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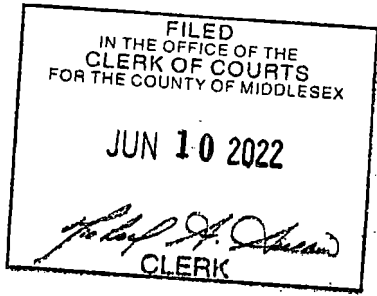
COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT DEPARTMENT

CIVIL ACTION NO.: 22-2441

_____)
 CAMBRIDGE STREETS FOR ALL, LEESTEFFFY)
 JENKINS, JOHN PITKIN, TOBY LEITH,)
 ELIZABETH SACCOCCIO, CHRISTINE PERKINS,)
 AND PHILIP KADETS,)
 Plaintiffs)
 v.)
 CITY OF CAMBRIDGE,)
 Defendant)
 _____)



VERIFIED COMPLAINT

Plaintiffs Cambridge Streets for All, (“CSA”), Leesteffy Jenkins, John Pitkin, Toby Leith, Elizabeth Saccoccio, Christine Perkins, and Philip Kadets states the following as their complaint:

INTRODUCTORY STATEMENT

This action seeks declaratory and injunctive relief against the Defendant City of Cambridge to rescind and prevent the additional implementation of its Cycling Safety Ordinance, as amended in 2020 (“CSO”). The City has caused, or intends to cause, the removal of the majority of on-street parking and reduce and relocate loading areas on its main thoroughfares in order to install dedicated bike lanes on its streets. The implementation of this amended CSO has caused enormous disruption to neighborhood businesses and residents, and has interfered with the rights and privileges, provided under the law of the Commonwealth, to CSA and its members, by eliminating substantial amounts of on-street parking and loading facilities through the creation of dedicated bike lanes. The City’s passage and implementation of its amended CSO

has prevented CSA and its members from enjoying the rights and privileges of the citizens of the City protected under the law of the Commonwealth and the Constitution of the Commonwealth and the United States. Business owners that belong to CSA have experienced and can reasonably foresee untenable reductions in their business, because of the unavailability of parking for customers. Businesses, such as restaurants, cannot efficiently restock because long standing loading zones on the street have been eliminated and moved to less accessible locations. Medical and health care professionals that belong to CSA have experienced or anticipate drastic reductions in patient visits because of the inability of patients to find parking or accessible parking adequate to their needs. Residents on other thoroughfares are facing increased congestion and parking problems and those on side streets cannot utilize parking as they have done in the past due to the loss of resident parking spaces where meters were installed to remediate the loss of public parking on the main thoroughfares, installation of metered spaces and the moving of loading zones onto residential streets. Contractors and other vendors cannot serve residential customers because of the lack of on street parking. Disabled members of CSA have lost their access to handicapped parking spaces. Elderly residents have been unable to receive assistance from their care givers and service providers, because of the lack of parking. Churches and other religious institutions reasonably anticipate large attendance drops because of the unavailability of on-street parking. Emergency vehicles, such as police, fire, and ambulances, have greater difficulty traveling the main streets as they have in the past, because of the installation of the bike lanes. In short, the Cycling Safety Ordinance has caused huge damage to the community and it benefits only one group: bicycle riders in the City. Accordingly, CSA seeks declaratory and injunctive relief against the City's implementation of its CSO to prevent the ongoing irreparable harm suffered by CSA and its members.

PARTIES

1. Plaintiff CSA is a duly organized and existing not for profit unincorporated association under the laws of the Commonwealth of Massachusetts, with its principal place of business at 1798 A Massachusetts Avenue, Cambridge, Middlesex County, Massachusetts 02140.
2. Plaintiffs Leesteffy Jenkins, John Pitkin, Toby Leith, Elizabeth Saccoccio, Christine Perkins, and Philip Kadets are citizens of the Commonwealth of Massachusetts and either own property or own businesses in Cambridge, Middlesex County, Massachusetts.
3. Defendant City of Cambridge (“City” or “Cambridge”) is a duly organized and existing municipal corporation with its principal place of business at City Hall, 795 Massachusetts Avenue, Cambridge, MA 02139.

FACTUAL ALLEGATIONS

4. On or about September of 2020, the City Council for Cambridge proposed amending an Ordinance # 2020-9, entitled, “Cycling Safety Ordinance,” (hereafter to be referred to as the “CSO” or the “Ordinance.”).
5. The CSO was passed to a second reading before the City Council on September 14, 2020, and notice of the amended Ordinance was advertised in the Cambridge Chronicle on September 24.
6. The City Council conducted its proceedings concerning the Ordinance during the height of the Covid-19 shutdown, and all meetings of the City Council were held, at that time, by remote participation.

