



City of Cambridge

1.

IN CITY COUNCIL

December 18, 1995

MAYOR REEVES
COUNCILLOR BORN
COUNCILLOR MYERS
COUNCILLOR TRIANTAFILLOU

ORDERED: That all items pending before the City Council and not acted upon by the end of the 1995 legislative session be placed in the files of the City Clerk without prejudice, subject to recall by any member, provided that those proposed ordinances which have been passed to a second reading, advertised and listed under "Unfinished Business" shall remain on the Calendar as "Unfinished Business", and further provided that any items pending in committee may, at the discretion of the committee, be forwarded to the next City Council.

In City Council December 18, 1995

Adopted by the affirmative vote of nine members.

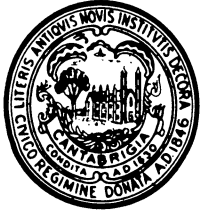
Attest:- D. Margaret Drury, City Clerk.

A true copy;

D. Margaret Drury

ATTEST:-

D. Margaret Drury
City Clerk



CITY OF CAMBRIDGE

ENVIRONMENTAL PROGRAM

57 Inman Street • Cambridge MA 02139 • 617.349.4604

To: Robert W. Healy, City Manager
From: Elizabeth Epstein, Director, Environmental Program *EE*
Date: September 26, 1995
Re: Council Order #35, dated 5/22/95 re: Feasibility of Reinstating the Requirement that Residents License Bicycles Kept in Cambridge

Bicycle registration is carried out in many states, cities and towns around the country. It is primarily a tool for identifying and returning stolen vehicles. Bicycle registration is not a proven tool for enforcement, as the registration applies to the vehicle, rather than the rider.

Bicycle Registration in Cambridge

State Statute regulates the registration of bicycles (Ch. 85 Sect. 11A), and dictates exactly how such a program is carried out if adopted by a city or town. The section is adopted by a vote of the city council, and requires that every resident of the city who owns a bicycle register the bicycle with the police department, who is responsible for administering the registration program. The police furnish a registration plate or decal with the register number for each bicycle; rental bicycles would also need to be registered, and all bicycle sales within the city would need to be reported to the police.

The cost of the registration is governed by this statute as well, as is the cost of a fine. The initial .25¢ cap was included in the statute until 1981, when the statute was amended to the cost being .25¢ unless otherwise voted by city council action, but in no event being greater than \$2.50. Violations of the registration provision are punishable by a fine of one dollar (\$1.00).

As indicated by the response by the Law Department, the City Council adopted this section in 1942. Since there is no record of it ever having been rescinded, it is still in effect. It should be noted that the statute governs the registration of bicycles (i.e. the vehicles), not the licensing of operators (i.e. persons riding bicycles).

Attached is a copy of the Massachusetts state statute regarding bicycle regulations.

Experience in other cities and states

Investigation concerning the experience of other states or municipalities with the registration of bicycles has gleaned the following.

City examples

Palo Alto, CA and Evanston, IL have ordinances requiring that bicycles owned by residents be registered with the police.

- The most important reason cited for the bicycle registration program is the ability to capture and return stolen vehicles. Police in Palo Alto cited bicycle theft as a serious problem.
- Registration cost is .50¢ in Evanston and \$2.00 in Palo Alto.

- The Palo Alto Police Department keeps a computer database of all bicycles registered, which has proven to be an enormous help in returning recovered bicycles. The cost associated with this program is not covered by income received through licensing.
- The police work with bicycle shops to try to get people to register bicycles when they are purchased. In Palo Alto, bicycles can also be registered at all Fire Stations during certain hours. The Fire Department personnel are also responsible for bicycle safety education in public schools and they teach children about the importance of registering bicycles.
- In Evanston, traffic violations by bicyclists warrant a ticket similar to that of ordinance violations. Enforcement does not rely on the registration requirement. Most bicyclists receive a verbal warning unless there is a flagrant safety violation.
- In Palo Alto, bicyclists who violate traffic laws are treated in the same manner as motorists and receive the same kind of ticket (although it does not affect their driving records for motor vehicles). Police officers may or may not note the registration number of a bicyclist; bicyclists are asked for personal identification and the officers attempt to verify information on the spot. They noted that tickets go to the person, not to the vehicle. The police feel that because there is enforcement, people tend to follow the rules of the road.

State example

Minnesota has a voluntary state-wide registration program that is administered by the Department of Public Safety.

- Bicycle registration costs \$10.00 for a three-year license. The Department of Motor Vehicles also does bicycle registration. People can also register at bike shops and some municipal offices. The administering agent or office receives \$1.00 per bicycle registered.
- A state-wide data base is administered by the Department of Public Safety.
- It is estimated that there are 2.6 million bicycles in the state, and approximately 4% of those are registered.
- The income generated is approximately \$150,000/year and the costs of administering the program amount to \$100,000 per year. The remainder goes to safety education programs.
- The program benefits cited are:
 - * Identification and return of recovered stolen bicycles
 - * Accident victim identification (particularly for children who do not usually carry identification)
 - * As a mechanism for monetary contribution specifically for bicycle-related programs.
- Those administering the program indicated that they feel the system works and the benefits are seen because the program and database are state-wide.

