

City of Salem, Massachusetts



**"Know Your Rights Under the Open Meeting Law, M.G.L. c. 30A ss. 18-25 and
City Ordinance Sections 2-2028 through 2-2033."**

The City Council Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole met in the Council Chamber on Thursday February 1, 2024, at 6:00 P.M.

**for the purpose of discussing the matters(s) listed below. Notice of this meeting was posted on
January 25, 2024 at 5:34 P.M.**

(This meeting is being recorded)

ATTENDANCE

ABSENT WERE: None.

Also joining from the Committee of the Whole: Councilors Stott, Prosniewski, Merkl, Varela, Jerzylo.

Attending from City Staff: David Kucharsky, Mayor Pangalo

Attending from the Traffic and Parking Commission: Lt. Tucker, Jeff Swartz, Jaime Garamendia, Brendan Casey, Erin Turowski

Meeting to introduce a study and discussion of right-on-red ordinances and State laws for all traffic lights in the City of Salem. This meeting will introduce the data provided by the Traffic and Parking Department with additional data provided by the Police Department Traffic Division. We will also review the Federal Highway Administration's Manual on Uniform Traffic Control Devices guidance on right-on-red. Subsequent meetings will drill down on the data in three sections, to be determined at this meeting. The backup material contains a map of all traffic lights and the data provided, as well as a list of articles related to right-on-red.

Chair Garmendia introduced all members of the Traffic and Parking Commission.

Chair Morsillo began by introducing the topic of the review of right-on-red allowances for all traffic lights in the city, and possible targeted changes. The City does not have direct control over State owned traffic lights. This is also not a discussion about the removal of all right-on-red allowances in the City. This is a discussion of where removing right-on-red makes sense from a safety perspective, including the safety of pedestrians, bicyclists, and drivers.

Early last year, data was requested from the Traffic and Parking department on where right-on-red is allowed. Mr. Kucharsky was aware that the order was being submitted as there were discussions about what was being asked for, and how long the data gathering would take. The information ended up taking much longer to collect, mainly because Mr. Kucharsky went above and beyond what was asked for by providing data on every light, both city and state owned. He also compared the ordinances to what was signed on our roads, finding many variances.

Right-on-red became the law in MA in 1980, and was the last state in the country to allow it, grudgingly according to one article. The Federal Government tied federal funds to allowing right-on-red. From the beginning, officials in each city and town were allowed to decide which intersections allowed right-on-red.

The reasoning for allowing right-on-red was that it would reduce idling at traffic lights and therefore reduce gas consumption. This occurred during the oil embargo of the 1970's. But there doesn't seem to be any evidence that allowing right-on-red was anything other than a feel-good measure. There is no evidence that less gas was used or fewer pollutants made it into the environment.

But a 1982 study pointed to a 40% increase in pedestrian accidents and 82% increase in bicycle accidents in New York State; 107% for pedestrians and 72% for bicycles in Wisconsin; 57% for pedestrians and 80% for bicycles in Ohio; 82% for pedestrians in New Orleans. Right from the beginning, the law was shown to be a problem for safety. The reason shown by several studies: drivers stopping or slowing down at a red light look to the left for oncoming vehicles and are not looking to the right or straight ahead, until it is too late. So even when the law was new, the impact was known and was negative for the most vulnerable users of our streets – pedestrians and cyclists. Unfortunately, the laws could not be changed because of the Federal requirement.

The plan for the meeting is for Mr. Kucharsky to present the data on the city-wide map, and he will discuss how to read the map and what data is provided. We will also discuss the guidelines from the federal government for the installation of no right-on-red. We will divide the map into three sections to discuss in detail in future meetings. We will also review how the light is currently signed and how it is reflected in the ordinances. At the end of the series of meetings, we will at least have a list of changes for the City Ordinances to reflect the current right-on-red laws.

