signage	None.
# of Stalls	Women's: 3 stalls; Men's: N/A
Estimated non-patron usage/day	"Not many"
Primary users	People doing business in building, homeless individuals
How often cleaned?	1X day
Security	No security guards, but restrooms in plain sight of the licensing desk.
Problems	<ul style="list-style-type: none"> ▪ Vandalism ▪ "Showering" in sinks <p>Vandalism. In men's room, users have ripped condom machines and soap dispensers out from wall; spitting on walls is also common, according to one city employee.</p> <p>Homelessness. Several homeless men use building department bathrooms once or twice a week to shower and shave.</p>

PUBLIC AGENCIES & INSTITUTIONS

Open to Public

	Multi-Service Center—City of Cambridge
Address	19 Brookline Street – Central Square
Building Owner	Privately owned – The Multi-Service Center is a city agency that leases office space from a private company.
Official Restroom Policy	Open to the public. Only restriction is that individuals under the influence of drugs or alcohol are not allowed in the building.
Hours	8:30 a.m.– 5 p.m.
Location of Restrooms	Back wall, behind reception desk
Restroom Signage	None. The Multi-Service Center is a local human services agency geared toward helping the homeless and those at risk for homelessness. According to a representative from the center, the “street crowd” are very aware of the center’s “public” bathrooms. However, he would be reluctant to commit to a signage campaign without consulting with the building owner.
# of Stalls	Women’s: 1; Men’s: 1
Estimated non-patron usage/day	5-10 people a day (receptionist’s estimate)
Primary users	Homeless individuals
How often cleaned?	1X a day
Security	No security guard, but restrooms in plain sight of receptionist.
Problems	No significant problems reported.

PUBLIC AGENCIES & INSTITUTIONS

Open to Public

	57 Inman – City of Cambridge
Organizations	Department of Human Services; Cambridge Prevention Coalition; Animal Control, Cambridge Veterans Service, and others
Address	57 Inman – Inman Square
Building Owner	City of Cambridge
Official Restroom Policy	Open to public
Hours	7 a.m.-8 p.m., later if night meetings scheduled.
Location of Restrooms	Men's: Ground Floor Women's: 2 nd Floor Unisex: 3 rd Floor
Restroom Signage	No outside signage; restrooms listed in building directory
# of Stalls	Women's: 3 stalls; Men's: N/A
Estimated non-patron usage/day	N/A
Primary users	Elderly, veterans, others doing business in the building; construction crews; homeless individuals
How often cleaned?	1X a day
Security	No security guard
Problems	Vagrancy

PUBLIC AGENCIES & INSTITUTIONS

Open to Public

	Danehy Park—City of Cambridge
Address	99 Sherman Street
Building Owner	City of Cambridge
Official Restroom Policy	Open to the public
Hours	Permanent restrooms: 7 a.m. to dusk, year-round Temporary toilets: 24 hours/day; they are not locked.
Location of Restrooms	Permanent bathrooms located in Park Office, 99 Sherman Street Temporary toilets located on Danehy Park grounds and on St. Peter's Field
Restroom Signage	No signage yet for temporary facilities; signage exists for "comfort station" in the Park Office.
# of Stalls	<p>Park Office:</p> <ul style="list-style-type: none"> ▪ Women's: 2 stalls ▪ Men's: 1 stall; 1 urinal <p>Temporary toilets ("Porta-Potties")</p> <ul style="list-style-type: none"> ▪ Danehy Park grounds: 2 toilets (incl. 1 handicap accessible) ▪ St. Peter's Field: 2 toilets (incl. 1 handicap accessible)
Estimated non-patron usage/day	The Park Office facilities are "used quite a bit," according to Parks Dept.
Primary users	School children, teens, adults
How often cleaned?	Temporary toilets are supposed to be "cleaned out" twice a week.
Problems	Occasional graffiti in Park Office men's restrooms; no problems reported so far regarding the temporary toilets. <i>Note:</i> The temporary toilets were introduced for first time in fall 2001.

PUBLIC AGENCIES & INSTITUTIONS

Open to Public

	Golf Course Club House City of Cambridge
Address	691 Huron Avenue
Building Owner	City of Cambridge
Official Restroom Policy	Open to the public
Hours	Dawn to dusk.
Location of Restrooms	Bathrooms available upstairs and downstairs, including in locker areas.
Restroom Signage	No exterior signage, but signage posted inside.
# of Stalls	Men's: 3 urinals; 2 toilets Women's: 3 toilets plus two single-stall bathrooms.
Estimated non-patron usage/day	N/A
Primary users	Golfers, playground users (e.g., kids & parents), joggers, spectators at events.
How often cleaned?	3X a week; supplies restocked daily.
Security	No security guard. Golf pros are closest approximation.
Problems	No problems reported, according to golf pro we spoke to.

