

720 CMR: DEPARTMENT OF HIGHWAYS

720 CMR 9.00: DRIVING ON STATE HIGHWAYS

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720 CMR 9.00 is adopted with the intent that each section shall have force and effect separately and independently of every other except insofar as by express reference or necessary implication, any rule or any part of a rule is made dependent upon another rule or part thereof.

9.01: Definitions

For the purpose of 720 CMR 9.00 the words and phrases used herein shall have the following meanings, except in those instances where the context clearly indicates a different meaning:

Bicycle. Any wheeled vehicle propelled by pedals and operated by one or more persons.

Bus. Every vehicle designed for carrying more than eight passengers and used primarily for the transportation of persons either for compensation, as a service, or as an adjunct to a school program.

Bus Stop. An area in a roadway set aside for the boarding of or alighting from buses.

Caution Signal. A flashing yellow signal having the same general function as a warning sign.

Channelizing Island. A traffic island located to guide traffic streams along certain definite paths and to prevent the promiscuous movement of vehicles in what would otherwise be a widely extended roadway area.

Commercial Vehicle. Any vehicle registered for commercial purposes and designed and used primarily for the transportation of goods, wares or merchandise.

Container. Any drum, barrel, cylinder, bag, carboy or other shipping vessel (other than a tank vehicle) used for the transportation of dangerous articles.

Crossover. An opening in a channelizing island that connects both sides of a divided highway.

Crosswalk. That portion of a roadway ordinarily included within the extensions of the sidewalk lines, or, if none then the footpath lines, and, at any place in a highway, clearly indicated for pedestrian crossing by lines or markers upon the roadway surface.

Curb Marking. That portion of a curbing which has been painted by the Department.

Department. The Department of Highways.

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Divided Highway. A highway with separated roadways for traffic in opposite directions.

Emergency Vehicle. Vehicles of the Fire Department (Fire Patrol), police vehicles and such ambulances and emergency vehicles of federal, state or municipal departments or public service corporations as are commonly recognized as such.

Express State Highway. A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at intersections.

Highway. The entire width between property lines of any state highway or lawful through way designated by the Department.

Highway Traffic Signals. Any power-operated traffic control device, except a sign, by which traffic is warned or is directed to take some specific action, and which has been erected by the Department.

Intersection. The area embraced within the extensions of lateral curb lines, or, if none, then the lateral boundary lines, of intersection ways as defined in M.G.L. c. 90, § 1, including divided ways.

720 CMR 9.00 herein contained governing and restricting the movement of vehicles on state highways at and near intersecting ways shall apply at any place along any way at which drivers are to be controlled by traffic control signals whether or not such place is an intersection as herein defined.

Lane. A longitudinal division of a roadway of sufficient width to accommodate the passage of a single line of vehicles, whether or not such lane is indicated by pavement markings or longitudinal construction joints.

Limited Access Highway. An express state highway with full control of access.

Officer. Any police officer or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Official Signs. Signals, markings and devices. All signs, signals, markings and devices installed or maintained by the Department.

One-Way Highways. Roadways or streets, designated by the Department as one-way and upon which vehicular traffic may move only in the direction indicated by signs.

Parking. The stopping or standing of a vehicle whether occupied or not, otherwise than temporarily, except that a vehicle shall not be deemed parked when stopped or standing for the purpose of and while actually engaged in loading or unloading or in obedience to an officer or traffic control signs or signals, or while making emergency repairs or, if disabled, while arrangements are being made to move such vehicle.

Pedestrian. Any person afoot or riding on a conveyance moved by human power, except bicycles or tricycles.

Roadway. That portion of a highway between regularly established curb lines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.

Rotary Traffic. The counter-clockwise operation of a vehicle around an island or other structure in the highway.

Sidewalk. That portion of a highway set aside for pedestrian travel.

Stop Signal. A Flashing Red Signal having the same function as a stop sign and erected by the Department.

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Street Marking. Any painted line, legend, marking or marker of any description painted or placed on any way by the Department and which purports to direct or regulate traffic.

Tank Vehicle. Any tank type motor vehicle with cargo tank, portable tank or bulk pyramided cylinders, used for the transportation of liquids or gases.

Traffic. Pedestrians, ridden or herded animals, vehicles, street cars or other conveyances either singly or together while using any highway for the purpose of travel.

Traffic Control Signal. A Highway traffic signal which, through its indications, alternately directs traffic to stop and permits it to proceed and which has been erected by the Department.

Traffic Island. Any area or space set aside, within a roadway, which is not intended for use by vehicular traffic.

U Turn. The turning of a vehicle by means of a continuous left turn whereby the direction of such vehicle is reversed.

Urban Area. The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.

Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including bicycles when the provisions of these rules are applicable to them, except other devices moved by human power or used exclusively upon stationary rails or tracks and devices which derive their power for operation from stationary overhead wires.