Mr. Kucharsky discusses how he inventoried every traffic signal in the city. Currently there are 46 traffic signals in the city. 32 are under the jurisdiction of the city, 14 are under the jurisdiction of the state. He explains that the arrows on the maps describe the different approaches to the intersection: green arrows indicate the ordinances state that right-turn-on-red is restricted, and it is also signed as such (9 locations); pink represents that it is not in the ordinance, but is signed on the light that no right-turn-on-red allowed (10 locations); blue represents that it is in the ordinance but is not signed (10 locations); brown represents nothing in the ordinance, and nothing signed, therefore right-on-red allowed (52 locations for city signals, 28 state signals). There are also signs reading "Right Turn on Red After Stop" at 3 locations. He is still investigating whether these signs are in the traffic code for allowable signs. The map also includes crash data with the focus on collisions with pedestrians or cyclists, from October 1, 2017 through July 3, 2023. There were 840 crashes, 42 included pedestrians or cyclists. The data was collated with Lt. Tucker's assistance. MUTC provides guidance on how to determine whether a Right-on-Red should be disallowed. MUTC has released an updated version since he provided the City Council with the MUTC information, and the only real change that he has been able to observe is where it says "an exclusive pedestrian phase", it now reads "an exclusive pedestrian or bicycle phase". Guidance includes 6 conditions: whether there is inadequate sight distance, geometric or operational characteristics of intersection impeding sight lines, exclusive pedestrian or bicycle phase, unacceptable number of pedestrian movements (children, elderly, disabled), more than three right-turn-on-red crashes in a 12-month period, or skew angle of intersection creates difficulty to see approaching traffic from right or left.

The department is still investigating the crashes at the intersections, to understand more about the reasons.

Councilor Morsillo asks if there are any state-controlled lights that are not in synch with our ordinances. Mr Kucharsky points to the intersection of Jefferson and Canal. They are both signed but not in our ordinances. These are new lights since the redesign of the roadway by the State.

Councilor Harvey asks to clarify what the signs state. Mr Kucharsky explains that it is the number of approaches where it is signed that state No Right on Red allowed.

Councilor Harvey asks about the accidents cited, and whether it was because the driver took a right on red. Lt. Tucker explains that he is still looking at the data and looking at all crashes, and has focused on the downtown first. He has come up with three collisions involving drivers taking a right on red, with two hitting a pedestrian or cyclist and one hitting another car. In

most cases when a pedestrian is hit, the driver is cited. He also explains that the signs are for No Turn on Red, except for the three signs that were pointed out as "Right Turn on Red After Stop".

Councilor Stott restated the question about the signage. The law allows for right on red by default, the ordinance would specify where it is NOT allowed, and the signage would also state that right-on-red is NOT allowed. She asks that Mr Giardi be included in the conversation to understand where the lights are smart signals.

Councilor Merkl wants clarification on the guidance around three crashes in a 12-month period, and that Mr. Kucharsky did not think we have seen this frequency at any lights. She wonders if we are monitoring for this condition over a 12-month period. Mr Kucharsky does not think we have seen the numbers to warrant action, but will be looking further into the numbers.

Councilor Cohen speaks about some stress areas like Riley Plaza and on Lafayette St into Mill Hill. The light across from Daily Table allows right-on-red and is one location where a sign states that one can take a right after stop. It is a curved road, pointing to the geometric issue and visibility problems. It confuses drivers. He wonders if more of the signs stating "Right on Red After Stop" would help slow drivers down. He talks about the number of cars that do not stop at the light.

Councilor Jerzylo asks about traffic calming measures including raised crosswalks to make pedestrians more visible, and better lighting at crosswalks. Mr. Kucharsky states that he has looked into other measures like signal timing to allow longer pedestrian cycles. Also striping will help with visibility.

Councilor Cohen follows up on his previous comments with a discussion about cars that get caught in an intersection when a light turns red, and the crosswalk light goes on, pedestrians are caught in the roadway while cars are still moving to clear out of the intersection. By delaying the pedestrian signal a few seconds, the cars are able to clear the intersection and the pedestrian is allowed to safely cross.

Councilor Davis talks about a study showing a decrease in vehicle vs pedestrian and cyclist (40-90%) accidents in D.C and Maryland. And the severity of crashes decreased. He asks about previous information from Lt. Tucker about the three collisions. In one the driver was cited and blamed solar glare; in another the driver hit a pedestrian with a cross signal and cited solar glare; in the third a cyclist was hit when a driver took a right-on-red. The cyclist left before the police arrived, the driver was not cited. Another incident was a vehicle making a turn and rear-ended another car. In each instance, the lights were not signed for No Turn on Red, but drivers should yield to pedestrians.