PUBLIC AGENCIES & INSTITUTIONS

Open to Public

	MDC Magazine Pool
Address	719 Memorial Dr. – Magazine Street & Memorial Dr. – Charles River
Building Owner	Metropolitan District Commission
Official Restroom Policy	Open to public
Hours	Pool is open only in July & August; 11 a.m.-7 p.m., M-F; 10 a.m-6 p.m., Sat.-Sun.
Location of Restrooms	In boys' and girls' changing rooms
Restroom Signage	None.
# of Stalls	Women's: 4 stalls; Men's: N/A
Estimated non-patron usage/day	50-75 people
Primary users	Joggers, walkers, tourists, several homeless people
How often cleaned?	2X a day
Security	Pool staff walk through bathroom areas on a regular basis.
Problems	There have been no significant incidents, according to a representative from the Magazine Pool. He added that the few homeless people who used the bathrooms and showers on a regular basis last summer did not interfere with pool users because they used the facilities early in the morning.

PUBLIC AGENCIES & INSTITUTIONS

Restricted Public Access

	Police Department—City of Cambridge
Address	5 Western Avenue – Central Square
Building Owner	City of Cambridge
Official Restroom Policy	<p>The public is discouraged from using restrooms, and access is determined on a case-by-case basis.</p> <p>This unwritten policy was initiated in April 2001, after the Election Commission moved out of its third floor offices in the police building. Prior the Election Commission leaving the building, the Police Dept. had a liberal policy toward bathroom users because it could not control the pedestrian traffic.</p> <p>The problem is that the “public” restrooms are located on the 3rd floor in a secured portion of the building. The security and safety risks of unescorted civilians wandering aimlessly through the building in search of bathrooms include domestic terrorism, breach of anonymity (bathroom users might see an informant or victim whose identity is protected); and potential harm to civilian bathroom users (prisoners are sometimes escorted through hallways).</p>
Hours	<p>Business hours: 8:30 a.m.-5 p.m.</p> <p>Building hours: 24 hours/7 days a week</p>
Location of Restrooms	Third floor
Restroom Signage	<p><i>Outdoor signage:</i> DPW signs posted at the Central Square Library branch and in front of the Central Square Post Office indicate that restrooms are available at the police station.</p> <p><i>Indoor signage:</i> None</p>
# of Stalls	N/A
Estimated non-patron usage/day	“Not many”
Primary users	Civilians doing business at the station
How often cleaned?	N/A
Security	No adequate security near restrooms designated for public use.
Problems	<ul style="list-style-type: none"> ▪ Vagrancy ▪ “Showering” in sinks <p>Over the years there have been various incidents involving homeless population, including the use of sinks for showering, washing clothes, and occasionally sleeping.</p>

PUBLIC AGENCIES & INSTITUTIONS

Restricted

	Cambridge Housing Authority
Address	675 Mass. Avenue, 2 nd Floor – Central Square
Building Owner	White & Co.
Official Restroom Policy	<p><i>Building policy:</i> The basement restrooms in the building are available to the public, according to the security guard on duty. The guard says he directs men to the unlocked men's room in the basement, and often sends women to the second floor (building dept.) because the basement women's room is locked and he is not allowed to leave his post nor hand out the key.</p> <p><i>Cambridge Housing Authority policy:</i> The restrooms on the 2nd Floor (Cambridge Housing Authority) are not officially available to the public (according to the 2nd Fl. receptionist), but exceptions are made.</p> <p>As a result of the two policies:</p> <ul style="list-style-type: none"> ▪ Men's restroom in basement available to public during business hours, 7 am – 7 p.m. ▪ Women's room in basement available only when a security guard is free to provide escort. ▪ Women's room on 2nd floor available to women on case-by-case basis during office hours.
Hours	Basement bathrooms: 7 a.m.-7 p.m. 2 nd Floor bathrooms: 9 a.m.-5 p.m.
Location of Restrooms	Building restrooms: basement; Housing Authority restrooms: 2 nd Fl.
Restroom Signage	No signage outside or inside the building
# of Stalls	Men's: 2 stalls; 2 urinals; Women's: 3 stalls
Estimated non-patron usage/day	10 people (security guard's estimate)
Primary users	Women, homeless people
How often cleaned?	N/A
Security	Guard on duty 24-7; however no direct supervision of basement bathrooms.
Problems	Toilet paper and towels have been stolen from basement bathrooms.
Comments	The building owner is expected, at some point, to hire a public information person, and this person could help direct public to bathrooms.

