

**HOUSE . . . . . No. 3531**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Carolyn C. Dykema*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to parking safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>1/19/2017</i>

**HOUSE . . . . . No. 3531**

By Ms. Dykema of Holliston, a petition (accompanied by bill, House, No. 3531) of Carolyn C. Dykema relative to parking in the vicinity of commercial developments, districts or buildings. Transportation.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

An Act relative to parking safety.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 143 of the General Laws is hereby amended by adding the  
2 following section:-

3 Section 101. (a) Developers of commercial developments or districts, where municipal  
4 on-street angle or perpendicular parking is provided adjacent to a commercial building, shall  
5 construct safety appurtenances to: (i) separate parking spaces from the sidewalk or frontage area  
6 of the building, (ii) prevent a motor vehicle from erroneously moving onto the sidewalk or other  
7 frontage to said building where pedestrian activity is likely to occur, and (iii) prevent a motor  
8 vehicle from coming into contact with the building structure.

9 (b) Developers shall design any enclosed or off-street parking lots or facilities for  
10 commercial developments, districts or buildings in a way that maintains a safe walking distance  
11 between the denoted parking and the entryway to the building. Developers shall construct safety  
12 appurtenances to separate the parking spaces from the walkway and to prevent a motor vehicle

13 from erroneously leaving the parking area and entering the walkway or colliding with the  
14 building.

15 (c) Safety appurtenances shall have the ability to physically stop a motor vehicle from  
16 breaching the pedestrian walkway or building frontage and structure. The safety appurtenances  
17 may be either a standard structural bollard, retaining wall, landscape planter or any other  
18 structural member or frame that will withstand the force of the motor vehicle and prevent it from  
19 crashing through to the pedestrian walkway or building frontage and structure.

20 (d) All safety appurtenances shall be constructed based on local zoning ordinances and  
21 bylaws so as to not reduce the sidewalk or the building frontage below the minimum width  
22 required for pedestrian accessibility under the architectural access board regulations,  
23 promulgated pursuant to section 13A of chapter 22. Whether a development, district or building  
24 is considered “commercial” for purposes of this section shall be determined in accordance with  
25 the local zoning ordinances and bylaws. No municipality or agency shall approve a plan or grant  
26 a permit for a commercial development or district unless the plan and proposed development  
27 includes the safety appurtenances required pursuant to this section.

28 (e) The board shall promulgate rules and regulations relative to the construction,  
29 installation and maintenance of such safety appurtenances.

30 SECTION 2. Safety appurtenances required pursuant to this act shall only be required for  
31 commercial developments or districts permitted after the effective date of this act.