Councilor Watson-Felt asks about light cycles, not only the length of a pedestrian cycle, but also the time from pushing the button to getting a walk signal. There are times that it takes a long time at some places, which encourages pedestrians to go ahead and cross and not wait for a signal. This also leads to confusion and frustration. Mr Kucharsky states that a traffic engineer is involved in the cycle lengths. It is based on observing the traffic patterns and volume. Councilor Watson-Felt asks how often the cycles are reviewed for efficacy. Lt. Tucker states that it is usually complaint based or the electrician requests changes. There must be a balance between traffic throughput and pedestrian needs. He has asked about variable length crosswalk signals, which allow for longer cycles for disabled pedestrians by holding the button longer.

Councilor Watson-Felt asks how frequently the department looks at traffic data and pedestrian signage. Is there a systematic review cycle in conjunction with Lt. Tucker? Mr. Kucharsky states that there is not a cycle, and he took this opportunity to create an inventory of traffic signals and better understand traffic patterns and pedestrian usage. Councilor Watson-Felt asks that as we continue to make street improvements for traffic control and pedestrian safety, that there should be a review of the project to see if it needs tweaks. It takes time for the changes to take effect and for usage to settle, and a review is necessary.

Councilor Morsillo states that the reason for submitting this order is that she walks a lot, especially downtown, and it is a frustrating process. Cars don't stop on red, even when the crossing light is on. Cars also stop right on the crosswalk, blocking pedestrians. Cars are creating more congestion in Riley Plaza because they insist on queueing up and making the right on red even if there is no place to go. So traffic already backed up into the intersection is even more congested with cars trying to weave into the lane of stopped cars.

Councilor Harvey asks about what happened to the red and yellow lights? This was used to signify that the pedestrian cross light is activated. Lt. Tucker states that there are a few still, but the highway administration does not recommend these lights. If you have it, you can keep it, but can't install new red and yellow lights. Councilor Harvey asks if a flashing red light can be utilized to signify that the pedestrian light is on. He is concerned that a countdown pedestrian light may cause a child to run to make the light and get hit by a car that takes a right on red.

Councilor Morsillo emphasizes that the law states to STOP, look both ways, then turn if safe.

Councilor Davis states that we are trying to prioritize pedestrians, to acknowledge what we lose when cars are the highest priority. He wonders if there are other solutions, like a protected green, once the pedestrian cross signal is complete.

Councilor Watson-Felt asks if there is any standard about use of a rumble strip in a slip lane or pedestrian crosswalk. She is specifically looking at the slip lane on Washington at Bridge and Riley Plaza, where the pedestrian crosswalks are continuously blocked. Mr. Kucharsky needs to investigate whether this would be allowed. There may be more tactile things like a speed bump, or sharper turns, where you need to make a deliberate right turn, not a curved, easy turn. She advocates for the use of raised crosswalks. Lt. Tucker shares that rumble strips aren't necessarily appropriate in neighborhoods because of the noise. Raised crosswalks are great, but the issue is drainage. It may also be a problem in areas with high volumes of traffic.

Councilor Cohen states that he has become a fan of the yellow signs saying that your speed is being monitored. He has seen cars slow down after seeing the signs, even abruptly. He also says that he has seen signs above the signals saying that the driver is on camera (in DC?). Signage that makes people think could work.

Councilor Morsillo counters that she has seen the signs do the opposite, causing drivers to see how high they can get the speeds on the sign. Lt. Tucker states that changes have been made to message "SLOW DOWN" when the speed goes above a threshold.

Councilor Stott states that this all comes down to understanding, how do we get people to follow the rules? A lot of questions she has gotten are about enforcement, and why aren't we enforcing the law? She explains that we all know that we can't put a police officer on every corner, and unfortunately, we can't yet install speed enforcement cameras as other states have done. Video enforcement is very effective, for speed and red light enforcement. We have submitted a home rule petition to install video enforcement of speed in school zones, which if granted, will be useful in enforcement. She asks for year-over-year data on enforcement numbers involving "California" stops (rolling through red).

Councilor Harvey continues on the enforcement topic. He says that word of mouth works effectively, if we had a few more officers enforcing all around the city. If no one is reprimanded for breaking the law, no one will follow the law. Even adding a new No Turn on Red sign will not matter if not enforced. Drivers are breaking the law because it is not being enforced.

Councilor Davis asks if a driver takes a right on red at a light where there is a sign but is not in the ordinance, it is unenforceable? Lt. Tucker states that if they came to a full stop and no pedestrian was in the crosswalk, it is allowable. 693 failure to stop tickets last year, 188 cell phones, 53 pedestrian violations, 2764 total tickets with fines, many more warnings. He states that we can't enforce our way out of everything, but we need to find a way to understand why people are doing what they are doing.

