



Number: 2015-01

Date: January 2, 2015

Subject: Policy for City Vendors to Safeguard Unprotected Road Users (City of Boston Ordinance Chapter IV, 4.8-14)

Purpose: This Commissioner's Bulletin is issued to establish inspection fees and the methods for which the inspections are requested and to clarify enforcement, appeals and waivers of the policy.

Determination:

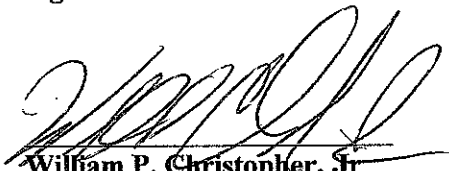
The Commissioner of the Inspectional Services Department (ISD) is responsible for determining the inspection fee. The Weights and Measures Division of ISD is responsible for the inspection of vehicles. ISD and the Boston Police Department (BPD) are responsible for enforcement. ISD, BPD and the Boston Transportation Department (BTD) are responsible for the rules and regulations promulgated herein. The following guidelines have been developed to establish a fair and consistent policy to facilitate the implementation of this Ordinance.

1. **Request for Inspection:** Any vendor covered by this Ordinance shall complete and submit an inspection request form, accompanied by the applicable inspection fee.
2. 1.1 Inspection Request Forms are available at <http://www.cityofboston.gov/isd/> or by calling (617) 635-5328
3. **Inspection:** Upon receipt of an inspection request an appointment time will be scheduled.
 - 2.1 If a vendor fails to appear for a scheduled appointment (without prior cancellation), the inspection fee shall be forfeited.
3. **Fee:** The fee for the *Initial Inspection* is \$100.
 - 3.1 *Subsequent Inspection* (every two years) fee is \$50 (provided no major alteration was done to any of the safe guards).
4. **Approval:** Vehicles inspected and approved by the ISD Weights and Measures Division will have an "inspection approval sticker" (denoting the month and year of inspection) affixed to the windshield of the vehicle. A copy of the inspection report shall be issued to the vendor.
 - 4.1 Inspection Approval Stickers are not transferable.
 - 4.2 Any major overhaul of safe guard equipment shall be required to be re-inspected.
5. **Rejection:** If a vehicle is rejected for failing to comply with any of the technical specifications outlined in the Ordinance, it shall be corrected and henceforth re-inspected within 30 days at no additional fee.
 - 5.1 If a second inspection results in a rejection, a fee of \$50 will be required for any subsequent inspections.

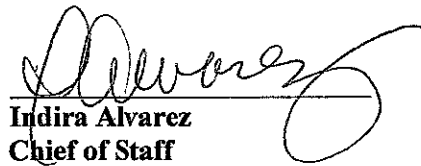
- 5.2 Any vendor who fails to comply within 60 days of their first inspection may be subject to having their contract cancelled or considered.
6. **Enforcement/Fines:** Violations of Ordinance 4.8 found by either BPD or ISD shall be grounds for civil citation fines, as outlined in the Ordinance.
- 6.1 Fines will be issued by ISD.
- 6.2 All fines are payable 21 days of the date of issuance, or within 30 days following the decision of the hearing officer if such citation has been appealed.
- 6.3 Fines shall be payable to the City of Boston.
- 6.4 If a vendor fails to pay a fine, ISD will make recommendation to the Purchasing Department to cancel or "not renew" the contract.
7. **Appeal:** A person/vendor aggrieved by a civil citation fine may appeal the citation by filing a notice of appeal with the City of Boston ISD, Weights and Measures Division, attn.: Appeals, 1010 Massachusetts Avenue, Boston, MA 02118, within (7) days of the receipt of the citation. All persons filing an appeal shall be granted a hearing before the designated hearing officer of ISD.
8. **Waiver:** If a vendor or department determines that extenuating circumstances exist which prevent the vendor from complying with the ordinance, the vendor or department may request an exemption from complying with the ordinance.
- 8.1 All waivers are temporary and any waiver granted shall not exceed the length of the contract.
- 8.2 All waiver requests shall be made to ISD, Office of the Commissioner, 1010 Massachusetts Avenue, Boston, MA 02118
- 8.3 Waivers are issued at the sole discretion of the City of Boston.
- 8.4 Waiver Request Forms are available at <http://www.cityofboston.gov/isd/> or by calling (617) 635-5328.

City of Boston Ordinance Chapter IV, 4.8-14 is Effective May 5, 2015

Signed:


 William P. Christopher, Jr.
 Commissioner

12-22-14
 Date


 Indira Alvarez
 Chief of Staff

12-22-14
 Date