PUBLIC AGENCIES & INSTITUTIONS

No Public Access

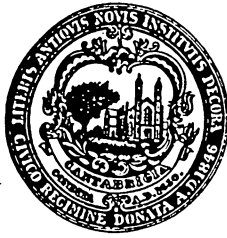
	U.S. Postal Service– Cambridge branches
Addresses	<p>Cambridge Central Square Main Post Office 770 Massachusetts Avenue</p> <p>MIT Post Office 84 Massachusetts Avenue</p> <p>Kendall Square Post Office 250 Main Street</p> <p>Inman Square Station 1311 Cambridge Street</p> <p>East Cambridge Post Office 303 Cambridge Street</p>
Building Owner	City of Cambridge
Official Restroom Policy	No public access
Rationale behind policy	No restrooms in public areas; employee restrooms are located in “secure” areas; the MIT branch does not have an employee bathroom.

	Cambridge Family Health Cambridge Health Alliance
Address	237 Hampshire Street
Building Owner	Cambridge Health Alliance
Official Restroom Policy	No public access.
Hours	8:30 am-8:00 pm, Mon.-Thurs.; 8:30-5:00 p.m., Fri
Estimated non-patron usage/day	Less than one a day.
Rationale behind policy	Until recently several homeless individuals were regularly using the health center’s waiting room and bathrooms. In addition, Rosie’s bakery was referring customers to the health center’s bathrooms. The health center has since asked Rosie’s to refrain from this practice, and the center has informed the homeless individuals that its bathrooms are for patients only. However, the homeless individuals never caused any problems in the bathrooms, such as showering or sleeping.

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CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

December 5, 2001

Robert W. Healy
City Manager
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Council Order 0-22 (5-14-01) (public toilets)

Dear Mr. Healy:

I enclose a copy of Council Order 0-22 (5-14-01), which deals with the subject of public toilets, and also a memorandum dated 9-5-01 from Suzy Feinberg and Harold Cox, Cambridge Public Health Department, which poses a number of questions regarding the obligation of private businesses to furnish toilets for members of the public.

I answer these questions as follows:

QUESTIONS

1. Do private enterprises have a duty to provide restroom facilities to non-patrons?

ANSWER

No. Most private businesses have no duty to provide restrooms even for their patrons. The only businesses which do have such a duty are those as described and set forth in the Plumbing Code. For example, restrooms must be provided in places of assembly such as theaters, cinemas and restaurants. See the Plumbing Code, 248 CMR 2.10 (19) (b) (2) (a):

All places of worship, arenas, stadiums, theaters, cinemas, restaurants, pubs and nightclubs shall be classified as dedicated places of assembly. Restrooms for each sex shall be provided ...

Although the language does not specifically say so, in my opinion, the restrooms are intended to be provided for the patrons of the restaurant, theater, etc. and not members of the public.

2. Would a private enterprise be in violation of state anti-discrimination laws if it provided restroom facilities to some non-patrons, but not all non-patrons?

ANSWER

Our research revealed no case on this question. Ms. Feinberg put the question to Steven Locke, General Counsel of the MCAD, who gave, roughly, the following answer, with which I agree:

If the business were a “place of public accommodation” as defined in G.L. c. 272, § 92A, and, therefore, subject to the discrimination laws (e.g. a restaurant), it would run afoul of the discrimination laws if it denied non-patrons the use of its restrooms based on their membership in a protected class.

3. Would a City Council ordinance mandating that private enterprises provide restroom facilities to both patrons and non-patrons be constitutional?

ANSWER

The Home Rule Amendment to the Massachusetts Constitution, Art. 2, § 6, states that a city may adopt an ordinance “which is not inconsistent with the constitution or laws enacted by the general court ...”

As I stated above in answer to question no. 1, it is my opinion that most private enterprises have no duty to provide restrooms even for their patrons. The only private enterprises which do have such a duty are those specifically mentioned in the Plumbing Code. For purposes of the Home Rule Amendment, I believe that the Plumbing Code has the same status as a state statute. See Solomon v. School Committee of Boston, 395 Mass. 12, 16 (“This properly promulgated regulation has the force of law ... and must be accorded all the deference due to a statute.”); 39

M.P.S., Cella, Administrative Law, § 724 (1986).

Although I have not found a case on this point, I believe that a court would hold that even businesses mentioned in the Plumbing Code do not have an obligation to provide restrooms to non-patrons. And businesses which are not mentioned in the Plumbing Code have no obligation to provide restrooms even to their patrons.

Since this is the law of the Commonwealth, I believe that the suggested ordinance would be inconsistent with state law, and, therefore, would violate the Home Rule Amendment.

4. Is there a regulation, ordinance or statute that explicitly states that city-owned buildings must provide bathrooms for the public?

