

946 CMR 5.00: DEVENS REGIONAL ENTERPRISE ZONE: TRAFFIC RULES

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5.01: Purpose and Authority

The Purpose and scope of 946 CMR 5.00 is to protect the public welfare and safety by establishing rules and conduct governing the operation of vehicles on the public ways, ways and streets within Devens and on the properties of the Agency. The Agency promulgates 946 CMR 3.00 pursuant to the authority granted in St. 1998, c. 266, § 2.

5.02: Definitions

Whenever used in 946 CMR 5.00 the following terms shall have the meanings respectively hereinafter indicated:

Agency shall mean the Massachusetts Development Finance Agency the Agency created by St. 1998, c. 289, §§ 23 through 29 and 33.

Crosswalk the portion of a roadway ordinarily included within the prolongation or continuation of curb lines and property lines at intersections or at any portion of the roadway clearly indicated for pedestrian crossings by lines on the road surface or other markings or signs.

Devens The Devens Regional Enterprise Zone created by St. 1993, c. 498 and described in St. 1993, c. 498, § 2(3) as the regional development zone created by the act, the boundaries of which include all the area of Fort Devens lying north of Route 2, part of a former federal military base located in the towns of Ayer, Harvard, and Shirley and certain land adjacent to Fort Devens owned by the Commonwealth, and certain land adjacent to Fort Devens currently owned by the Springfield Railways Terminal, Inc. or affiliate thereof or successor thereto, and currently used primarily for railroad purposes.

Devens Properties the lands and waters, including all easements, reservations and rights and rights appurtenant thereto, and all buildings, structures, utilities, improvements, facilities, materials and supplies located at Devens owned, leased, operated or controlled by the Agency.

Driveway a private road serving as a means of a vehicular access to a parcel of land abutting a highway or street.

Executive Director the individual appointed by the Board of Directors of the Agency to be the Chief Executive Officer of the Agency.

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

5.02: continued

Motor Vehicle shall mean all vehicles designed for propulsion by power other than muscular power, including such vehicles when pulled or towed by another motor vehicle; except vehicles running only upon rails, or tracks and vehicles designed especially for use elsewhere than on traveled parts of ways.

Parking the standing of a vehicle whether occupied or not, otherwise than temporarily, for the purpose of and while actually engaged in loading or unloading or in obedience to an officer or traffic signs or signals or while making emergency repairs or, if disabled, while arrangements are being made to move such vehicle.

Person every natural person, firm, co-partnership, association or corporation.

Police shall mean the members of the Massachusetts State Police and such others as are appointed or employed by Agency pursuant to St. 1993, c. 498, as amended.

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

Service Way a way in which the fee or an easement of travel is owned by the Agency from which the public may be excluded.

Street or Highway the entire width between property lines of every way open to the use of the public for the purposes of travel.

Stand or Standing means the halting of a vehicle whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

Stop or Stopping when prohibited means any halting even momentarily of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of the Police or traffic control sign or signal.

Traffic pedestrians, ridden or herded animals, vehicles or other conveyances whether singly or together while using any street or highway for travels.

Traffic Control Signal any device using colored lights whether manually, electrically or mechanically operated, by which the traffic may be alternatively directed to stop and proceed.

Traffic Signs all signs, markings and devices, other than signals, not inconsistent with those rules and orders and which conform to the standards prescribed by the Highway of the Commonwealth of Massachusetts, and placed erected or authorized by the Agency for the purpose of guiding, directing, warning or regulating traffic.

Vehicle shall mean and include automobiles, trucks, buses, motorcycles, horse-drawn vehicles, bicycles, pushcarts and other device in or upon by which any person or property is or may be transported, carried, or drawn upon land except railroad rolling equipment or other devices running only on stationery rails or tracks.

5.03: General Provisions

Compliance with 946 CMR 5.00 shall be required.

5.04: Authorized Enforcement Officials

The Executive Director, the Treasurer, the Chief Operating Officer, the Devens Operations Director, Attorneys in the Office of the General Counsel and the Police are authorized to act for the Agency in connection with the enforcement of 946 CMR 5.00.

5.05: Ingress and Egress to Devens is Limited to Public Ways

No vehicle, except certain military vehicles belonging to the United States Army or the Massachusetts National Guard, shall enter or leave Devens unless it does so on a public way unless the Agency permits the vehicle the use of another way under its control.