9.02: Dangerous Articles

The following shall constitute dangerous articles: explosives, flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, poisonous substances and radioactive materials as hereinafter defined.

Dangerous articles shall also mean any non-flammable compressed gas which is poisonous or lachrymatory to human beings or which has an irritating, asphyxiating or toxic effect when breathed in small concentrations.

(1) Explosives. Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.

(2) Flammable Liquid. Any liquid which gives off flammable vapors (as determined by flash point from Tagliabue's open cup tester, as used for test of burning oils) at or below a temperature of 200°F.

(3) Flammable Solid. Any substance, other than an explosive, which is liable under conditions incident to transportation to cause fires through friction, through absorption of moisture, through spontaneous chemical changes, or as a result of retained heat from the manufacturing processing.

(4) Oxidizing Material. Any substance such as chlorate, permanganate, peroxide or a nitrate that yields oxygen readily to stimulate the combustion of organic matter.

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(5) Corrosive Liquid. Any acid, alkaline caustic liquid or other corrosive liquid which when in contact with living tissue will cause severe damage of such tissue by chemical action; or in the case of leakage will materially damage or destroy other materials by chemical action: or are liable to cause fire when in contact with organic matter or with certain chemicals.

(6) Compressed Gases. Any material or mixture having in the container either an absolute pressure exceeding 40 pounds per square inch at 70°F, or an absolute pressure exceeding 104 pounds per square inch at 130°F or both: or any liquid flammable material having a Reid* vapor pressure exceeding 40 pounds per square inch absolute at 100°F.

(7) Poisonous Substances. Liquids and gases of such nature that a very small amount of the gas or vapor of the liquid, mixed with air is dangerous to life: or such liquid or solid substances as upon contact with fire or when exposed to air give off dangerous intensely irritating fumes: or substances which are chiefly dangerous by external contact with the body or by being taken internally.

(8) Radioactive Material. Any material or combination of materials that is capable of spontaneous emission of ionizing radiation.

9.03: Parking

(1) Restricted Places. No person shall stand or park any vehicle in any street, way or highway under the control of the Department and no person shall allow, permit or suffer any vehicle registered in his name to stand or park in any street, way or highway under the control of the Department in violation of any rules of the Department and in particular in any of the following places except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic sign or signal.

- (a) Within a crossover.
- (b) Within an intersection.
- (c) Upon any sidewalk.
- (d) Upon any crosswalk.
- (e) Upon the roadway in a rural or sparsely settled district.
- (f) Upon the roadway in a business or residential district where parking is permitted unless both wheels on the right side of the vehicle are within twelve inches of the curb or edge of the roadway, except where angle parking is permitted.
- (g) Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane 12' wide in each direction for passing traffic.
- (h) Upon any highway within twenty feet of an intersecting way, except alleys.
- (i) Upon any highway within ten feet of a fire hydrant.
- (j) Upon or in front of any private road or driveway without the consent of the owner of said road or driveway.
- (k) Upon any street or highway where the parking of a vehicle will obstruct or hide from view any traffic control signal provided signs are erected notifying of such regulation or restriction.
- (l) Upon a safety rest area those vehicles left unattended for more than 30 consecutive minutes provided signs are posted notifying of such restrictions.

(2) Prohibited Parking. No person shall stop, stand or park a vehicle upon any State Highway except as otherwise provided in 720 CMR 9.03(3).

* (Reid - American Society for Testing Materials Method of Test for Vapor Pressure of Petroleum Products D-323).

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- (3) Time Limitation. No person shall park a vehicle upon any state highway for a period of time longer than that specified upon official signs erected within the area.
- (4) Bus Stops.
 - (a) No person shall park a vehicle other than a bus in a bus stop where signs prohibit such parking.
 - (b) No person shall stop or park a bus upon any state highway at any place other than a bus stop.
- (5) Emergency Repair. No person shall park a vehicle in any highway except in the right-hand lane or shoulder of the highway for the purpose of changing a tire or making emergency repairs unless such vehicle is so damaged or disabled that it cannot be moved under its own power.

