

## 9. REGULATION OF PUBLIC & PRIVATE WAYS, PARKING, & PUBLIC UTILITIES

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The Board of Selectmen serve as the primary regulatory authority over streets throughout Arlington, including establishing Traffic Rules and Orders, regulating all public parking, and serving as the custodian of public ways, sidewalks and their appurtenant fixtures, such as islands, benches, and streetlight poles.

### A. Public Ways

Public Ways are those streets in Arlington which were laid out and accepted by the Board of Survey or other appropriate authority. The Selectmen no longer act as the Board of Survey, but maintain a wide range of responsibilities relative to traffic rules, parking, permits, licenses, approvals, and enforcement of regulations on the use and maintenance of public ways. See e.g., G.L. c. 40 sec. 22 (traffic rules and orders), Title III of the Town By-Laws (Public & Private Ways). These duties and responsibilities include, but are not limited to:

- Promulgating Traffic Rules and Orders;

- Establishing parking policies and regulations;
- Permitting uses of Public Ways such as outdoor seating for cafes and restaurants, street performances, posting of temporary notices/signage;
- Setting and enforcing waste and snow removal responsibilities; and
- Setting and enforcing Minuteman Bikeway hours in Arlington;

### A-1. Traffic Rules & Orders, Parking, and Advisory Committees

It is the policy of this Board to establish Traffic Rules and Orders, which manage the wide range of traffic, transportation, and parking concerns and perspectives in Arlington, principally to ensure public safety and accessibility, but also to reasonably balance other important, (and sometimes competing) community goals.

To this end, the Selectmen will continue to be responsive resident input, but also employ the expertise of the Parking Committee and

Transportation Advisory Committee to carefully study and make recommendations on appropriate issues.

Traffic Rules & Orders and the Board's Parking Policies and Regulations may be found on the Town's website or through the Selectmen's Office.

## **A-2. Use of Public Ways and Fixtures for Publicity & Promotion**

As the custodian of public ways and certain fixtures, such as streetlight poles, the Board permits temporary posting or installation of notices, signs, or banners to publicize upcoming events or to designate or promote the unique commercial, historic, or cultural character or status of an area or district within the Town.

Interested parties should contact the Selectmen's Office for further information and ensure that notices, signs, or banners posted on any Town-owned fixture or property comply with all relevant Zoning and Town bylaws as well as other policies of this Board.

## **B. Private Ways**

So called "private ways" primarily consist of streets which were laid out by a public authority but never

accepted as a public way.<sup>1</sup> Abutting landowners have shared property interests in private ways and the general responsibility to maintain them, but must allow the public a right of access over such ways.

**B-1. Betterments.** Pursuant to G.L. c. 40 § 6N, the Town has adopted a bylaw by which abutters may petition the Selectmen for repairs to private ways (Title III, Art. 3), commonly known as "betterments." Interested residents should contact the Selectmen's Office for a betterment packet detailing the process, costs, and limitations of betterment orders.

## **D. Public Utilities**

In its capacity as Arlington's Board of Public Works and Water and Sewer Commissioners, the Selectmen hear requests by public utilities for permissions to access and excavate the streets for appropriate purposes, as well as overseeing other important public utility matters such as removal of double utility poles in Arlington. This Board understands and appreciates the needs of utilities to maintain and upgrade their infrastructure, as well as to respond to

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<sup>1</sup> The majority of "private ways" in Arlington are more precisely defined as "statutory private ways," and distinct from the less common "true private ways," which were never laid out by a public authority.

emergencies for the safety and service benefit of Town residents. However, we strongly encourage public utility representatives to coordinate projects and information both within their own parent companies (for instance, to be prepared to address a broad range of questions and concerns when before the Board), and with the Department of Public Works' regarding their roadway improvement projects in the interests of maximizing the Town's investment in roadway infrastructure and minimizing disruptions to residents.