



City of Cambridge

Committee Report #4

IN CITY COUNCIL

April 5, 1999

COUNCILLOR SULLIVAN

ORDERED: That the City Council request the City Manager to direct the City Solicitor to provide the City Council with a legal opinion as to the following issues:

1. The potential danger to existing truck restrictions in Cambridge as a result of a lawsuit against Cambridge for this zoning amendment; and
2. What steps Cambridge may lawfully take to prevent the dangers posed by fuel trucks on residential street, especially in light of Boston regulations which are directing these trucks from the highway to Cambridge streets.

In City Council April 5, 1999.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in cursive script that reads "D. Margaret Drury".

D. Margaret Drury
City Clerk



City of Cambridge

Committee Report #4

IN CITY COUNCIL

April 5, 1999

COUNCILLOR RUSSELL

ORDERED: That the City Manager be and hereby is requested to meet with Mayors and City Managers of surrounding cities and towns to discuss joint efforts on the problem of trucks to try to move faster on a regional solution.

In City Council April 5, 1999.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in cursive script that reads "D. Margaret Drury".

D. Margaret Drury
City Clerk



City of Cambridge

Committee Report #4

IN CITY COUNCIL

April 5, 1999

COUNCILLOR RUSSELL

The CM be + hb is requested of summary trans and cities

ORDERED: That ~~the~~ the Mayors and City Managers be and hereby are requested to meet with ~~Cambridge~~ to discuss joint efforts on the problem of trucks to try to move faster on a regional solution.

In City Council April 5, 1999.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D Margaret Drury

D. Margaret Drury
City Clerk

Forrest Selving, 244 Brattle Street, spoke in support of the proposed law. There is an ordinance to limit trucks on Brattle Street but it is not enforced.

Vici Cassana, 87 River Street, stated that she has lived at that address for 22 years. She outlined some of the history of this issue that has brought the city to this point. She started working on the issue in 1993, with the Central Square Committee. They came to realize that a designated truck route was not a solution. Ms. Cassana said that the issue of regulating nighttime truck traffic by zoning has never had a full and fair hearing. She said that there are problems with seeking a state exclusion of nighttime trucks because the Massachusetts Highway Department requires proof of an alternate route before allowing the signage that implements the exclusion. The exciting thing about the use of zoning is that no signs are required. Zoning is an appropriate tool to protect the quality of life.

Councillor Russell asked how the truck drivers would know about the restriction if there were no signs. Ms. Cassana said that they would know when they were stopped. Also, there can be a good publicity effort, including informing trucking companies.

Councillor Sullivan emphasized the need to take action. He stated that he intends to make a motion that the City Council request a legal opinion. Councillor Sullivan stated that the City is being told at the outset that Cambridge will be sued no matter what it does. He is concerned that if Cambridge were sued, all existing truck restrictions would be in danger. He would like a legal analysis of the potential danger to the existing protections and restrictions. He is very concerned about the dangers of fuel trucks driving down residential streets in light of the recent explosion of a fuel truck on the expressway and would like analysis of whether there is something that can be done to protect against this.

Thereupon, Councillor Sullivan moved that the City Council request the City Manager to direct the City Solicitor to provide the City Council with a legal opinion as to the following issues:

- 1. The potential danger to existing truck restrictions in Cambridge as a result of a lawsuit against Cambridge for this zoning amendment; and**
- 2. What steps Cambridge may lawfully take to prevent the dangers posed by fuel trucks on residential streets, especially in light of Boston regulations which are directing these trucks from the highway to Cambridge streets.**

John Moot, 44 Coolidge Hill Road, stated that he is speaking on behalf of the Harvard Square Defense Fund, in support of the proposal. Zoning is to protect the quality of life and this is an issue of the quality of life. The petitioners would welcome other communities instituting similar bans so as to present a united front. It is important to keep cities livable.

Elie Yarden, 143 Pleasant Street, spoke in support of the proposal. He is concerned about Cambridge's failure to use existing resources to address the problem of trucks. He is especially concerned that city administrators have failed to contact other cities and towns. Other cities in other civilized parts of the world have found solutions to these problems. One is the establishment of regional depots. A zoning petition is only a first step. It should be attempted. He pointed out the executive power of the City Council. He noted the goals of the President's Council on Sustainable Communities.