9.04: Tow Away Zones

- (1) Authorization of Police. The Officer in charge of the Uniformed branch of the State Police and the principal police official of the police department of any city or town, or such sergeants or police officers of higher rank as said officers or officials may from time to time designate are hereby authorized, with such limitations as are, or may be hereinafter set forth, to remove or cause to be removed to some convenient place any vehicle parked or standing within the limits of any State Highway which is under their police jurisdiction, in violation of any of the provisions set forth in 720 CMR 9.04(2) and 9.04(3).
- (2) General Prohibition Towing Zones. No person shall stand or park or allow, permit or suffer any vehicle registered in his name to stand or park in any of the following places. Vehicles found in violation of the provisions of 720 CMR 9.04(2) except those specifically exempted by law, shall be removed to a convenient place under the direction of an officer authorized as set forth in 720 CMR 9.04(1), of the Police Department and the owner of the vehicle so removed, or towed away shall be liable to the cost of such removal and storage charges, if any. The owner of any vehicle removed or towed away under the provisions of 720 CMR 9.04(2) shall also be subject to the penalties provided in M.G.L. c. 90, § 20A½ (Ter. Ed.).
 - (a) Upon any way in such a manner as to impede the removal or plowing of snow or ice.
 - (b) Within a crossover.
 - (c) Upon any sidewalk.
 - (d) Upon any crosswalk.
 - (e) Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane 12' wide in each direction for passing traffic.
 - (f) Upon any highway within 20 feet of an intersecting way, except alleys.
 - (g) Upon any highway within ten feet of a fire hydrant.
 - (h) Upon or in front of any private road or driveway without the consent of the owner of said private road or driveway.
 - (i) On the roadway side of any vehicle stopped or parked at the edge or curb of the highway.
 - (j) Upon any roadway where parking is permitted unless both wheels on the right side of the vehicle are within 12 inches of the curb or edge of the roadway, unless otherwise permitted.
 - (k) Upon the roadway in a rural or sparsely settled district within any area designated as a "No Passing Zone".
 - (l) Within the limits of any State Highway for a period of time exceeding 24 consecutive hours without the written permission of the Department, whether or not a vehicle is disabled and preparations are being made by the owner or operator for its removal.

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(m) Upon any state highway bridge, overpass, overhead highway structure or the approaches thereto or in any underpass or tunnel or the approaches thereto, unless signs permitting parking have been installed or unless a breakdown lane has been constructed or designated.

(n) Upon any state highway in an area designated by pavement markings as an acceleration or deceleration lane of an express state highway or on any ramp providing either access or egress for an express state highway.

(o) Upon a safety rest area those vehicles left unattended for more than 30 consecutive minutes provided signs are posted notifying of the tow zone.

(3) Parking Prohibitions, Towing Zone. No person shall stand or park or allow, permit or suffer any vehicle registered in his name to stand or park on any of the highways, ways or parts of ways hereinafter described and during the periods of time set forth. Vehicles found in violation of the provisions of 720 CMR 9.04(3) except those specifically exempted by law shall be removed to a convenient place under the direction of an Officer authorized as set forth in 720 CMR 9.04(1), and the owner of the vehicle so removed or towed away shall be liable to the cost of such removal and storage charges, if any. The owner of any vehicle removed or towed away under the provisions of 720 CMR 9.04 shall also be subject to the penalties provided in M.G.L. c.90, § 20A½.

In any area designated as a bus stop 720 CMR 9.04(3) shall also apply.

(4) Official Traffic Signs. The provisions of 720 CMR 9.04(3) shall be effective only during such time as a sufficient number of official traffic signs bearing the legend "Tow-Away Zone" are installed, erected, maintained and located so as to be visible to approaching driver, said signs to be appended above or incorporated into the legend of Parking Prohibition Signs.

(5) Police to Keep Record of Towed Vehicles. The police shall keep a record of all vehicles towed or removed under the provisions of 720 CMR 9.00 *et seq.* Such record shall be retained for one year and shall contain the following information:

- (a) The registration of the vehicle.
- (b) The location from which it was towed and time and date of tow order.
- (c) The location to which it was moved.
- (d) The fee charged for towing.
- (e) Name of towing contractor, if any.
- (f) Name and rank of officer who authorized towing.

(6) Exemptions. The provisions of 720 CMR 9.04 shall not apply to any vehicle owned by the Commonwealth of Massachusetts of a political sub-division thereof or by the United States or any instrumentality thereof or registered by a member of a foreign diplomatic corps or by a foreign consular officer who is not a citizen of the United States and bearing a distinctive number plate or otherwise conspicuously marked as so owned or registered.

9.05: One-Way and Rotary Traffic

(1) One-Way. Upon those highways designated by the Department for one-way traffic, and sign-posted for the same, no driver shall proceed except in the direction indicated by such signs.

(2) Rotary Traffic. Within areas specified and posted by the Department for rotary traffic, operators shall proceed only in a rotary counter-clockwise direction, except when otherwise directed by a police officer.