Jaime Garmendia states that his feeling is that there are a lot of tools in the toolbox, and one is right-on-red allowance. Cleaning up the ordinances is a good thing at the very least. Other ways to change behavior is hardscape: forcing a harder right to force people to stop. Slip lanes are not recommended anymore because of speed in the slip lane, and cars don't stop for pedestrians. On some state roads there are No Turn on Red signs illuminated at certain times, allowing the movement at certain times and prohibiting at others.

Brendan Casey asks if there is data from intersections where Right on Red is allowed but are busy pedestrian areas with signaled crosswalks, and Right on Red should be disallowed. Mr. Kucharsky replies that this is the reason for the series of meetings. Brendan further asks if the department has the data required to make the decisions. Mr. Girardi is also looking into changes to the light cycles to make pedestrian crossing safer. Mr. Casey pushes further on whether Mr. Kucharsky has already

seen data to support removing right on red. Mr. Kucharsky responds that he needs to do more work and he is not ready to make a decision about any light. Mr. Casey thinks the sign stating "Right Turn on Red After Stop" makes it seem that stopping is not necessary when the sign is not present. He thinks the sign should be on every light where right on red is allowed, or on no lights. Mr. Kucharsky thinks the signs were added to the three lights because of heavy pedestrian volumes and cars not fully stopping. Plus there are some geometry issues. Washington approaching Lafayette is one such area where the geometry makes pedestrian crossing more of a safety issue with right-on-red, but the fear is that traffic will back up into Riley Plaza if not allowed to turn on red.

Erin Turowski states that she walks in the downtown every day, and this is an important issue for pedestrians. She talks about the reason for the law 50 years ago, but vehicles today are not the same as vehicles back then. According to the Insurance Institute for Highway Safety, over the past 30 years alone vehicles have gotten 4 inches wider, 10 inches longer, 8 inches taller, and 1000 lbs heavier. The physics and math alone point to a need for change. We are seeing an increase in pedestrian and cyclist accidents because of this law. Boston's 2023 signal design program recommends no right on red.

Councilor Harvey asks if there is a sign that can be illuminated to state No Turn on Red during the walk signal, which will keep the traffic flowing when pedestrians are not around. Mr. Kucharsky states that he needs to look into it but is likely available. Lt. Tucker likes the idea as a clear indication to drivers that the pedestrian light is on but will keep traffic moving.

Jaime Garmendia states that Rte 1A near Wonderland has this light.

Councilor Prosniewski talks about the streets in Salem not really being laid out for efficient traffic movement. We have evolved to make traffic and pedestrian safety work together, but both seem to be growing angry with each other. We are trying to get red light video enforcement which will help. He thinks rotaries or roundabouts are working to slow traffic while keeping it moving. He thinks we should look at this design for busier intersections.

Public Comment

Steve Kapantais appreciates the conversation and the good ideas around safety. He was the pedestrian on Mill Hill that was hit by an automobile. This is about pedestrian safety and the conversation beyond red light movements to road design. The conversation should be focused on specific intersections, to roll out different ideas. This should not be about removing right on red in the city.

Councilor Morsillo explains that this is what the conversation covers. It is not the intention to remove right on red at all lights, but rather to discuss each light.

End of Public Comment

Councilor Morsillo explains that the city-wide map will be split into three groups and got through each map light by light, to at least update the ordinances.

Mr. Kucharsky explains that the lights in the southern part of the city are mostly under state control, so one map will be Highland Ave and Loring Ave. Then the northwest area of the city. And finally, the downtown area where most of the discussion will occur. That is his recommendation.

Councilor Morsillo states that maps will be created to make it very clear what will be discussed. She asks about how we will advocate for changes at State operated lights. Mr. Kucharsky agrees that we will create a list of changes (if any) for the State operated lights, and advocate to the MaDOT for changes.

The meetings will be February 15, February 29, and March 7. Jaime Garmendia asks that the meetings be co-posted with the Traffic & Parking Commission, and Councilor Morsillo agrees.

Councilor Cohen moves to keep the matter in committee, co-posted with the COW and the T&P Commission, seconded by Councilor Watson-Felt. The motion carries 5-0.

Erin Turowski moves to adjourn the T&P Commission, seconded by Brendan Casey. The motion carries 5-0.

On the motion of Councilor Cohen, the meeting adjourned at 7:26 P.M.

Patricia Masiles

(Chairperson)