7. Aside from the single advertisement in the newspaper on September 24, no other notice of the Ordinance was provided to the general public of the pendency of the Ordinance or the intention of the City Council to require the massive alteration of major roadways in the City by mandating the construction of protected bike lanes on City roads. At that time, the city was sending daily electronic updates to citizens regarding COVID 19 and could have informed residents of the Ordinance using the same system.
8. The public advertisement of the CSO was in extremely small type and was not reasonably designed to inform the public of the pendency of the City Council proceedings involving the CSO or of the intention of the City Council to mandate the removal of most on-street parking to make room for the construction of bike lanes.
9. The advertisement of the CSO and the proceedings of the Council involving the Ordinance did not comply with the requirements of the Ordinances of Cambridge.
10. The small print of the advertisement of the CSO did not comply with advertising standards required by Cambridge Ordinances.
11. The passage of the amended Ordinance in 2020, with its mandated, separated bike lanes, followed at least one study, conducted by Consensus Building Institute (“CBI”), consultants hired by the City. The goal of the 2018 engagement was to review the plans for the installation of future “Quick-Build” bike lanes, after the installation of “Quick-Build “pilot projects on Cambridge Street and other locations in 2017 caused a public outcry. A purpose of the CBI study was to provide recommendations on how to conduct outreach and engagement for the construction of future “Quick-Build” bike lanes. Five City Councilors were among over thirty

stakeholders who were interviewed in the review. CBI's report, which was completed in January 2019, and transmitted to the Council in February 2020, well before the amendments to the Cycling Safety Ordinance (CSO) were passed, made recommendations to ensure an inclusive and effective community process as part of the design and implementation phases of "Quick-Build" projects and to conduct a study of these projects' economic impact on local businesses. Notwithstanding the report, the City failed to include CBI's recommendations in the 2020 CSO amendments.

12. Following the passage of the amendments to the Ordinance, in 2020, the first "Quick-Build" bike lane project was completed along a portion of Massachusetts Avenue in Mid-Cambridge closely followed by North Cambridge, towards the Arlington line. The installations of these projects caused the elimination of virtually all on-street parking, in some areas 100% of on-street parking, as well as removal of loading zones and handicap parking spaces, causing significant problems for the residents, businesses and property owners in the area, and served no community interests, aside from cyclists.
13. As a result of these projects, Cambridge citizens (especially ones from North Cambridge who had witnessed the dramatic impact in Mid-Cambridge) generated a firestorm of protests to the City Council and other City officials. In response to the protests, the City Council has allowed minor adjustments to the schedule but failed and refused to amend mandates of the 2019 Ordinance as amended in 2020, for construction of bike lanes. The refusal to amend the Ordinance was consistent with the prior positions of the Councilors, as 7 of the 9 current Councilors pledged to the

Cambridge Bicycle Safety group (who initiated amendments to the CSO) prior to the 2021 election not to take any action to amend the Ordinance or slow the installation of mandated bike lanes.

14. Notwithstanding the protests, the City Council has failed and refused to amend the Ordinance, and has failed and refused to adjust the timetable and mandated construction of bike lanes provided for in the Ordinance. Commencing on June 11, Cambridge intends to begin work for installation of the bike lanes in the Porter Square area of Cambridge.

COUNT I
DECLARATORY JUDGMENT

15. The allegations of paragraphs one through 13 are incorporated herein as if each and every allegation was specifically set forth.
16. With the refusal of the City Council to amend or address citizen concerns about the CSO, an actual controversy has arisen with respect to the validity and enforceability of the CSO.
17. The CSO was improperly enacted, without proper notice to the citizens of Cambridge, at the height of the pandemic, and without notice reasonably calculated to inform the citizens of the ordinance and its effect, and depriving plaintiff, its members, and all Cambridge citizens from the ability to contest the Ordinance and its terms.
18. The CSO conflicts with, and is preempted by, State law, including, but not limited to, Chapter 455 of the Acts of 1961, as amended.
19. On information and belief, the installation of the bike lanes on thoroughfares that go directly into adjoining communities was not approved by those communities, in violation of state law.

20. On information and belief, Cambridge installed protected bike lanes on State roads, without approval from the appropriate State authorities.
21. The CSO infringes upon the rights, privileges and immunities of the CSA, its members and all citizens of Cambridge by undue interference with the right to free movement, the right to enjoy property, and to prevent the deprivation of property without due process of law.
22. A declaration of the rights, duties and responsibilities of the parties hereto will resolve the uncertainty and put an end to the controversies caused by the passage and implementation of the CSO.

COUNT II
INJUNCTIVE RELIEF

23. The allegations of paragraphs 1 through 21 are incorporated herein as if each and every allegation were specifically set forth.
24. After construction of the first bike lane on Cambridge Street, the City continued its plan to construct separated bike lanes across the City, and has now announced that it intends to continue construction as set forth in the 2020 Amendments to the CSO.
25. The existing bike lanes have caused CSA, its members and members of the public, irreparable harm that will continue unless the City is enjoined.
26. Business owners in areas where bike lanes have already been constructed have seen a drastic decline in business volume and attendant revenue, as a direct result of the lack of parking and customers being unable to patronize the businesses. These businesses also include offices with health care providers, such as dentists, mental health providers, as well as physicians, whose patients cannot access the protected bike

lanes, there has been a severe loss of revenue, which directly threatens the ability of these businesses to continue to operate.