9.06: Operation of Vehicles

- (1) Drive Within Marked Lanes. When any roadway is divided into lanes, the driver of a vehicle shall so drive that the vehicle shall be entirely within a single lane, and he shall not move from the lane in which he is driving until he has first ascertained if such movement can be made with safety.
- (2) Use Right Lane. Upon all roadways the driver of a vehicle shall drive in the lane nearest the right side of the roadway when said lane is available for travel, except when overtaking another vehicle or when preparing for a left turn.
- (3) Overtaking Other Vehicles. The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, and shall not cut in ahead of such other vehicle until safely clear of it.
- (4) Overtake Only When There is a Space Ahead. The driver of a vehicle shall not overtake and pass a vehicle proceeding in the same direction unless there is sufficient clear space ahead on the right side of the roadway to permit the overtaking to be completed without impeding the safe operation of any vehicle ahead or without causing the driver of any such vehicle to change his speed or alter his course, except as provided in 720 CMR 9.06(5).
- (5) Vehicle Being Passed. Subject to the provisions of M.G.L. c. 89, § 2, the driver of a vehicle when about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right when practicable in favor of the overtaking vehicle, on suitable and visible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
- (6) Obstructing Traffic.
 - (a) No person shall drive in such a manner as to obstruct unnecessarily the normal movement of traffic upon any highway. Officers are hereby authorized to require any driver who fails to comply with 720 CMR 9.06(6) to drive to the side of the roadway and wait until such traffic as has been delayed has passed.
 - (b) Subject to the provisions of M.G.L. c. 89, § 11, no driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk and on the right half of the roadway to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.
- (7) Following Too Closely. The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and condition of the highway.
- (8) Slow Vehicles to Stay 200 Feet Apart. Upon roadways less than 27 feet wide and upon which vehicular traffic is permitted to operate in both directions, the driver of any slow-moving commercial vehicle when traveling outside of a business or residential district shall not follow another slow-moving commercial vehicle within 200 feet, but this shall not be construed to prevent such slow-moving commercial vehicle from overtaking and passing another slow-moving commercial vehicle. 720 CMR 9.06(8) shall not apply to funerals or other lawful processions.
- (9) Care in Starting, Stopping, Turning or Backing. Except as otherwise provided in 720 CMR 9.08(3) the driver of any vehicle before starting, stopping, turning from a direct line, or backing shall first see that such movement can be made in safety. If such movement cannot be made in safety or if it interferes unduly with the normal movement or other traffic, said driver shall wait for a more favorable opportunity to make such a movement. If the operation of another vehicle should be affected by a stopping or turning movement, the driver of such other vehicle shall be given a plainly visible signal, as required by M.G.L. c. 90, § 14B.

9.06: continued

(10) Obedience to Traffic Control Signals. Colors and arrow indications in traffic control signals shall have the commands ascribed to them in 720 CMR 9.06(10), and no other meanings, and every driver of a vehicle, railway car or other conveyance shall comply therewith, except when otherwise directed by an officer or by a lawful traffic regulating sign (other than a "stop" sign), signal or device or except as provided in 720 CMR 9.06(24)(b).

In no case shall a driver enter or proceed through an intersection without due regard to the safety of other persons within the intersection, regardless of what indications may be given by traffic control signals.

(a) Green. While the green lens is illuminated, drivers facing the signal may proceed through the intersection, but shall yield the right of way to pedestrians and vehicles lawfully within a crosswalk or the intersection at the time such a signal was exhibited. Drivers of vehicles making a right or left turn shall yield the right of way to pedestrians crossing with the flow of traffic.

(b) Right, Left and Vertical Green Arrows. When a right green arrow is illuminated, drivers facing said signal may turn right. When a left green arrow is illuminated, drivers facing said signal may turn left. When a vertical green arrow is illuminated, drivers facing said signal may go straight ahead. When a green arrow is exhibited together with a red or yellow lens, drivers may enter the intersection to make the movement permitted by the arrow, but shall yield the right of way to vehicles proceeding from another direction on a green indication, and to pedestrians legally within a marked crosswalk.

(c) Yellow. While the yellow lens is illuminated, waiting drivers shall not proceed, and any driver approaching the intersection or a marked stop line shall stop at such point unless so close to the intersection that a stop cannot be made in safety; provided, however, that if a green arrow is illuminated at the same time drivers may enter the intersection to make the movement permitted by such arrow.

(d) Right and Left Yellow Arrows. When yellow arrows are illuminated, drivers are warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(e) Red. While the red lens is illuminated, drivers facing the signal shall stop outside of the intersection or at such point as may be clearly marked by a sign or line; provided, however, that if a green arrow is illuminated at the same time drivers may enter the intersection to make the movement permitted by such arrow.

(f) Right and Left Red Arrows. Vehicular traffic facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection, and shall remain standing until an indication permitting the movement indicated by such red arrow shown. Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(g) Flashing Red (Stop Signal). When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a Stop line when marked, and the right to proceed shall be subject to provisions of M.G.L. c. 89, § 8.

(h) Flashing Yellow (Caution Signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(11) Lane - Direction - Control Signals.

(a) When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.

(b) Meaning of Indications. Lane direction control signal indications shall have the following meanings:

1. Downward-pointing illuminated green arrow. A driver may operate a vehicle in the lane over which the arrow signal is located and illuminated.