Councillor Davis then invited testimony from the City of Somerville. Tod Fontinella, employee of the City of Somerville, transmitted a letter to the Ordinance Committee from Acting Mayor Roach (**Attachment C**). Traffic enforcement should not be done through land use law. Traffic management must be done at the regional level.

Councillor Davis asked whether Somerville would like to enact a nighttime ban. Mr. Fontinella stated that there is already a regional response through the Metropolitan Area Regional Study.

Councillor Davis asked about the schedule for completion of the study. Mr. Fontinella said that he believes it will be about ten months. In response to a question from Councillor Russell, he stated that the study started about twelve months ago. A lot of data has been collected.

Councillor Russell asked whether he thought the solution might happen more quickly if all the surrounding communities worked together on such a ban.

Loren Preston, Cambridge Traffic, Parking and Transportation Department, stated that the Traffic Department has cooperated fully with the regional work.

Councillor Davis stated that citizens are understandably frustrated by how long it takes to change. She noted that the Committee has also received a letter from the Town Manager of Watertown (**Attachment D**).

Councillor Russell moved that we request that the Mayors and City Managers meet with Cambridge to discuss joint efforts on the problem of trucks to try to move faster on a regional solution. The motion passed on a voice vote without objection.

Councillor Born stated that the efforts to put together a truck committee started five years ago, and it was noted that there were regional efforts ongoing at that time. They are very slow, and the perspective of the people working on the issues is mostly that of facilitating regional transportation. It falls to local officials to try to solve the quality of life problems that the trucks bring. Somerville is full of the same 19th century problems that exist in Cambridge.

Riva Poor, 73 Kirkland Street, stated that she has lived in Cambridge for 40 years. She expressed the frustration and powerlessness that individuals feel in trying to solve this problem. Fear of being sued is akin to the fear of bullies experienced as children. She submitted a letter in support of her position (**Attachment E**). Once Cambridge shows it has the courage to fight, other communities will join in.

Brian Pfeiffer, 147 Brattle Street, stated that he has lived there for 25 years. Part of the increased trucking problem is caused by the de-regulation of trucking in recent years. Noise, vibration, pollution and the danger of explosion are all major concerns. The city government has failed its citizens. Other communities have not been contacted on this issue.

Thelma Magaril, 75 Kirkland Street, spoke in support of the petition. She is awakened by trucks in the very early morning.

Louise Phelan, Line Street, stated that she has lived in Cambridge for nine years in various locations and has experienced trucks in all locations. She loves Cambridge but she would like to get a good night's sleep.

Joseph Westlund, 244 Brattle Street, spoke in support of the petition. He is wakened by trucks at 4:00 a.m. everyday. He stated that enforcement could be improved.

Caroline Wornick, 240 Brattle Street, spoke in support of the petition.

Tom Bracken, 89 Irving Street, stated that he hears the noise of trucks on Kirkland Street starting early in the morning. There is nothing new about using zoning to restrict trucks. He read from the statement of purposes in Massachusetts General Laws, Chapter 40A, the state zoning act. The Cambridge Zoning Ordinance clearly provides the authority to use zoning in this way. Furthermore, the Plaistow case decided by the First Circuit, the highest court in this federal jurisdiction, upheld the use of a nighttime zoning restriction on trucks at night. The District Court in Massachusetts upheld a limited ban in Cambridge in the Portland Stoneware case. There is ample authority to uphold zoning relief. With regard to the issue of enforcement, the zoning law is deemed to constitute notice. Cambridge can utilize a "cease and desist" order. We know who the offenders are.

Stash Horowitz, 12 Florence Street, spoke in support of the proposed amendment. In Cambridge there are many examples of the intersection of zoning and traffic control, for example, the IPOP, the PTDM and the parking freeze. Laws such as the environmental protections often come from a history that involves lawsuits against them. He hopes the Law Department is prepared to mount a vigorous defense. Individual truck drivers have a lot of leeway as to when they drive their trucks, so this would not hinder the delivery of goods. Perhaps something can be worked out with the trucking industry.

Hal Becker, 73 Kirkland Street, spoke in support of the petition. Somerville does have a nighttime truck ban that is not enforced. Cambridge police have done better on enforcement. Most of the people here have come for the because they want protections. Sound encroachment is approaching the threshold of pain. The only arguments put forth not to go forward are fear of lawsuits and "good neighbor" arguments by neighboring towns who could pass similar laws.

