



# City of Cambridge

20.

IN CITY COUNCIL

February 28, 1994

COUNCILLOR WALSH  
COUNCILLOR MYERS  
COUNCILLOR SULLIVAN

WHEREAS: At the City Council meeting of February 14, 1994, a letter was presented to the City Council dated January 17, 1994 from Astrid A. Dodds notifying Commissioner Dunphy that certain sidewalks were unshoveled and making other very interesting observations (a copy of said letter is attached); and

WHEREAS: Since that letter, several more snow storms have occurred; and

WHEREAS: It is important for the setting of future policy to know whether or not the existing policies and Ordinance are able to resolve the various issues raised in Ms. Dodds' letter and to also know how Commissioner Dunphy was able to resolve the problems with the various property owners as set out in Page Two of Ms. Dodds' letter; now therefore be it

ORDERED: That the City Manager be and hereby is requested to ask Commissioner Dunphy to advise the Council as to his thoughts and recommendations regarding Ms. Dodds' letter of January 17, 1994 and how he handled the problems with the various owners as cited on Page Two and that a report be made to the Council as soon as possible.

In City Council February 28, 1994.  
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

February 17, 1994

COUNCILLOR WALSH

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copy

*Astrid A. Dodds*  
73 Wendell Street  
Cambridge, MA 02138  
354-6553

17 January 1994

Mr. Ralph Dunphy, Commissioner  
Cambridge Department of Public Works  
147 Hampshire Street  
Cambridge, MA 02139

Dear Mr. Dunphy:

First let me congratulate you on your appointment as DPW Commissioner. It is surely one of the most difficult Cambridge municipal jobs. On the other hand, it is a position in which one can make an enormous difference in the lives of ordinary people. We who recognize both its difficulty and its potential are rooting for you.

Although I am also a member of the Agassiz Neighborhood Council Traffic Committee and of a municipal pedestrian advisory group now forming under the aegis of the Environmental Department, I write today as an individual. My topic is sidewalk snow clearance. But I want to tell you at the outset that I began drafting this letter well before the Jan. 5-9 storm. The issues for pedestrians remain the same year in and year out; what we have now is different only in degree, not kind.

It would be wonderful if, in your new position, you would break new ground in support of the DPW's role as publicizer and enforcer of the sidewalk snow clearance and ice-sanding ordinances (City Ordinance 12.16.110-111). Great strides have been made in the quality of life for Cambridge pedestrians since this ordinance was decriminalized and given to the DPW to enforce, but more needs to be done.

#### **General annual notification of property owners about sidewalk clearance.**

This storm is an excellent example of why property owners need annual, seasonal reminders of the existence of Ordinance 12.16.110 and the importance of complying with it. If a mailing exclusively to property owners is too costly, then something should go out with either the Nov. property tax bill or Oct.-Dec. water bills. Piggybacking onto Traffic & Parking's resident sticker and visitor pass distribution in 1992 was better than nothing, but it insufficiently targeted property owners.

The annual mailing should be more than just a photocopy of the ordinances; it should (a) explicitly state that it is the property owner who is responsible unless there is an agreement in writing with a tenant; (b) emphasize that sanding of ice is as important as snow removal; and (c) explicitly address the most egregious perennial problems such as parking lot plows leaving plow ridges across otherwise clear sidewalks and using public sidewalks to store plowed snow.

One of your predecessors told me that the warning tickets themselves are viewed as a way of educating property owners to their responsibilities, but I can testify to the fact that the word isn't getting out fast enough that way. Some property owners I reported to the Enforcement unit last March repeated their offenses last week. And of course last week, there surely were not enough hours in the day for the Enforcement unit to *both* go out looking for scofflaws *and* look up property ownership records so a ticket can be mailed. Relying solely on the warning tickets for publicity cannot be treated as a substitute for annual, seasonal notice to property owners and pedestrians alike. Prevention is, indeed, the best enforcement.

#### Property owners who need special attention.

There are certain categories of offenders who need special attention. That "special attention" may have to eventually include an escalating fine system or a higher fine for certain offenses (plow ridges, using sidewalks for snow storage) or certain property owners (businesses, condo associations).

- Non-resident owners and condo associations who are either unaware of or perennially ignore these ordinances, i.e., 60 Kirkland.
- Owners of residential housing reported to the DPW Enforcement unit more than once in recent years whose sidewalks remain uncleared this week, i.e., 81 Irving St., 29 Ware St., 60 Kirkland.
- Businesses on the corners of main streets which whose meticulously clear their main street frontage but who ignore sidewalks into the neighborhoods "behind" them, i.e., Trowbridge St. next to Crate & Barrel, 1045 Mass. Ave.; Sacramento St. next to Optometrist L. d'Ambrosio, 1885 Mass. Ave.; the MBTA which perennially ignores the Garfield side of its Mass. Ave lot.
- Residential and business parking lot owners whose plowing contractors leave plow ridges across otherwise cleared sidewalks (the lot behind 1013 Mass. Ave.; 378 Harvard St. where the plow ridge this week isn't as big as it was last March.
- Property owners, usually businesses or institutions, who use public sidewalks to store snow plowed from parking lots, i.e., Harvard at the Cambridge Guidance Center, 5 Sacramento; the Gulf Station on the corner of Garfield & Mass. Ave.; The Fishery restaurant parking lot on Green Street -- a particularly vivid example on Jan. 12 because it forced pedestrians into the street right under the windows of the Police Dept. and blocks sidewalk access to the state unemployment office.
- The failure of the city to clear snow and sand ice on sidewalks adjoining its property, i.e., the community gardens administered by the Cambridge Conservation Commission; the Agassiz School lot and Alden tot lot, which went uncleared for a week and then were incompletely done on their Sacramento St. sides. (The Agassiz School lot now includes 26 Sacramento St.)