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2. Red illuminated symbol "x". A driver shall not operate a vehicle in the lane over which the signal is located and illuminated, and that this indication shall modify accordingly the meaning of all other traffic controls present. The driver shall obey all other traffic controls and follow normal safe driving practices.
 3. Steady Yellow illuminated symbol "x". A driver should prepare to vacate, in a safe manner, the lane over which the signal is located because a lane control change is being made, and to avoid occupying that lane when a steady red "x" is displayed.
 4. Flashing Yellow illuminated symbol "x". A driver is permitted to use a lane over which the signal is located for a left turn. The driver is cautioned that he may be sharing that lane with opposite flow-left-turn vehicles.
- (12) Lane Control Signals. When Traffic Control Signals are located and operated over or adjacent to the individual lanes of a street or highway within an area designated as a Lane Traffic Control Area, vehicles shall be operated in obedience to the command given by the signal indication shown over or adjacent to the lane in which the vehicle is being operated.
- A Lane Traffic Control Area is that portion of a street or highway designated by Official Traffic Signs installed not less than 1000 feet in advance of Lane Traffic Control Signal installations.
- (13) Obedience to Isolated Stop Signs. Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign or a flashing red signal indication shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways. 720 CMR 9.06(13) shall not apply when the traffic is otherwise directed by an officer or by a lawful traffic-regulating sign, signal or device or as provided in 720 CMR 9.06(24)(c).
- (14) Obedience to "Yield" Signs. Every driver of a vehicle or other conveyance approaching an intersection of ways, where there exists facing him an official sign bearing the word "Yield", said sign having been erected in accordance with the written approval of the Department and such approval being in effect, shall surrender to oncoming traffic his right to enter the intersection until such time as he has brought his vehicle or other conveyance to a complete stop at a point between the said "Yield" sign and the nearer line of the street intersection, provided, however, that this requirement to stop before entering the intersection shall not apply when a driver approaching a "Yield" sign can enter the intersection in safety without causing interference to approaching traffic.
- 720 CMR 9.06(14) shall not apply when the traffic is otherwise directed by an officer or by a lawful traffic regulating sign, signal or device or as provided in 720 CMR 9.06(24)(c).
- (15) Sound Horn When Necessary. The driver of a vehicle shall give an audible warning with his horn or other suitable warning device whenever necessary to insure safe operation.
- (16) Keep to the Right of Roadway Division. Upon such roadways as are divided by a parkway, grass plot, reservation, viaduct, subway or by any structure or areas, drivers shall keep to the right of such division, and shall cross such parkway, grass plot or reservation only at a crossover. In the case of a state highway which has no crossovers, access to the adjoining roadway shall be gained only by the proper use of under or overpasses and ramps. The foregoing provisions shall not apply when drivers are otherwise directed by an officer, or official signs, signals or markings.
- (17) Operation at Under or Over Passes and at Intersections With Islands. At any junction or crossing of ways where the roadway grades have been separated and where the ways are connected by ramps, and at any intersection of ways in which there are channelizing islands, drivers of vehicles shall proceed only as indicated by signs, signals or markings.

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(18) Driving on Road Surface Under Construction or Repair. No operator shall enter upon the road surface of any highway or section thereof when, by reason of construction, surface treatment, maintenance or the like, or because of some unprotected hazard, such road surface is closed to travel, and one or more signs, lights or signals have been erected to indicate that all or part of the road surface of the highway is not to be used, or when so advised by an officer, watchman, member of a highway crew or employee of the Department, either audibly or by signals.

(19) No Driving on Sidewalks. The driver of a vehicle shall not drive upon any sidewalk except at a permanent or temporary driveway.

(20) Emerging from Alley or Private Driveway. The driver of a vehicle emerging from a private road, driveway or garage shall stop such vehicle immediately prior to driving upon the sidewalk area extending across such driveway or garage, and where no such sidewalk exists the stop shall be made at the building or property line as the case may be and upon entering the roadway shall yield the right of way to vehicles approaching on the roadway.

(21) Certain Turns Prohibited. The driver of a vehicle or other conveyance shall not make a turn from the way in which he is driving into another way or driveway, at any point in the highway, where such a movement is prohibited by signs.

(22) Driving or Parking on Channelizing Island. No person shall drive over or park a motor vehicle upon any channelizing island, as defined in 720 CMR 9.00, unless directed to do so by a police officer.

(23) Obedience to Traffic Signs, Signals and Markings. The driver of any vehicle or of any street car shall obey the instructions of any official traffic control sign, signal, device, marking or legend unless otherwise directed by a police officer.

(24) Rights and Duties of Drivers in Funerals or Other Processions.

(a) It shall be the duty of each driver in a funeral or other procession to keep as near to the right edge of the roadway as is feasible and to follow the vehicle ahead as closely as practicable and safe.

(b) At an intersection where a traffic control signal is operating the driver of the first vehicle in a funeral or other procession shall be the only one required to stop for a red or red and yellow indication.

(c) At an intersection where a lawful isolated stop sign or signal exists, the driver of the first vehicle in a funeral or other procession shall be the only one required to stop before proceeding through the intersection.

(25) Men and Equipment in Highway. Whenever traffic signs are erected or warning lights are displayed in or adjacent to a highway to notify of the presence of men and equipment, in such highway every motorist shall regulate the speed of his vehicle in a manner and to a degree consistent with the particular condition.