5.06: Speed Limits Established

The following rules governing vehicular speed in Devens will be in force:

- (1) No person shall operate a motor vehicle on a street or highway open to the public in Devens in excess of the speed limits prescribed by the Agency, as indicated by posted traffic signs, and in no case in excess of 35 miles per hour, or at a rate of speed greater than is reasonable and proper having regard to traffic, the use of the way, the elements, and terrain, except fire, police and other emergency vehicles in case of emergencies.
- (2) No person shall operate a vehicle on any land, way, roadway, driveway, or path, owned or controlled by the Agency but not open to the public for passage, at a rate of speed greater than is reasonable and proper having regard to traffic, the use of the way, the terrain and the safety of the public: and in no event in excess of 35 miles per hour.
- (3) A speed of 25 miles per hour shall be posted and shall be the speed limit throughout their length on the following streets: Auman, Bates, Buena Vista, Cavite, Elm, Quebec and Walnut, and a speed of 30 miles per hour will be posted and shall be the speed limit throughout their lengths on MacArthur, Independence and Sherman Avenues and Saratoga Boulevard.

5.07: Parking, Standing or Stopping at Devens

The Agency adopts 946 CMR 5.07 for the parking or stopping of motor vehicles on the streets or highways within Devens:

- (1) No person shall allow, permit or suffer any vehicle registered in his name to stand or park in any street or highway in Devens, and in particular in any of the following places, except in compliance with the direction of a police officer or traffic sign or signal:
 - (a) Within an intersection
 - (b) Upon a sidewalk
 - (c) Upon any crosswalk
 - (d) Upon any street or highway within ten feet of a hydrant
 - (e) Upon any street or Highway within 20 feet of an intersecting way, or where a sign requiring a greater distance has been erected.
 - (f) Along side or opposite any excavation or obstruction when such stopping, standing or parking would obstruct traffic.
 - (g) no person will be permitted to leave vehicles within parking spaces designated as reserved for vehicles owned and operated by disabled veterans or handicapped persons in public ways, private ways, public and private off-street parking areas, said vehicle not bearing the distinctive number plate authorized by M.G.L. c. 90, § 2 or by a plate issued for the same purposes by any other state or any Canadian state, or leave or park a vehicle in such a manner as to obstruct a curb ramp designed for use for wheelchairs or similar conveyances.
- (2) No person, unless authorized by the Agency or the Police, shall allow, permit or suffer any vehicle registered in his name to stand, stop or park on any land, sidewalk, driveway, parking lot, recreational field or area belonging to the Agency or on any street or way belonging to the Agency but not open to the public for passage.
- (3) Parking will be permitted before odd-numbered houses on the following streets, Auman, Bates, Elm and Walnut, provided , however, all vehicles so parked must be removed whenever snow begins to accumulate on street surfaces. Vehicles still parked on such streets after snow plowing activities have commenced will be subject to ticketing and removal by the Police or by authorized Agency personnel.

5.08: Stopping or Yielding Required at Designated Intersections

Every operator of a vehicle approaching an intersection of ways where there exists facing him a sign bearing the word “stop” and authorized by the Agency, said sign conforming in size, shape and color to the requirements of the Manual on Uniform Traffic Control Devices of the Massachusetts Department of Highways shall, before proceeding through the intersection, bring such vehicle to a complete stop at such point as may be clearly marked by a sign or line, or if a point is not so marked then at a place between the “stop” sign and the nearer line of the street intersection. 946 CMR 5.08 shall not apply when the traffic is otherwise directed by a police officer.

Pursuant to the requirements of 946 CMR 5.08, the Agency authorizes the erection and maintenance of “stop” signs so as to face the following streets or ways:

- (a) Antietam Street
 - At the intersection of Sherman Avenue heading east
 - At the intersection of Sherman Avenue heading west
 - At the intersection of MacArthur Avenue heading east
 - At the intersection of MacArthur heading west
 - At the intersection of Independence heading Southeast
- (b) Barnum Road
 - At the intersection of MacArthur Avenue heading Northwest
- (c) Buena Vista Street
 - At the Intersection of Chance Street heading South Southwest
 - At the Intersection of Sherman Avenue heading east
 - At the Intersection of Sherman Avenue heading west
 - At the Intersection of MacArthur Avenue heading east
 - At the Intersection of MacArthur Avenue heading east
 - At the Intersection of Saratoga Boulevard East
- (d) Cavite Street
 - At the Intersection of MacArthur Avenue heading west
 - At the Intersection of Saratoga Boulevard heading east.
- (e) Chance Street
 - At the Intersection of El Caney Street heading west
- (f) Cook Street
 - At the Intersection of Antietam Street heading North Northeast
 - At the Intersection of Antietam Street heading South Southwest
- (g) EL Caney Street
 - At the Intersection of Sherman Avenue heading east
 - At the Intersection of Sherman heading west
 - At the Intersection of Mac Arthur Avenue heading Southeast
- (h) Elm Road
 - Two locations at the Intersection of Sherman Avenue (one within Island) heading East
 - Two locations at the Intersection of Sherman Avenue (one within Island) heading West
 - At the Intersection of MacArthur Avenue - Southeast
- (i) Elm Alley
 - At the Intersection of Sherman Avenue heading east
 - At the intersection of Sherman Avenue heading west
 - At the intersection of MacArthur Avenue heading Southeast
- (j) Givry Street
 - At the Intersection of Hospital Road heading west
- (k) Grant Road
 - At the Intersection of Sherman Avenue heading south
 - At the intersection of El Caney Street and Antietam Street heading Southeast
 - At the intersection of Hospital Road heading north
 - At the Intersection of Hospital Road heading north
- (l) Hospital Road
 - At the Intersection of West Main Street heading north
 - At the Intersection of Grant Road heading Northeast
- (m) Independence Drive
 - At the Intersection of Buena Vista and Saratoga Boulevard Heading West
- (n) Givry Street
 - At its intersection with Jackson Road heading west
 - At its intersection with Jackson Road heading east

5.08: continued

- (o) Lake George
 - the Intersection of Jackson Road heading east
 - At the Intersection of Givry Street heading east
 - At the Intersection of Givry Street heading north
- (p) MacArthur Avenue
 - At the Intersection of Givry heading Southwest
 - At the Intersection of West Main heading Northeast
- (q) Malvern Road
 - At the Intersection of Grant Road heading west
 - At the intersection of El Caney Street heading Southeast
- (r) Market Street
 - At the Intersection of Cook Street heading west
- (s) Patton Road
 - At the Intersection of Jackson Road heading west
 - At the Intersection of Marne Street heading East
 - At the Intersection of Barnum heading north
- (t) Pine Road
 - At the Intersection of Sherman Avenue heading Southeast
 - At the intersection of Sherman Avenue heading Northwest
 - At the Intersection of MacArthur Avenue heading Southeast
 - At the Intersection of MacArthur Avenue heading Northeast
 - At the Intersection of Queenstown Street heading Southeast
- (u) Quebec Street
 - At the Intersection of Givry Street heading Southwest
 - At the Intersection of Pine Road heading Northeast
- (v) Queenstown Street
 - At the Intersection of Patton Road heading south
 - At the Intersection of Barnum Road heading Northeast
- (w) Robbins Pond Road
 - At the Intersection of Barnum Road heading Northeast
- (x) Saratoga Boulevard
 - At the Intersection of Barnum Road heading south
 - At the Intersection of Buena Vista Street and Independence Drive heading north
- (y) Sherman Avenue
 - At the Intersection of Givry heading Southwest
 - At the intersection of Antietam Street heading west
 - At the intersection of Antietam Street heading east
- (z) Walnut Street
 - At the Intersection of Chance Street heading north
 - At the Intersection of Sherman Avenue heading Northeast
 - At the Intersection of MacArthur Avenue heading Southeast
- (aa) 10th Mtn. Div. Road
 - At the Intersection of MacArthur Avenue heading Northwest.

5.09: Obedience to Traffic Control Signals

Colors and arrow indications in traffic control signals shall have the commands ascribed to them in 946 CMR 5.09, and no other meanings, and every operator of vehicles shall comply therewith, except when otherwise directed by an police officer or by a lawful traffic regulating sign (other than a stop sign) signal or device:

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.

5.09: continued

- Yellow: While the yellow lens is illuminated, waiting drivers shall not proceed and driver approaching the intersection or 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.
- 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, if a green arrow is illuminated at the same time drivers may enter into the intersection to make the movements permitted by such arrow.
- Red and Yellow: While the red and yellow lenses are illuminated together, drivers shall not enter the intersection and during such the intersection shall be reserved for the exclusive use of pedestrians.
- Flashing Red: A flashing red lens shall indicate those intersections at which a driver is required by law to stop before entering.
- Flashing Yellow: A flashing yellow lens shall indicate intersections at which a driver is required by law to slow down before entering such intersections.
- Flashing Green: A flashing green lens shall indicate an intersection or pedestrian crosswalk in use or subject to use by entering or crossing traffic, Drives may proceed only with caution and shall be prepared to comply with a change in the signal to a red or red and yellow indication.

Pursuant to the requirements of 946 CMR 5.09, the Agency is authorizes the placement of traffic control signals at the following locations:

- At the Intersection of MacArthur Avenue and Pine Street
- At the intersection of MacArthur and Buena Vista Street
- At the Intersection of Barnum Road and Patton Road.

