

**HOUSE . . . . . No. 3603**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Vanna Howard*

*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 to improve parking and pedestrian safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/10/2023</i>

**HOUSE . . . . . No. 3603**

By Representative Howard of Lowell, a petition (accompanied by bill, House, No. 3603) of Vanna Howard relative to requiring the construction of protective parking bollards and establishing a special commission (including members of the General Court) on improving parking and pedestrian safety. Municipalities and Regional Government.

**The Commonwealth of Massachusetts**

In the One Hundred and Ninety-Third General Court  
(2023-2024)

An Act to improve parking and pedestrian 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 22 of the General Laws is hereby amended by adding the following  
2 section:-

3 Section 23. (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 exceeds \$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 to not reduce the sidewalk or the building frontage below the minimum width required  
27 for pedestrian accessibility under the architectural access board regulations, promulgated  
28 pursuant to section 13A. No municipality or agency shall approve a plan or grant a permit for a  
29 commercial development or district unless the plan and proposed development includes the  
30 safety appurtenances required pursuant to this section.

31 (e) The division may issue a waiver for buildings and developments for which unique  
32 circumstances make compliance with the requirements of this section an unreasonable burden.  
33 Developers shall submit requests in writing that include an explanation of the unique

34 circumstances and information on alternative safety measures included in the project's design  
35 that will protect against vehicle incursions on sidewalks or into buildings. The board shall  
36 maintain records of waiver requests and outcomes in a written and publicly-accessible form.

37 (f) The division shall promulgate rules and regulations relative to the construction,  
38 installation and maintenance of such safety appurtenances.

39 SECTION 2. Said chapter 22 of the General Laws is hereby further amended by adding  
40 the following section:-

41 Section 24. There shall be a commission known as the Pedestrian Safety Design Advisory  
42 Group, referred to in this section as the commission. The commission shall investigate best  
43 practices for planning, design, installation and maintenance of physical safety measures to  
44 improve the safety of parking lots and public spaces and shall develop recommendations for  
45 rules and regulations governing the installation of bollards, appurtenances or other physical  
46 safety improvements designed to protect sidewalks and other public spaces from vehicle  
47 encroachment.

48 The commission shall consist of 15 members, 1 of whom shall be a member of the house  
49 of representatives appointed by the speaker of the house of representatives; 1 member of the  
50 house of representatives to be appointed by the minority leader of the house; 1 of whom shall be  
51 a member of the senate appointed by the president of the senate; 1 member of the senate to be  
52 appointed by the senate minority leader; 1 of whom shall be the secretary of the executive office  
53 of public safety and security or a designee, who shall serve as chair; 1 of whom shall be the  
54 executive director of the architectural access board or a designee; 1 of whom shall be the  
55 executive director of the Massachusetts School Building Authority or a designee; 1 of whom

56 shall be the secretary of the Massachusetts Department of Transportation or a designee; 1 of  
57 whom shall be a professional engineer appointed by the American Council of Engineering  
58 Companies of Massachusetts; 1 of whom shall be appointed by the Massachusetts Municipal  
59 Association; 1 of whom shall be appointed by appointed by NAIOP Massachusetts; 1 of whom  
60 shall be appointed by the Massachusetts chapter of the American Institute of Architects; 1 of  
61 whom shall be appointed by The Massachusetts Property Insurance Underwriting Association; 1  
62 of whom shall be appointed by the Associated General Contractors of Massachusetts; and 1 of  
63 whom shall be appointed by the New England chapter of the American Public Works  
64 Association.

65 The commission shall annually submit a report with recommendations for best practices  
66 and any draft rules and regulations to the executive office of public safety and the chairs of the  
67 joint committee on transportation by December 31.

68 SECTION 3. Section 3 of chapter 90I of the General Laws, as appearing in the 2020  
69 Official Edition, is hereby amended by striking out, in line 11, the words “and (v)” and inserting  
70 in place thereof the following words:-

71 (v) ensure that eligible projects comply with any rules or regulations promulgated by the  
72 department; and (vi)”

73 SECTION 4. Chapter 175 of the General Laws is hereby amended by adding the  
74 following section:-

75 Section 231. (a) An insurer may consider the installation of safety appurtenances to  
76 protect persons located within, or in or on the property of, buildings, or to protect pedestrians,  
77 from collisions into those buildings by motor vehicles, on a commercial property parking lot as a

78 safety measure and may provide or offer a discount on the property owner's insurance covering  
79 damage or loss to the covered commercial property, or liability arising out of the ownership,  
80 maintenance, or use of the commercial property relative to the reduced risk to the property as a  
81 result of installation of the appurtenances.

82 (b) The commissioner may promulgate rules and regulations to implement the  
83 requirements of this section.

84 SECTION 5. Sections 1, 3, and 4 of this act shall take effect on July 1, 2024.

85 SECTION 6. Safety appurtenances required pursuant to this act shall only be required for  
86 commercial building permitted after the effective date of this act.