(26) U Turns Prohibited. No operator shall back or turn a vehicle so as to proceed in a direction opposite to that in which said vehicle is headed or traveling wherever signs notifying of such a restriction have been erected.

(27) Vehicle Operation at Crosswalks.

(a) Subject to the provisions of M.G.L. c. 89, § 11, when traffic control signals are not in place or not in operation the driver of a vehicle, which for the purposes of 720 CMR 9.06 shall include bicycles, shall yield the right of way, slowing down or stopping if need be so to yield, to a pedestrian crossing the roadway within a marked crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian approaches from the opposite half of the roadway to within five feet of that half of the roadway upon which the vehicle is traveling.

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(b) Subject to the provisions of M.G.L. c. 89, § 11, no operator of a vehicle shall pass any other vehicle which has been stopped at a marked crosswalk to permit a pedestrian to cross a way, nor shall any operator enter a marked crosswalk until there is sufficient space on the other side of the crosswalk to accommodate the vehicle he is operating notwithstanding any traffic control signal indication to proceed.

(28) Operators to Exercise Due Care. The provisions of 720 CMR 9.09 shall in no way abrogate the provisions of M.G.L. c 90, §§ 14 and 14A which provide: "Precautions for Safety of Other Travelers" and for the "Protection of Blind Persons Crossing Ways", Furthermore, notwithstanding the provisions of 720 CMR 9.00 every operator of a vehicle shall exercise due care to avoid colliding with any pedestrian upon the roadway and shall give warning by sounding the horn when necessary and shall exercise proper precautions which may become necessary for safe operation.

9.07: Exemptions

(1) Exemptions. The provisions of 720 CMR 9.00 shall not apply to persons acting in conformity with the direction of an officer, to persons or drivers actually engaged in work upon a highway closed to travel or under construction or repair when the nature of their work necessitates a departure from any part of 720 CMR 9.00, to officers when engaged in the performance of public duties which necessitates a departure from any part of 720 CMR 9.00, nor to drivers of emergency vehicles while operating in an emergency and in performance of public duties which necessitate a departure from any part of 720 CMR 9.00, or to drivers of emergency vehicles while operating in an emergency and in performance of public duties which necessitate a departure from any part of 720 CMR 9.00. These exemptions shall not, however, protect the driver of any vehicle from the consequence of a reckless disregard of the safety of others.

The provisions of 720 CMR 9.08(4)(a) shall not apply to persons operating federal, state or municipally owned vehicles carrying such dangerous articles as may be required during an existing or impending emergency nor shall they apply to any vehicle carrying a flammable liquid of a type which is required for the propulsion of the vehicle and is in a portable container in a quantity not exceeding 15 gallons or in a tank which is an integral part of the vehicle, nor shall it apply to devices in a quantity not exceeding 12 devices to be used for the sole purpose of warning other motorists of an emergency condition.

The provisions of 720 CMR 9.08(4)(a) shall not apply to persons operating a vehicle transporting radioactive material when such radioactive material is such that it is exempt from all I.C.C. specification packaging, marking, and labeling because of type and quantity nor shall they apply to persons operating a vehicle transporting radioactive material which consists solely of manufactured articles, other than liquids, when the gross weight of such radioactive material and its container does not exceed 500 pounds per vehicle.

The provisions of 720 CMR 9.08(4)(a) through (c) shall not apply to any vehicle carrying a compressed natural gas of a type which is required for the propulsion of the vehicle, provided the tunnel exhaust fans are in operation, and so long as said vehicle has a maximum fuel capacity consistent with safe practice and national standards including Federal Motor Vehicle Safety Standards #303 and #304, and is equipped with excess flow valves for fuel lines with an inner diameter larger than 1/2", and is identified by a blue-and-white diamond-shaped decal attached as specified in NFPA 52, and is not used to transport compressed natural gas in commerce.

(2) Owner Prima Facie Responsible for Violations. If any vehicle is found upon any street or highway in violation of any provision of 720 CMR 9.00 and orders and the identity of the driver cannot be determined, the owner or the person in whose name such a vehicle is registered shall be held *prima facie* responsible for such violations.

(3) Obedience to Police. No person shall wilfully fail or refuse to comply with any lawful order or direction of a police officer in regard to the direction, control or regulation of traffic. Any person acting in conformity with any such order or direction shall be relieved from the observance of any provision of 720 CMR 9.00 with which the order or direction may conflict.

(4) Obedience to Signs, etc. No person shall disobey the instructions of any official sign, signal,

marking or marker.