ANSWER

Our research has revealed no regulation, ordinance or statute which explicitly states that city-owned buildings must provide bathrooms for the public.

5. If there is such a law, does it apply to city agencies that rent space in a privately owned building?

ANSWER

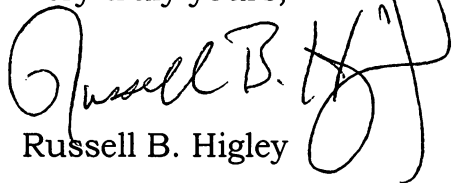
No such law. See answer to no. 4.

6. Is a city agency that is housed in a city-owned building obligated to provide restrooms to the public if the agency feels that this would compromise the security, mission or privacy of its employees or clientele (e.g. the Police Department feels public bathrooms compromise security)?

ANSWER

See answer to no. 4. Our research has revealed no law which requires a city department to provide restrooms to the public.

Very truly yours,


Russell B. Higley

RBH/cme

CGM-101



City of Cambridge

O-22.

IN CITY COUNCIL

May 14, 2001

COUNCILLOR BORN
COUNCILLOR DAVIS

ORDERED: That the City Manager be and hereby is requested to report back to the City Council on the following items:

- What signage exists for public access toilets;
- Can letters be written by City Manager to private enterprises that discriminate against non-customers of their establishments from using their facilities;
- Could signage be done by the City where there are public access toilets provided by private enterprises, such as a mall;
- An inventory be provided of the facilities available and the signage used; and
- Investigate the public access option used in the boathouses along the river.

In City Council May 14, 2001.
Adopted by the affirmative vote of nine members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk

SEE COMMITTEE REPORT #3.



Cambridge Public Health Department
Cambridge Health Alliance

119 Windsor Street • Ground Level • Cambridge, MA 02139
617.665.3800 • Fax 617.665.3888

TO: Robert W. Healy, City Manager
City of Cambridge

FROM: Suzy Feinberg, Cambridge Public Health Dept.
Harold Cox, Cambridge Public Health Dept.

RE: City Council Order O-22 (public toilets)

DATE: September 5, 2001

Harold Cox and I are working on the second report on public toilets, in response to City Council Order, 0-22 dated May 14, 2001. We feel that Item #3 should be referred to the Legal Department, and I understand that this would require your approval. Item #3 reads:

“Can letters be written by the City Manager to private enterprises that discriminate against non-customers of their establishments from using their facilities?”

I did some initial work on this question (I'm studying Health Law at the BU School of Public Health), which I'm happy to share with Legal. (See Attachment). I broke Item #3 into three parts:

1. Do private enterprises have a duty to provide restroom facilities to non-patrons?
2. Would a private enterprise be in violation of state anti-discrimination laws if it provided restroom facilities to *some* non-patrons, but not *all* non-patrons?
3. Would a City Council ordinance mandating that private enterprises provide restroom facilities to both patrons and non-patrons be constitutional?

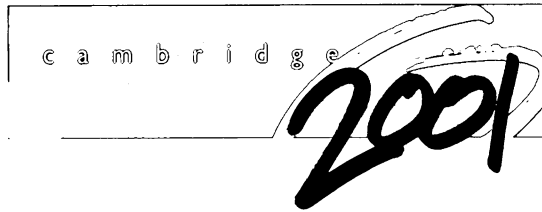
I'm fairly confident that I know the answers to parts 1 and 2 (but I would love confirmation from Legal), and I didn't touch part 3. Other related legal questions that Harold and I would like to have answers to are:

4. Is there a regulation, ordinance, or statute that explicitly states that city-owned buildings must provide bathrooms to the public?
5. If there is such a law, does it apply to city agencies that rent space in a privately owned building?
6. Is a city agency that is housed in a city-owned building obligated to provide restrooms to the public if the agency feels that this would compromise the security, mission, or privacy of its employees or clientele (e.g., the Police Dept. feels public bathrooms compromise security)?

Thank you for taking this request under consideration, and please let me know what you decide. My number is 617.665.3833 and my email is sfeinberg@challiance.com.

All the best,


Suzy Feinberg



9.

CITY OF CAMBRIDGE • EXECUTIVE DEPARTMENT

Robert W. Healy, City Manager Richard C. Rossi, Deputy City Manager

December 17, 2001

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 01-197, regarding a report on public toilet access, received from Chief Public Health Officer Harold Cox.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert W. Healy". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Robert W. Healy
City Manager

RWH/mec
Attachment



4305

Consent Agenda #9

Awaiting Report Item
Number 01-197, regarding a
report on public toilet access.

In City Council December 17, 2001

Referred to the
Health and
Environment
Committee

Copy
sent
12-19-01
mc