Robert Travers, 54 Fulkerson Street, stated that he has lived at that address for over sixty years and truck traffic has been a problem since the day he was born. Property owners should get together to sue because of truck damage to their properties.

James Murphy, American Trucking Association (ATA), 600 Roosevelt Avenue, Pawtucket, stated that he thought it would be better for the City of Cambridge to make an effort to reach out to the trucking industry. He believes the proposal violates several (3-4) state and federal regulations. The proposal gives trucks two option. One is to drive on other roads to go around Cambridge and therefore use more fuel and increase the total vehicle trip miles. The other is to wait until 7:00 a.m. and become part of area congestion. The ATA is looking at all of the time and money that will be spent to impact a relatively few trucks. Working together with the industry could actually have a more positive outcome on the truck problem.

Councillor Russell asked what kind of outreach issue can be done. Mr. Murphy stated that this is a regional issue, with regional trucks. Trucks do not have a lot of leeway. The trucking industry can contact five point-carriers (moving their own freight) and for hire-carriers. Several issues mentioned relate to speed and size, not going down routes. In a coordinated effort of state and national trucking associations and the city, we could ask them to use smaller trucks. This has been done in other cities and towns.

Councillor Davis asked Mr. Murphy is there was a way to dissuade nighttime truck traffic on residential street. Councillor Davis requested that Mr. Murphy provide the committee with a list of cities and towns where this cooperation has occurred and any reports about what efforts have been successful. Mr. Murphy stated that he would do so.

Mr. Murphy stated that most cities want fewer trucks which is one reason larger trucks are used. If Cambridge wants smaller trucks used, this can be discussed. Such cooperative efforts could lead to daytime improvements too.

Councillor Russell moved that the City Manager be requested to direct the Traffic Department to set up a meeting with the American Trucking Association and the Massachusetts Motor Transportation Association while the ordinance is being considered and also meet with the officials in the surrounding cities and towns and that the discussions include the issue of an alternative highway route for trucks. The motion passed on a voice vote without objection.

Councillor Davis asked Mr. Preston whether there have been past attempts to work with the trucking industry. He stated that he has met with various associations on other issues and there have been some results.

Riva Poor, 73 Kirkland Street, then related her unsuccessful efforts in contacting trucking companies. She chose Mobil Oil, a responsible company. She was told an alternative route would cost more money, and thus was not possible.

Councillor Russell said that this is a difficult issue, but something must be done to protect the quality of life which is clearly affected by increased truck traffic.

Councillor Davis stated that she believes that Cambridge should work with Representative Capuano on this issue. Obviously, he has concerns about Cambridge not solving the problem in a way that hurts Somerville. She added that there should be no speeding trucks at night and there is more to do in that regard.

Councillor Russell moved that the proposed amendment remain in committee. The motion passed on a voice vote without objection.

The hearing was adjourned at 7:40 p.m.

For the Committee,

A handwritten signature in black ink, appearing to read 'Henrietta Davis', written over the text 'For the Committee,'.

Councillor Henrietta Davis
Chair

TRUCK TRAFFIC ZONING PETITION

1999 JAN 21 A 9:00
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

WHEREAS, the health, welfare, safety and property of citizens living in residential neighborhoods throughout the City of Cambridge are adversely impacted by the noises, vibrations, pollution and hazards caused by large commercial trucks passing through the City, which concerns were expressed by many citizens at a City Council hearing on October 23, 1995 and in written statements and letters submitted to the Council and individual Councillors;

WHEREAS, in November, 1995 the City Manager, pursuant to an Order of the Council, established the City Manager's Truck Traffic Advisory Committee, consisting of eleven Cambridge residents, to work jointly with City staff to address the truck traffic problem and make recommendations to the City Council on measures to mitigate the adverse impacts of trucks throughout Cambridge;

WHEREAS, the Committee members recognize that the following conditions characterize and cause the truck traffic problem in Cambridge and surrounding communities:

- Truck traffic has an adverse impact on the residential quality of life due to noise, vibration, dirt, exhaust fumes, wear and tear on the City's streets and sidewalks and high speeds, causing loss of sleep at night and peace and quiet during the day, structural damage to buildings and personal property in homes, and safety for everyone, including particularly school children.
- The negative impacts of truck traffic reduce property values - especially residential property - which reduces the City's tax base.