9.07: continued

(5) Penalties. Any person convicted of a violation of any of the provisions of 720 CMR 9.09 shall be punished as provided in M.G.L. c. 90, § 18A. Any person convicted of a parking violation of any provision of 720 CMR 9.00 shall be punished as provided in M.G.L. c. 90, § 20A½. Any person convicted of a violation of any other rule made hereunder shall be punished by a fine of not more than \$20 for each offense except that a person convicted of a violation of the provisions of 720 CMR 9.08(4)(a), through 9.08(4)(d) shall be punished by a fine of not more than \$500 for each offense.

9.08: Limited Access and Express State Highways

(1) Effect of 720 CMR 9.00. 720 CMR 9.08(2) shall be effective on all limited access State Highways and express state highways where official signs have been posted prohibiting bicycles, pedestrians and/or horsedrawn vehicles.

(2) Limited Access and Express State Highway Regulations.

(a) Horsedrawn Vehicles. No person shall ride or drive a horse or a horsedrawn vehicle within the limits of or on any portion of any highway where official signs have been erected at the approaches of said highway prohibiting such traffic.

(b) Bicycles. No person shall operate or ride a bicycle within the limits of or on any portion of any highway where official signs have been erected at the approaches of said highway prohibiting such traffic.

(c) Pedestrians. No person shall use any highway for pedestrian or foot traffic purposes except in emergency, where official signs have been erected at the approaches of said highway prohibiting such traffic.

(3) Backing Prohibitions. No person shall back a vehicle for the purpose of gaining entrance to any express state highway off ramp. Exit from the highway shall be made only at succeeding exits. No person shall back a vehicle from any ramp which provides entrance or exit for an express state highway.

(4) Tunnel Restrictions.

(a) No person shall operate a vehicle, and no person shall allow, permit or suffer a vehicle leased by him or registered in his name to be operated, transporting any dangerous article in any quantity in the vehicular tunnel of the John F. Fitzgerald Expressway located beneath Dewey Square in the City of Boston.

(b) Northbound Vehicles. Northbound vehicles transporting any dangerous articles shall leave the John F. Fitzgerald Expressway via the Kneeland Street exit and may enter or re-enter the Expressway at the Northern Avenue entrance ramp.

(c) Southbound Vehicles. Southbound vehicles transporting any dangerous article shall leave the John F. Fitzgerald Expressway via the High Street exit and may enter or re-enter the Expressway at the Kneeland Street entrance ramp.

(d) Empty Tank Vehicles, Empty Containers. No person shall operate or allow, permit or suffer to be operated, an empty tank vehicle or a vehicle transporting empty containers which were last used for the transportation of a flammable compressed gas, flammable liquid, a poisonous substance, or an explosive in the vehicular tunnel of the John F. Fitzgerald Expressway.

(e) Truck Cranes. No person shall operate a truck crane or any vehicle having a rear projecting crane or boom in the vehicular tunnel of the John F. Fitzgerald Expressway unless such crane or boom has been depressed sufficiently to prevent it from coming in contact with any part of the tunnel or tunnel devices, and only while vehicles approaching from the rear are protected from the rear projecting crane or boom by another vehicle following immediately behind the projecting extremities of the truck crane.

9.08: continued

(6) Haul Road Restrictions.

- (a) For purposes of public safety and convenience, no person shall operate any vehicle, except a commercial or emergency vehicle, on the Haul Road running between Dorchester Avenue and Congress Street in South Boston.
- (b) The provisions of 720 CMR 9.08(6)(a) shall be effective only during the period that Official Traffic Signs are in place to notify vehicle operators of those provisions.
- (c) Violations of the provisions of 720 CMR 9.08(6)(a) shall be punishable by a fine of not more than \$50.00 as provided in M.G.L. c. 85, § 2E.

9.09: Pedestrian Regulations

(1) Pedestrians Crossing Ways or Roadways. Pedestrians shall obey the directions of police officers directing traffic and whenever there is an officer directing traffic, a traffic control signal or a marked crosswalk within 300 feet of a pedestrian, no such pedestrian shall cross a way or roadway except within the limits of a marked crosswalk and as hereinafter provided in 720 CMR 9.00.

(2) Pedestrian Actuation.

- (a) At a traffic control signal location where pedestrian indications are provided but which are shown only upon actuation by means of a pedestrian push button, no pedestrian shall cross a roadway unless or until the pedestrian control signal push button has been actuated and then cross only on the proper pedestrian signal indication. At traffic control signal locations where no pedestrian indication is provided, pedestrians shall cross only on the green indication. If necessary, the green indication shall be actuated by the pedestrian by means of a push button.
- (b) At a traffic control signal location, pedestrians shall yield the right of way to vehicles of a funeral or other procession or authorized emergency vehicle while in performance of emergency duties regardless of the signal indication given, and they shall not attempt to cross the roadway until such vehicles or procession has passed at which time pedestrians shall then cross the roadway only as provided in 720 CMR 9.00.

(3) Pedestrian Obedience to Traffic Control Signals. Traffic control signal color indications and legends shall have the pedestrian commands ascribed to them in 720 CMR 9.09(3) and no other meanings, and every pedestrian shall comply therewith, except when otherwise directed by an officer.