27. Businesses in areas where the bike lanes have not yet been constructed, but where the City is planning to commence construction, face this same drastic loss of business. Customer surveys show that a large bloc of business comes from customers that travel to the location, and need on-street parking in order to patronize the establishments. If the City is not enjoined from continuing to construct these bike lanes, these businesses will also suffer the severe loss of revenue, and may no longer be able to stay in business.
28. The harm is not limited to direct loss of business. There are indirect and negative impacts on area businesses as well. The construction of the bike lanes has eliminated loading zones, so that businesses cannot be restocked as they ordinarily would be. Contractors and other service providers cannot provide their services to businesses because they cannot secure parking. In addition to the harm suffered by areas businesses, the construction of bike lane has harmed protected classes of citizens. The protected bike lanes have eliminated handicapped parking spaces, thereby directly harming disabled customers and depriving handicapped persons of the right to participate in usual societal activities.
29. Citizens and non-business members of CSA have also suffered severe and irreparable harm as a result of the installation of the bike lanes and will suffer further harm if the current plans to construct more bike lanes are implemented. The loss of on-street parking has created pressure on parking on side streets so that residents who utilize the parking on the side streets have no place to park their cars. Residents also cannot

be serviced by deliveries and contractors because of the elimination of on-street parking spaces. Elderly members of Plaintiff cannot receive at-home services from care givers because their care providers cannot find parking near their homes. Once quiet residential neighborhoods now have trucks and commercial traffic on their narrow side streets. Churches and other religious institutions expect to experience large drops in attendance because of the elimination of on-street parking.

30. The construction of the protected bike lanes, as planned and implemented, also pose a direct threat to public health and safety. The construction of the bike lanes has created obstacles for emergency vehicles, such as police cars, fire trucks, and ambulances, as the bike lanes, as constructed, directly interfere with use of the roads by emergency vehicles.

31. This irreparable harm to CSA, its members and the public as a whole can only be avoided by the entry of an injunction against the City, preventing it from building further bike lanes, and directing it to remove existing bike lanes, and restore parking meters and loading zones, until adequate notice can be obtained, public input can be registered and incorporated into any future implementation of the Ordinance and harm to the public resulting from any future implementation of the Ordinance can be minimized.

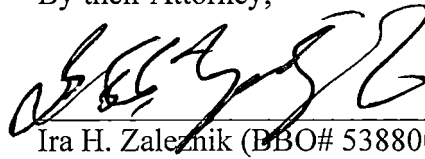
WHEREFORE, Plaintiffs Cambridge Streets for All, et al. respectfully request this Honorable Court to enter the following relief:

1. That this Honorable Court issue of an Order of Notice directing the Defendant City of Cambridge to show cause as to why the injunctive relief requested below should not be entered;

2. That, after hearing, this Honorable Court enter a preliminary injunction, enjoining and restraining the Defendant City of Cambridge, its officials, agents, servants, employees, attorneys and contractors, and all those persons acting in concert with them, from continuing to construct separated bike lanes under the Cycling Safety Ordinance until further order of the Court;
3. That, after hearing, this Honorable Court enter a preliminary injunction directing the Defendant City of Cambridge, its officials, agents, servants, employees, attorneys and contractors, and all those persons acting in concert with them, to remove the constructed separated bike lanes that eliminated existing on-street parking, and restore parking meters and loading zones that were removed, until further order of the Court;
4. That, after hearing on the merits, this Honorable Court determine and declare the following:
 - A. That the passage of the Cambridge “Cycling Safety Ordinance” as amended in 2020, was improper and defective since there was inadequate notice to the public, and it failed to comply with the requirements imposed by law for the passage of such an Ordinance;
 - B. That the Cambridge “Cycling Safety Ordinance” is invalid because it improperly intrudes upon the rightful prerogatives of authorized officials and conflicts with, and is preempted by state law;
 - C. That the Cambridge “Cycling Safety Ordinance” is invalid because it deprives Plaintiff and its members of their rights and privileges under the Constitution of the United States and this Commonwealth.

5. That, after hearing on the merits, this Honorable Court make permanent the prior preliminary orders for injunctive relief.
6. That this Honorable Court enter such other and further relief as may be equitable and just.

Respectfully Submitted,
Plaintiffs,
Cambridge Streets for All, LLC, et al.
By their Attorney,

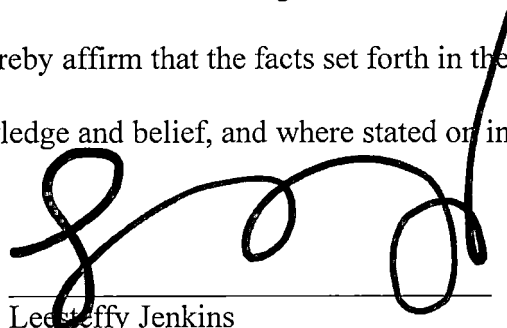


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Dated: June 10, 2022

VERIFICATION

I, Leesteffy Jenkins, hereby verify that I have read the allegations of this complaint and I familiar with the facts set forth therein. I hereby affirm that the facts set forth in the complaint are true and accurate to the best of my knowledge and belief, and where stated on information and belief, I believe them to be true.



Leesteffy Jenkins