- Truck deliveries and pick-ups within the City are a necessary part of the provision of goods and services to the citizens of the City and are important for the economic health and vitality of the City.
- Through truck traffic (i.e. trucks traveling to and from destinations and origins outside the City) has a detrimental effect on Cambridge residents and therefore measures should be taken to ensure that through trucks use State and Interstate highway systems around Cambridge and neighboring communities instead of using local streets.
- The policy of the City of Boston which prohibits trucks carrying hazardous cargo from traveling on the Massachusetts Turnpike under the Prudential Center causes many of these trucks with distant destinations to cross into Cambridge. Many more through trucks with hazardous materials can be expected to use Cambridge streets when the Central Artery Project is completed because the City of Boston has announced that it will prohibit such trucks from the new tunnel, apparently for safety reasons, even though the tunnel is equipped with state-of-the-art fire fighting equipment.

WHEREAS; in order to address the truck traffic problem, three primary objectives need to be satisfied by truck restrictions in the City of Cambridge:

- (1) Accept through truck traffic during certain hours of the day to the extent that Cambridge is the most suitable route for the region as a whole;
- (2) Protect residential neighborhoods, commercial areas, and institutions from the destructive effects of truck traffic; and
- (3) Facilitate access of trucks from origins and to destinations within Cambridge.

WHEREAS; during the deliberations of the Committee two fundamentally different philosophies as to how to respond to the Committee's mission became apparent, resulting in two reports of the Committee being submitted to the City Manager. The authors of Report B (a majority of the citizen appointees to the Committee who support this Petition) believe that the purpose of truck restrictions is to reduce the negative impacts of through truck traffic which will improve the quality of life for all residents without making any neighborhood suffer a disproportionate share of the burden of truck traffic. This philosophy is based on recent Federal court cases which support the authority of municipalities to enact reasonable measures under their zoning authority and police powers to achieve the goal of mitigating the adverse impacts of truck traffic. We believe that such an initiative will provide leadership which other communities in the region can follow;

WHEREAS; an alternative philosophy is reflected in Report A (submitted by a minority of the citizen members) which is based on the belief that the total volume of truck traffic cannot be reduced except by means of a regional strategy, and that any restrictions in one part of the City will simply move vehicles to another part of the City or to other cities. This philosophy regards truck traffic as an inevitable part of urban living, sees little possibility of implementing effective regulations, and anticipates negative responses from neighboring communities to any Cambridge initiatives;

WHEREAS; the City Manager submitted Reports A and B to the City Council, which, in turn, submitted them to the Subcommittee on Traffic and Transportation which has held three hearings on the Reports, with no consensus of the Committee as to what recommendations to make to the Council and no establishment of a time frame in which to report to the Council;

NOW THEREFORE; we the undersigned being more than ten (10) registered voters of the City of Cambridge respectfully petition the Honorable, the City Council of the City of Cambridge to amend the Zoning Ordinance of the City of Cambridge as follows:

To Amend Article 6.000 of the Cambridge Zoning Ordinance as follows:

1. Amend the heading of this Article to read as follows:

"Off-Street Parking and Loading Requirements and Night-time Curfew on Large Commercial Through Trucks."

2. Amend the first sentence of Section 6.11 of Article 6.000 to read as follows:

"It is the intent of this Article 6.000 to reduce traffic congestion, noises, vibrations, fumes and safety hazards caused by large commercial trucks, thereby promoting the safety, health and welfare of the public, by establishing requirements for off street parking and loading and restrictions on the use of City streets during the night-time by large commercial trucks with points of origin and destinations outside the City of Cambridge in order to implement the purposes of The Zoning Act, Section 2A of Chapter 808, and Article 1.000, §1.30 of the Cambridge Zoning Ordinance, including:

- to lessen congestion in the streets
- to conserve health
- to conserve the value of land and buildings
- to prevent pollution of the environment

- to protect residential neighborhoods from incompatible activities, and
- to preserve and increase the amenities of the City."

3. Add a new Section 6.96 as follows:

"6.96. Nighttime Curfew on use of City Streets by Through Trucks.