**Publicizing the DPW hot line and encouraging anonymous calls to it**  
349-4830 will become the effective 24-hour enforcement tool only with unremitting publicity -- in the *Tab*, the *Chronicle*, the *Globe* "City Weekly" section, on cable, in neighborhood and community schools newspapers such as *The Agassiz Whistler*, the *North Cambridge News*, etc.

A successful "hot line" for reporting infractions of these ordinances must encourage anonymous calls. (If the Police Commissioner takes them, surely the DPW can?) The fact that the current hot line message asks callers to leave a name and phone number is a deterrent to the DPW getting the reporting assistance it needs to make snow- and ice-free sidewalks a reality for Cambridge pedestrians.

I understand that the idea of anonymous reporting has a distasteful ring, but in this case, it is justified. The ordinances have been decriminalized. The result of the anonymous reporting is benign: inspection by a DPW enforcement officer, and only then, if s/he agrees there is a violation, a no-fine warning ticket. The DPW cannot possibly be expected to survey the hundreds of miles of Cambridge sidewalks by itself; it must make ordinary citizens comfortable reporting the obstacles they encounter on their daily rounds -- even if it's next door.

#### **Access to bus stops and crosswalks.**

I would like to ask your support for an amendment to the sidewalk snow and ice-clearance ordinance that would require owners of property bordering a sidewalk to shovel openings to any bus stop or marked crosswalk adjacent to that sidewalk. What we had last week was a quite impressive rate of sidewalk clearance by private property owners that has resulted, in many instances, in a block-long labyrinth: pedestrians can go for a walk *around* the block but cross the street? Get on or off a bus? Forget it!

If this past storm illustrates anything it's that passable sidewalks are only half the battle. The city can't be in the business of encouraging people to leave the car at home and take the T and then to scale mountains at every bus stop and crosswalk. I understand that such an ordinance amendment would place an unequal and heavy burden on property owners. It might therefore be necessary to increase the snow removal budget so DPW crews can plow the bulk of unwieldy plow ridges away from crosswalks and bus stops, leaving only a manageable residue for property owners. If snow plowed away from a crosswalk or bus stop eliminates a parking space, fine; it at least sends a coherent message: walk, don't drive. Cambridge businesses, which panic at the mere hint of lost parking spaces, can't be allowed to veto this proposal if it is the only way to achieve real pedestrian mobility.

#### **Bridge sidewalks.**

And now for a special case of public property: bridges. I have devoted many hours in the past year to getting snow removed from the 9' sidewalks on the new \$1.2 million MIID Bridge at the top of Beacon and Oxford Streets. The MHD told me it "doesn't clear sidewalks on *any* of the hundreds of bridges" it owns in

Massachusetts. The solution in this case is that Somerville DPW Commissioner Bob Trahan agreed to clear the sidewalks last winter and this, albeit reluctantly given the limits on Somerville's snow clearance resources.

I am likewise aware that Rindge Towers residents complained in the press last spring that the sidewalks on the old Alewife MDC bridge were "never cleared" -- giving them one more reason to risk crossing the RR tracks on foot. On Sunday, Jan. 1, the Eliot Bridge sidewalks between Greenough Boulevard and Soldiers Field Road were uncleared.

All this raises several questions:

(1) Does the MHD do anything to *inform* municipalities of its policy not to clear the sidewalks on any of the bridges it owns in the state?

(2) Does the MDC have a similar policy and, if so, is it communicated in any systematic way to municipal DPW Commissioners?

(3) Does the Cambridge DPW have a list of all the bridges within Cambridge city limits and a plan for dealing with sidewalk snow clearance on those bridges whose owners aren't doing it?

(3) Is this area another one in which the Commonwealth is literally "passing the buck" to cities and towns but not compensating them for the expense?

Having talked Mr. Trahan into dealing with MHD Bridge S-17-19 -- and Commuter Rail into clearing the Somerville Ave. sidewalk *between* the bridge and Porter T station -- I feel it is only fair that I try to find out what's happening on bridge sidewalks in my own city. Needless to say, I am not trying to make life more difficult for the DPW but merely trying to figure out whether this is an arena in which pedestrian needs have fallen between the cracks of overlapping jurisdictions.

I would very much appreciate it if you would consider my observations and let me know if there is any way Cambridge pedestrians can assist the DPW in carrying out its much-valued role as enforcer of the sidewalk snow-clearance ordinances.

Thank you for your help.

Sincerely,

Astrid A. Dodds

cc: Cara Seiderman, Cambridge Bicycle/Pedestrian Coordinator  
David Valenstein, ANC Traffic Committee Chair  
bcc: City Councillors Born, Duehay and Russell



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*Myers, Sullivan*  
Consent Order #20

*CM-62*

Councillor Walsh re: Letter from  
Astrid A. Dodds regarding unshoveled  
sidewalks and other problems with  
various owners.

*Order Adopted*

In City Council,

February 28, 1994