Conclusion

Bicycle registration, while not a proven tool for enforcement purposes, is a helpful tool for identifying and returning stolen bicycles, identifying one sector of roadway users for "rules of the road" education, and providing a source of some funds for bicycle education and facilities programs.



CITY OF CAMBRIDGE

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Deborah R. Cautela
Nancy E. Glowa

September 12, 1995

Re: Bicycle Registration;
Council Order #35 dated 5/22/95

Dear Mr. Healy:

The City Council asked when and why bicycle registration in Cambridge ceased being mandatory. Currently, registration is considered to be optional.

I have been unable to discover when and why registration in Cambridge was treated as being optional. Research has revealed however that in 1942 the City Council accepted G.L.c.85, s.11A, the state statute that requires bicycles to be registered by the local police department. A copy of the statute is attached.

Other issues raised in the Council Order are being addressed in the response by the Director of the Environmental Program.

Very truly yours,

Russell B. Higley
Russell B. Higley

85 § 11A Bicycles; registration

No resident of any city which accepts this section by vote of its city council, or of any town which accepts this section by vote of the town, shall operate a bicycle within the limits thereof, unless such bicycle is registered under this section in such city or town and unless the registration plate or decal issued therefor is attached to such bicycle. The police department of such a city or town, or the selectmen of such a town having no organized police department, shall register all bicycles owned by persons residing within the city or town and issue to the owners thereof certificates of registration, which shall be in effect, unless suspended as hereinafter provided, so long as such registrants own said bicycles. The application for registration shall contain the name, address and age of the owner, the make of the bicycle, and serial number, if any, affixed by the maker, or any other identifying marks. The certificate of registration shall contain the name and address of the owner, a description of the bicycle and a register number. Every bicycle so registered shall have attached thereto a registration plate or decal furnished by the police department or the selectmen, as the case may be, of the city or town where registered. Such plate or decal shall bear the register number assigned to the bicycle and the name of the city or town where registered. Upon the sale or other transfer of a registered bicycle, the registrant shall remove the registration plate or decal and surrender the same to the police department or the selectmen, as the case may be, or may, upon application but without payment of an additional fee, have said plate or decal assigned to another bicycle owned by the applicant. A bicycle rental agency in any city or town which accepts this section shall not rent or offer any bicycle for rent unless the bicycle is registered and a registration plate or decal is attached thereto as provided herein. Every person engaged in the business of buying or selling new or second hand bicycles in such a city or town shall make a report to the said police department or selectmen, as the case may be, of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom purchased or to whom sold, a description of such bicycle by name or make, and the number of the registration plate or decal, if any, attached thereto. Blank forms of applications and certificates for use in carrying out the provisions of this section shall be prepared and furnished by the commissioner of public safety to all such cities and towns at their expense. Unless otherwise established in a town by town meeting action and in a city by city council action, and in a town with no town meeting by town council action, by adoption of appropriate by-laws and ordinances to set such fees, the fee for each registration plate or decal and certificate issued under this section shall be twenty-five cents, but in no event shall any such fee be greater than two dollars and fifty cents.

Violation of any provision of this section shall be punished by a fine of one dollar, and in addition the police department of such city or town, or the selectmen of a town having no organized police department, may suspend the registration certificate of any registered bicycle operated in violation of any provision of section eleven B. No violation of any provision of this section relative to the registration of bicycles shall affect any civil right or liability, nor shall any such violation by a minor under the age of eighteen be considered a criminal offense.

Added by St.1941, c. 710, § 1. Amended by St.1961, c. 518, §§ 2, 3; St.1974, c. 321; St.1981, c. 351, § 41.

Historical and Statutory Notes

St.1974, c. 321, approved June 7, 1974, inserted "or decal" throughout the first paragraph.

St.1981, c. 351, § 41, approved July 21, 1981, and by § 299 made effective as of July 1, 1981.

in the first paragraph, rewrote the eleventh sentence, which prior thereto read, "A fee of not more than twenty-five cents shall be collected for each registration plate or decal and certificate issued under this section."

laws relative to retirement systems. Accepted by City Council, June 21, 1938. Approved by the Mayor, June 23, 1938.

Provisions of Section I of Chapter 367, Acts of 1936, the same being, "An act establishing a six-day week, so-called, for certain public employees and persons employed in public works." Accepted by City Council, September 22, 1936. Approved by Mayor, September 24, 1936.

Chapter 262. Acts of 1937

Shall an act of the General Court passed on the current year entitled, "An act to authorize the placing of the office of chief of the fire department of the City of Cambridge under Civil Service Laws" be accepted? Yes — 22,592; No — 5,409; Blanks — 12,922.