All trucks 2.5 tons or more in gross weight traveling through Cambridge from origins and to destinations outside the City are prohibited from using any City streets from the hours of 11:00 P.M. to 7:00 A.M. This curfew shall not apply to trucks with points of origin or delivery in the City of Cambridge. Nothing herein shall affect in any way restrictions on trucks currently in effect."

FROM :

1999.03-23 16:21 #644 P.01/03

245 Mattle Street
 864-4291
 Tuesday March 23, 1999

Fax 354-0079
 Dear Henrietta,

Jim Adams, who lives at 224
 Mattle, has volunteered to read my
 "speech" suggesting the Nighttime Curfew
 Petition. In case there's a problem, here
 is a copy. We cannot make this hearing.

Needless to say, the gasoline
 truck explosion on the Southeast Expressway
 Sunday is a real reminder of the danger
 we all face on the front line of major streets.
 The triangle tee at the junction of Mt. Auburn
 and Mattle has potential for real problems.

Sincerely!

Karen Fair
 KAREN FAIR

Nighttime Truck Curfew Petition

My name is Karen Falb. I live at 245 Brattle Street have lived in Cambridge since 1967 at four different locations. Certainly trucking has increased during those years. I did sign this Nighttime Truck Curfew Petition and also collected other signatures, which was not difficult in our neighborhood. But as you go from the front line of residences on a major street to those on neighboring streets or streets with less truck traffic, it is more difficult to get people to relate to the petition, which makes me wonder how many city councillors and officials actually live on the front line and so really know the reality of the trucking situation throughout the city. The only truck survey to help show some objective reality about early morning trucking, that I know about, was one conducted by citizens several years ago. My own observation is that certain companies in abutting towns have scheduled runs through the night and that construction companies start their frequent runs on weekdays, even before five in the morning. Anyone in bedrooms on the street side of a residence is woken up periodically through the night by large noisy trucks and is exposed to what I will call the buzz and rumble of trucks from 5 o'clock on. Before we repositioned our bedroom, I was oxygen-deprived from pillows piled on my head to deaden the noise. We have one bedroom which is still fully exposed.

The city needs to be reminded that a resident cannot on his or her own do anything about truck traffic. We cannot stop speeding trucks. We cannot stop trucks carrying dangerous cargoes. We cannot stop trucks which emit exhaust exceeding safe health standards. We cannot stop trucks which create a noise level exceeding allowable legal limits. We cannot prevent vibrations in our houses caused by trucks, especially speeding empty construction trucks on rough street road surfaces. This to me is actually the most invasive of the truck problems. And, of course, we cannot on our own

FROM :

1999,03-23 16:23 #644 P.03/03

resurface poor road surfaces to prevent these truck vibrations. There is nothing between a resident and trucks but responsive, responsible city government, which we have not really had on this issue. One way the city could regulate the impact of heavy through trucks is to ban their presence during the normal sleeping hours of the night.

The major reason why I have been comfortable persuading others to sign the petition is that it is for a "city-wide" ban. We ALL have value. There has been too much of a tradition of "listening to the squeaky wheel" where the neighborhood with the most vocal and creative complaints has more value. Most of us directly effected by trucks live on stretches of residential areas zoned ONLY as residential areas, free of commercial and industrial use. Our residential stretch is exactly 2.0 miles long, just short of the width of the city. As the volume of trucking continues to increase, do we have to lose the integrity of our streets, our neighborhoods and city because problems associated with trucks reach a threshold residents finally can't tolerate? Designated truck routes is NOT the answer, just as we have all found that designated smoking areas are NOT the answer. Concentrating the trucking problem is NOT the answer. One would think a city like Cambridge - blessed with so many creative minds and a history of solving difficult urban problems -can come up with solutions to better solve the problems of living with trucks. Here is one solution.

TRANSACTION REPORT

FOR: BOCK DAVIS

617 547 0877

RECEIVE

SENDER

PAGES

NOTE

0

COM.E-1



CITY OF SOMERVILLE, MASSACHUSETTS

WILLIAM ROCHE
ACTING MAYOR

March 22, 1999

Henrietta Davis, Chair
Ordinance Committee
City of Cambridge
City Hall, 795 Massachusetts Avenue
Cambridge, Massachusetts 02139

RE: REGULATION OF THROUGH TRUCKS, CITY OF CAMBRIDGE

Dear Ms. Davis:

Last month I sent a communication to the Chair of the Cambridge Planning Board on the issue of through truck management in Cambridge, specifically to amend Section 6 of the Cambridge Zoning Ordinance (enclosed).

