

Brookline Advisory Committee  
Public Safety Subcommittee  
Article 31  
18 March 2021

The Public Safety Subcommittee held a public hearing in cyberspace for Article 31. Attendees were Chris Dempsey- Chair, Transportation Board; Leonard Wholey & Linda Olson Pehlke- TB; David Trevvett- Chair, Pedestrian Advisory Committee; Marissa Vogt- Pedestrian Advisory Committee; Myles Murphy, Police Department; Tommy Vitolo, State Rep. 15th Norfolk; and subcommittee members Janice Kahn (chair), Alisa Jonas, Susan Granoff, Neil Gordon, and David-Marc Goldstein.

**Summary:**

Article 31 was submitted by the Transportation Board. At the Annual Town Meeting in May 2017, Town Meeting voted overwhelmingly for an article which would lower the default speed limit for Town controlled roads to 25 MPH by accepting the provisions of Chapter 90, section 17C. However, the interpretation of the law from MassDOT meant that changing the speed limit on some streets in Town which have posted at a higher speed involves a cumbersome and lengthy process. Article 31 has been submitted to ask the Legislature to authorize the Transportation Board, after a public hearing, to be able to remove the posted speed limit, effectively changing certain streets down to the 25 MPH Town default speed, simplifying the process for changing the speed limit on those posted roads. This would occur only after a public hearing of the Transportation Board and a supermajority vote in favor.

**Discussion:**

The law the Town adopted in 2017, which amended Chapter 90, section 17, allows for a statutory speed limit for all roads under Town control where there is no posted speed limit. Due to the interpretation of MassDOT and a quirk in state law, Brookline has found that certain streets must keep the higher posted speed limits unless a long bureaucratic process is followed. To establish a new lower speed limit on streets (where a higher speed limit was previously posted (perhaps decades ago) in accordance with Chapter 90, section 18), the Town must conduct a new speed study consisting of multiple steps, involving a lot of staff resources ultimately resulting in requesting MassDOT for permission to make the change. MassDOT's interpretation of the new law means that there is no regulatory process to simply remove a higher posted speed limit to comply with the new Town default of 25 MPH and that further legislative action would be required.

Some streets now can have one speed limit in one direction and another in the opposite direction (e.g. High St.). On Newton St., there is a 25 MPH sign at the Town Line, and yards away is a 35 MPH sign, encouraging drivers to speed up.

The roads that currently are stuck with the higher speed limit are mostly residential, some with high volume commuter cut-through traffic and include:

Aspinwall Ave.	Chestnut Hill Ave.	Clark Rd.	Clinton Rd.
Clyde St.	Dean Rd.	Eliot St.	Grove St.
Hammond St.	High St.	Independence Ave.	
Lagrange St.	Lee St.	Newton St.	Pleasant St.
Reservoir Rd.	South St.	St. Paul St.	Washington St.
Winchester St.	Woodland Rd.		

Representative Vitolo testified to the subcommittee that it's his belief that this interpretation by MassDOT was not the intent of the legislators who voted for it. It was his judgement that the best course of action is for Brookline to submit a home rule petition to remedy this. He also has filed his own legislation that would take care of this problem statewide, but he acknowledged that passing his legislation might take longer.

The subcommittee concurs that passing Article 31, in conjunction with a successful petition to the legislature, should result in consistency and additional safety to Town streets.

**Recommendation:**

By a 5-0 vote, the subcommittee unanimously recommends FAVORABLE ACTION on article 31.