

HOUSE No. 4407

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 11, 2018.

The committee on Economic Development and Emerging Technologies to whom was referred the petition (accompanied by bill, House, No. 3531) of Carolyn C. Dykema relative to parking in the vicinity of commercial developments, districts or buildings, reports recommending that the accompanying bill (House, No. 4407) ought to pass [Representative Meschino of Hull dissents].

For the committee,

JOSEPH F. WAGNER.

HOUSE No. 4407

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) In a city or town, where municipal on-street angle or perpendicular
4 parking is provided adjacent to a commercial building, there shall be constructed safety
5 appurtenances to: (i) separate parking spaces from the sidewalk or frontage area of the building,
6 (ii) prevent a motor vehicle from erroneously moving onto the sidewalk or other frontage to said
7 building where pedestrian activity is likely to occur, and (iii) prevent a motor vehicle from
8 coming into contact with the building structure. For purposes of this section, the term
9 commercial building shall mean the construction, reconstruction or substantial rehabilitation to
10 enlarge or extend an existing building or structure so as to increase its gross floor area, which is
11 intended for 1 or more of the following uses: (1) office, (2) retail business or service, (3)
12 institutional or educational, or (4) hotel or motel; provided, that such construction, reconstruction
13 or substantial rehabilitation shall exceed \$1,000,000 in cost.

14 (b) The owner of a commercial building shall design any enclosed or off-street parking
15 lots or facilities for commercial developments, districts or buildings in a way that maintains a
16 safe walking distance between the denoted parking and the entryway to the building. The owner
17 of a commercial building shall construct safety appurtenances to separate the parking spaces
18 from the walkway and to prevent a motor vehicle from erroneously leaving the parking area and
19 entering the walkway or colliding with the building.

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

25 (d) All safety appurtenances shall be constructed based on local zoning ordinances and
26 bylaws so as to not reduce the sidewalk or the building frontage below the minimum width
27 required for pedestrian accessibility under the architectural access board regulations,
28 promulgated pursuant to section 13A of chapter 22. No municipality or agency shall approve a
29 plan or grant a permit for a commercial development or district unless the plan and proposed
30 development includes the safety appurtenances required pursuant to this section.

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

33 SECTION 2. Safety appurtenances required pursuant to this act shall only be required for
34 commercial building permitted after the effective date of this act.

35