As was stated in that letter, I and my Administration oppose the proposed amendment to the Cambridge Zoning Ordinance. Below are key reasons for our position on this issue.

First of all, we believe that the proposed amendment, if it is incorporated with the Zoning ordinance, is inappropriate. Zoning is designed for the regulation of land use, not of traffic circulation on public ways. As such, in a zoning ordinance it is appropriate to require parking spaces commensurate with a particular land use, or even to promulgate standards for traffic circulation on a specific site. A truck regulation would be appropriately placed in the code of general ordinances. It is given that the enforcement of truck traffic regulations is not within the purview of building inspectors, but of other municipal agencies such as the police.

Second, Somerville is opposed to any transportation measures which do not address a problem but merely shift them from one municipality to another. It is widely understood that freight movement and truck circulation between municipalities are regional issues, and thus must be



Councilor Henrietta Davis
Page Two

regulated at the regional level. Federal laws have long given metropolitan planning organizations, rather than state or local governments, responsibility for transportation planning in this country. The current federal transportation act has expanded further the role of freight planning in the regional transportation planning process. Although there is clearly a role for local government in transportation planning, both as part of the regional process and as a provider for services that are clearly local, a nighttime truck curfew goes beyond that scope. The proposed ban is clearly discriminatory against regional truck traffic. The Commonwealth is conducting an ongoing truck study which Cambridge and Somerville are both participating in. At least four other communities - Arlington, Boston, Watertown and Belmont would also be negatively affected by this proposed amendment. In the spirit of regionalism, it would seem to us that an enlightened community such as Cambridge would want to work collectively to solve what are clearly regional problems.

Third, in July 1998 Somerville commented on the two reports issued by Cambridge's traffic advisory committee (see enclosed). Then-Mayor Capuano requested that City Manager Healey or his Administration discuss the outcomes of both reports with the City of Somerville **before** either report was adopted or implemented. No response or discussions have been initiated.

Finally, the proposed amendment to the Zoning Ordinances does not promote a "good neighbor" relationship with any of Cambridge's neighboring communities. The proposed amendment is an example of poor public relations.

As previously stated to the Cambridge Planning Board, the City of Somerville will take whatever measures are necessary to prevent implementation of such a truck policy.

Sincerely,



William Roche
Mayor

cc: Anne Johnson, Traffic & Parking Director
James Bretta, OHCD
Todd Fontanella, OHCD
Brandon Wilson, Planning Department
Jeff Levine, Planning Department
Capt. Daniel Matthews, SPD
Joan Langsam, City Solicitor

trukban.sta



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF THE MAYOR

MICHAEL E. CAPUANO
MAYOR

July 15, 1998

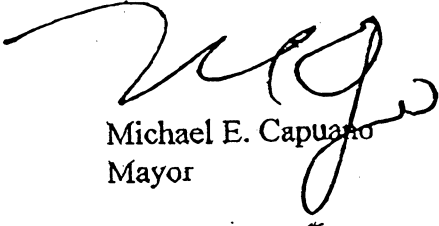
Mr. Robert Healey, City Manager
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Mr. Healey:

I have received copies of the "Reports of the City Manager's Truck Traffic Advisory", #A & #B. It seems that if either report is adopted, it will have a negative effect on Somerville. To that end, I strongly recommend that neither report be adopted nor implemented before representatives from the City of Cambridge have discussions with this Administration.

I look forward to hearing from you on this sensitive matter.

Sincerely,



Michael E. Capuano
Mayor

cc: Anne Johnson, Director, Traffic & Parking



CITY OF SOMERVILLE, MASSACHUSETTS
WILLIAM ROCHE
ACTING MAYOR

February 26, 1999

Mr. Paul Dietrich, Chair
Cambridge Planning Board
57 Inman Street
Cambridge, Massachusetts 02139

RE: PROPOSED TRUCK CURFEW, CITY OF CAMBRIDGE

Dear Mr. Dietrich:

This letter is in response to the proposed changes to Section 6 of the Cambridge Zoning Ordinance, specifically to the implementation of a nighttime truck curfew.