Chapter 426. Acts of 1938

An act providing for one day off in every six days for police officers of certain cities and towns. Adopted by City Council, September 27, 1938. Approved by Mayor, September 29, 1938.

Chapter 484. Acts of 1938

"Shall the City Council of the City of Cambridge adopt a measure in accordance with the provisions of the Housing Authority Law (St. 1938, C.484) appropriating public funds and making contributions (in the form of tax exemptions or otherwise) in aid of low rent housing projects?" Yes — 16,873; No — 11,993; Blanks — 11,924.

Chapter 152. Acts of 1939

An act requiring action of city councils accepting provisions of law permitting absentee voting at regular city elections to be taken at least ninety days before the first election to which such provision will apply. Accepted by City Council on April 8, 1941. Approved by Acting Mayor on April 10, 1941.

Chapter 425, Section 54, Acts of 1939

Amending Chapter 33 of General Laws, the same being "An act revising the military laws of the Commonwealth." Accepted by City Council on December 23, 1941. Approved by Mayor on December 26, 1941.

Chapter 380, Acts of 1941

The same being "An act further regulating liens for, and the collection of, water rates and charges," amending Sections 42A, 42B, 42C, 42D, 42E and 42F of Chapter 40 of General Laws, Tercentenary Edition. Accepted by City Council, January 26, 1942. Certificate filed in registry on January 30, 1942.

Chapter 368. Acts of 1941

The same being "An act relative to annual vacations for certain employees of certain cities and towns," amending Section 111 of Chapter 41 of General Laws, Tercentenary Edition. Accepted by City Council on January 26, 1942.

Chapter 710. Acts of 1941

The same being "An act relative to the registration and operation of certain bicycles," inserting Section 11A of Chapter 85 of General Laws, Tercentenary Edition. Accepted by City Council on February 2, 1942.

REVISED LAWS

Secs. 122-127 of Chapter 102 of the Revised Laws of Massachusetts.

In relation to smoke nuisance. Accepted May 14, 1907. Approved by Mayor May 16, 1907.

GENERAL LAWS

Chapter 32 (Secs. 56-59 inclusive.) General Laws

Relative to pensions of Spanish and World War Veterans. Accepted by Mayor on April 18, 1921.

FEDERAL POLICIES

Through its several branches and agencies, the Federal Government has clearly articulated the mandate to promote bicycling in the United States.

- "It is Federal Transportation Policy to promote increased use of bicycling and encourage planners and engineers to accommodate bicycle and pedestrian needs into designing transportation facilities for urban and suburban areas." (*Moving America*, U.S. Department of Transportation, 1990).
- "The National Transportation Policy (NTP) states that it is Federal transportation policy to promote increased use of bicycling [and] to accommodate bicycle needs in designing transportation facilities for urban areas." (*Policy on Bicycle and Pedestrian Projects*, U.S. Department of Transportation Federal Highway Administration, 1991.)
- Under the 1991 U.S. Department of Transportation Appropriations Act, enacted by Congress, the Secretary of Transportation was directed to conduct a national study (The National Bicycling and Walking Study) that included "a plan for the increased use and enhanced safety of [bicycling]." The Report presents a plan of action for activities at the federal, state and local levels for meeting the goals of doubling the current percentage of trips made by bicycle and by walking and reducing the injuries and deaths to bicyclists and pedestrians by 10%.
- The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) not only recognized the value of bicycling in the transportation system, but mandated the funding of bicycle transportation projects.

STATE POLICY

- "It is the policy of the [Massachusetts] Executive Office of Transportation and Construction (EOTC) to support and promote the safe use of bicycles in the Commonwealth." (Executive Office of Transportation and Construction Bicycle Policy, 1994.)

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CITY OF CAMBRIDGE
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RICHARD C. ROSSI
Deputy City Manager

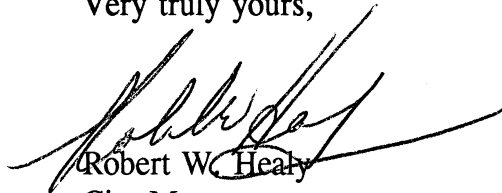
November 6, 1995

To the Honorable, the City Council:

In response to Awaiting Report # 19 regarding the feasibility of reinstating the requirement that residents license bicycles kept in Cambridge, attached please find reports from Environmental Program Director Elizabeth Epstein, and City Solicitor Russell Higley.

I have forwarded this report to the Police Department for a report on the feasibility of administering a bicycle registration program.

Very truly yours,


Robert W. Healy
City Manager

Attachments

Consent Agenda #7

Cal #14

Relative to Awaiting Report Item
Number Nineteen, regarding the
feasibility of reinstating the
requirement that residents license
bicycles kept in Cambridge.

5-
422

for original order
see 1995 City Manager
Requests # 220.

12/18/95- Placed on
file pursuant to
Order #1

In City Council November 6, 1995

Tabled by Councilor
Born.