- (a) The Walking Person symbol or the Word "Walk". Whenever the Walking Person symbol or the single word "walk" is illuminated, pedestrians facing such indication may proceed across the roadway and in the direction of such signal only. The walking person symbol or "WALK" indication means that there may or may not be possible conflict of pedestrians with turning vehicles.

9.09: continued

- (b) Red Alone or "Don't Walk". Whenever the words "Don't Walk" or the Up-raised Hand symbol are illuminated in a traffic control signal where pedestrian indications are provided, pedestrians approaching or facing such indication shall wait on the sidewalk, edge of roadway or in the pedestrian refuge area of a traffic island and shall not enter upon or cross roadway until the proper indication is illuminated in the traffic control signal, but any pedestrian who has partially completed his crossing on the walk indication shall proceed or return to the nearest sidewalk or safety island on the yellow indication, the red indication, the Up-raised Hand symbol or when the words "Don't Walk" are illuminated by rapid intermittent flashes.
- (c) Green Alone. At traffic control signal locations where no pedestrian indication is given or provided, pedestrians facing the signal may proceed across the roadway within any marked crosswalk in the direction of the green indication.
- (d) Yellow Alone, Red Alone, Flashing Up-raised Hand symbol or Flashing "Don't Walk". Pedestrians approaching or facing a yellow, red or flashing "Don't Walk" illuminated indication shall not start to cross a roadway.
- (e) Flashing Red or Yellow. At any traffic control signal location where a flashing red, or flashing yellow indication is being given facing a crosswalk, pedestrians shall actuate, where provided, the pedestrian signal indication and cross the roadway only on the Up-raised Hand symbol or "Walk" indication when such indication is in operation. If no pedestrian signal is provided, pedestrians shall cross within crosswalks with due care.
- (4) Pedestrian Crossings and Use of Roadways.
- (a) No pedestrian shall suddenly leave a sidewalk or safety island and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield the right of way.
- (b) Pedestrians shall at all times attempt to cross a roadway using the right half of crosswalks.
- (c) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway whenever the sidewalk is open to pedestrian use.
- (d) Where sidewalks are not provided, any pedestrian walking along and upon an undivided highway shall, when practicable, walk only on the left side of the roadway on its unfinished shoulder facing traffic which may approach from the opposite direction. On any divided highway pedestrians not in violation of 720 CMR 9.08(2)(c) shall walk only on the right side of the roadway on the unfinished shoulder.
- (e) Persons alighting from the roadway side of any vehicle parked at the curb or edge of roadway in urban areas within 300 feet of a marked crosswalk shall proceed immediately to the sidewalk or edge of roadway adjacent to vehicle, and shall cross the roadway only as authorized by 720 CMR 9.00.
- (f) It shall be unlawful for any person to actuate a pedestrian control signal or to enter a marked crosswalk unless a crossing of the roadway is intended.
- (5) Crossing at Non-Signalized Locations. Every pedestrian crossing a roadway in an urban area at any point other than within a marked crosswalk shall yield the right of way to all vehicles upon the roadway. At a point where a pedestrian tunnel or overpass has been provided, pedestrians shall cross the roadway only by the proper use of the tunnel or overpass.
- (6) Pedestrians Soliciting Rides or Business. No person shall stand in a roadway for the purpose of soliciting a ride, employment or business from the operator or occupant of any vehicle without the written permission of the board or officer having control of such roadway or highway.
- (7) Obedience of Bridge Signals. No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

720 CMR: DEPARTMENT OF HIGHWAYS

9.09: continued

(8) Exemptions. The provisions of 720 CMR 9.09 governing the use of State highways by pedestrians shall not apply to pedestrians actually engaged in work upon a roadway closed to travel or under construction or repair, to municipal, state, federal or public service corporation employees while in the performance of their duties, to officers engaged in the performance of their public duties or to pedestrians acting in an emergency when such emergency necessitates departure from any part of 720 CMR 9.00.

Effect of 720 CMR 9.00. The provisions of 720 CMR 9.00 for driving so far as they are the same in effect as those of any existing rules and regulations heretofore made by the Commissioners of the Department shall be construed as a continuation thereof, but all other existing rules and regulations for driving are hereby expressly repealed. This repeal shall not, however, affect any punishment or penalty imposed or any complaint or prosecution pending at the time of passage hereof for any offense committed under any of the said rules and regulations hereby repealed.

If any section, sub-section, sentence, clause or phrase of 720 CMR 9.00 is for any reason unconstitutional, such decision shall not affect the validity of the remaining portion of 720 CMR 9.00. The Commissioners of the Department hereby declare that they would have passed 720 CMR 9.00 and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

REGULATORY AUTHORITY

720 CMR 9.00: M.G.L. c. 85, §§ 2 and 2E.

(PAGES 133 THROUGH 136 ARE RESERVED FOR FUTURE USE.)