In light of the fact that there is an ongoing truck study being conducted by the Commonwealth of Massachusetts through its Central Transportation Planning Staff (which Cambridge has participated in), the City believes that truck curfew regulations such as the one proposed here will work against resolution of traffic issues. If this curfew is adopted and enforced, regional truck traffic will have to seek other routes. This approach doesn't really address the problem - it shifts the problem to Cambridge's neighbors, in particular Somerville, Boston, Watertown and Belmont.

I cannot stress enough that regional truck traffic policies must be developed regionally, not in isolation. I, and the City administration, strongly oppose adoption of these changes to Cambridge's zoning ordinance and will do what ever is necessary to prevent implementation of such a truck policy.

Sincerely,

William Roche
Mayor

cc: Anne Johnson, Traffic & Parking Director
Todd Fontanella, OHCD

T O W N O F W A T E R T O W N



Office of the Town Manager
Michael J. Driscoll

March 16, 1999

Councilor Henrietta Davis, Chair
Committee on Ordinances
Cambridge City Council
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

RE: Truck Curfew Proposal

Dear Councilor Davis,

I am writing to express the Town of Watertown's strong concern regarding the proposed Truck Curfew ordinance.

As an abutting community, Watertown could be negatively impacted by the ordinance. If adopted, the curfew could relocate late evening and early morning truck traffic onto Watertown roadways, particularly Mt. Auburn and Belmont Streets. This would be an unfair and irresponsible move. As urban and metropolitan communities, we all must accept our share of the commerce and transportation burdens associated with the region and its economy.

Although the proposed truck curfew ordinance was apparently submitted as an amendment to the Cambridge Zoning Ordinance, and the Cambridge Planning Board and City Council appear to be proceeding with the usual process for the adoption of such the amendment under the Zoning Act, G.L.c. 40A, it is our belief that any ordinance which affects traffic in the manner proposed is also subject to the procedures set out in G.L. c. 85, section 2. This provision of the General Laws authorizes the Massachusetts Department of Highways to regulate traffic on "state highways and ways leading thereto and therefrom, and on all main highways between cities and Towns." However, it also provides as follows:

Except as hereinafter provided, any rule, regulation, order, ordinance or by-law of a city or town hereafter made or promulgated relative to or in connection with the erection or maintenance of signs, . . . on any way within its control . . . shall not take effect until approved in writing by the department [Massachusetts Highway

Department], or be effective after such approval is revoked, if made or promulgated relative to or in connection with the following:

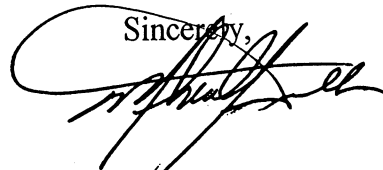
... (4) any sign excluding heavy commercial vehicles; ... (7) any rule, regulation, order, ordinance or by-law of a city or town which when made or promulgated would exclude motor vehicle travel on any existing way which connects one city or town with another, unless such rule, regulation, order, ordinance, or by-law was promulgated in compliance with the following: (a) the rule-making body of the city or town initiating such rule, regulation, order, ordinance or by-law gives written notice of such action to the chief executive officer of the abutting city, town or county into which said way extends, and (b) a public hearing is held by the city, town or county initiating such alteration, relocation or discontinuance, public notice of which must be published for each of the two weeks preceding such hearing in a newspaper of general circulation in the abutting city, town or county into which the said way extends, and (c) after concurrence in writing by the chief executive officer of the abutting city or town into which the said way extends or his designee. (Emphasis added.)

Under basic concepts of due process, the administration and enforcement of the proposed curfew will require the posting of signs indicating the conditions of the curfew in order to provide the traveling public with notice of the ordinance. It is, therefore, our belief that the City's consideration and action on this ordinance is also subject to the procedures, and approvals cited above.

The proposed ordinance is illogical and too drastic a measure for the purported problem. I hope and assume that your Honorable Committee will have the proposed ordinance studied for its potential impacts prior to adoption.

Thank you and please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,



Michael J. Driscoll
Town Manager

cc: Watertown Planning Board

TO THE CAMBRIDGE CITY COUNCIL

RE: A ZONING SOLUTION TO THE THROUGH-TRUCK TRAFFIC PROBLEM

3/24/99

Dear City Council,

I'm sure you're aware of the many serious problems that through-trucks cause. Noise, fumes, vibrations, speeding, all ruin our quality of life and depreciate our properties. Noise interferes with our sleep as well as with waking concentration. Fumes foul our air. Vibrations damage our homes. They also damage our roads and the infra-structure beneath. Speeding creates danger for pedestrians, cyclists, and parked cars. And as the recent conflagration on the southeast expressway illustrates, the passage of huge oil tankers - of which we have so very many on our streets - endangers our very lives.

All these problems have become more severe over the past 25 years. More vehicles. Larger vehicles. Our streets, built for the gentler local traffic of the long ago past, now need constant repair. Today's 18 and 22 wheelers chew them right up.

Today many of our streets have become virtual highways and busy highways at that.

We have been asking for redress for more than 25 years now. No redress. Only excess.

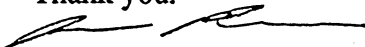
I would like some relief within my lifetime. So would most other Cambridge folks.

The night-time zoning we propose has the beauty of virtual immediacy. Within a few months, we can get night-time through-trucks off our streets and onto the highways where they belong. Onto highways that our taxes built for them to use! AND with no deleterious effect to other streets in our town nor in other towns; because, as Tom Bracken points out, if through-trucks can't get onto our streets, they can't pass from our streets onto those of our neighbors.

True, if we stop these trucks from short-cutting through our streets they may have to spend more time and gas money going by the highways. But right now, WE pay for them to short-cut through here (noise, vibrations, etc.). Why should WE pay these costs!? Why shouldn't THEY pay their OWN costs!?

We urge you to allow us the nearly immediate relief that our no-night-time-through-trucks zoning will provide, relief that will benefit our neighboring towns as well as ourselves.

Thank you.



Riva Poor

73 Kirkland St., Cambridge, MA 02138 617-868-4447

City of Cambridge

In City Council April 5, 1999

The Ordinance Committee held a public hearing on March 24, 1999 beginning at 5:35 p.m. in the Sullivan Chamber for the purpose of considering a proposed amendment to the zoning ordinances to regulate truck traffic by providing a nighttime curfew on use of city streets by through trucks 2.5 tons or more in gross weight (**Attachment A**).

Present at the hearing were Councillor Henrietta Davis, Chair of the Committee, Councillor Kathleen L. Born, Mayor Francis H. Duehay, Councillor Sheila T. Russell, Councillor Michael A. Sullivan, and City Clerk D. Margaret Drury. Also present were Donald Drisdell, Deputy City Solicitor, Lester Barber, Director of Land Use and Planning for the Community Development Department and Loren Preston, Traffic, Parking and Transportation Department.

Councillor Davis convened the hearing and explained the purpose.

James Adams, 226 Brattle Street, read a statement from Karen Falb, petitioner. (**Attachment B**). He noted that truck traffic has increased in Cambridge and it has become very disturbing. The petition calls for a citywide ban on through trucks during normal nighttime sleeping hours. Designated truck routes are not the answer.

Councillor Davis then invited public testimony in support of the petition.

Robert Smith, 86 Buckingham Street, spoke in support of the ordinance. He said that he lives at the corner of Concord Avenue. Truck traffic starts early in the morning and goes to late at night.

Mayor Duehay stated that he has to leave to attend the School Committee meeting. He will study the issue very carefully. He lives three houses from Mt. Auburn Street and is very aware of the pernicious effects of truck traffic. It is unfortunate that Cambridge has not been able to deal with this issue. The problem Cambridge has had is that of federal law, which has pre-empted local authority.

Mayor Duehay stated that he would like to find a way to allow Cambridge to regulate truck traffic but he wants to be sure that it would not be a useless exercise because of the legal issues. He said that he would welcome any legal opinions about this issue.

Committee Report #4 *2575*

A report from Councillor Davis,
Chair of the Ordinance Committee,
for a meeting held on March 24, 1999
for the purpose of considering a
proposed amendment to the zoning
ordinance to regulate truck traffic
by providing a nighttime curfew on
use of city streets by through trucks
2.5 tons or more in gross weight.

In City Council April 5, 1999

Report Accepted

PLACED ON FILE

ORDER^S ADOPTED

Referred to *Petition*