5.10: Directional Traffic Movement

- (1) Upon the following streets or parts of streets vehicular traffic shall only move in the direction indicated:
 - Sherman Avenue
 - Southerly from the Verbeck Gate to Antietam Street
 - MacArthur Northerly from Antietam to the Verbeck Gate
- (2) Within the area bounded by Sherman Street, Chance Street and Elm Street, vehicular traffic shall move in a rotary counter clock direction
- (3) Vehicular traffic travelling westerly on Buena Vista Street shall not be permitted to take a right turn onto Auman Street between the hours of 7:00 A.M. and 9:00 A.M. and 1:30 P.M. and 5:00 P.M., and vehicular traffic travelling easterly on Antietam Street shall not be permitted to take a right turn onto Auman Street between the hours of 7:00 A.M. and 9:00 A.M. and 1:30 P.M. and 5:00 P.M.

5.11: General Traffic Rules for Driving at Devens

No vehicle shall be operated in Devens if such vehicle is so constructed, equipped, or loaded as to endanger or to be likely to endanger persons or property.

- (1) The Police or any authorized representative of the Agency may remove from any street, highway or way, driveway which is disabled, abandoned, parked in violation of 946 CMR 5.07, or which presents an operational problem on such areas and store said vehicle at the operator's or the owner's expense and without liability for damage which may result in the course of such moving.

5.11: continued

(2) Notwithstanding where traffic signals may indicate that vehicles may proceed, the operator of a vehicle shall yield to any pedestrian crossing the roadway within the roadway within a marked crosswalk and further, an operator shall not pass any other vehicle which has slowed or stopped to permit a pedestrian to cross at a marked crosswalk.

(3) The operator of a vehicle emerging from an alley, driveway or garage shall stop such vehicle immediately prior to driving onto a sidewalk or on to the sidewalk area extending across the alleyway or driveway or if there is no sidewalk or sidewalk area then before entering a street, highway or way.

5.12: Parking in a Manner to Impede Snow Plowing

No person shall place or cause to be placed any vehicle in a manner so as to interfere with the removing or plowing of snow, or the removing of ice, in any public way, street or way or driveway of Devens. The Agency staff member in charge of the ways for the time being for the purpose of plowing or removing snow, or removing ice from any way, or the Police, may remove, or cause to be removed, to a convenient place, including a public garage, any vehicle interfering with such work, and the owner of such vehicle shall be liable for the cost of such removal, and the storage, if any, resulting therefrom.

5.13: Appointment of Parking Clerk

The Agency accepts the provisions of M.G.L. c. 90, § 20A½, and appoints the Administrative Assistant to the Director of Public Safety at Devens to the position of Parking Clerk for Devens. The Parking Clerk, in addition to other duties, not including police functions, assigned to her by the Agency, and shall perform the duties assigned to Parking Clerks in the section.

5.14: Removal of Abandoned Vehicles

No person, within Devens, shall abandon a motor vehicle, registered or unregistered, upon any public way or private way, or upon the property of another, without the permission of the owner or lessee of said property. To enforce this prohibition, the Agency accepts the provisions of M.G.L. c. 90, § 22B and appoints the Administrative Assistant to the Director of Public Safety at Devens to the position of Parking Clerk for Devens. The Parking Clerk, in addition to other duties, not including police functions, assigned to her by the Agency, shall supervise and coordinate the processing of abandoned motor vehicles and shall have the authority to implement the provision of M.G.L. 90, § 22B.

5.15: Establishment of School Speed Zones

Due to its proximity to a school building, Barnum Road from its intersection with Queenstown Street and MacArthur Avenue shall be a school zone and no person shall operate a motor vehicle at a speed in excess of 15 miles per hour within that stretch of Barnum Road. Pursuant to this requirement, the Agency authorizes the erection and maintenance of appropriate signs or traffic signals limiting such speed to face the following streets or ways:

Barnum Road

At the intersection of MacArthur Avenue heading Southeast.

At the intersection of Queenstown heading Northwest.

PENALTIES AND ENFORCEMENT DEFINED

5.96: Enforcement of Traffic and Parking Rules

Except when otherwise provided by law, prosecutions for offenses under 946 CMR 5.00 on behalf of the Agency may be made by any person so authorized by the Agency or the Police.

5.97: Automobile Law Violations

An automobile law violation that is a Civil Motor Vehicle Infraction as defined in M.G.L. c. 90C, § 1 shall be prosecuted pursuant to the procedure for such motor offense established in M.G.L. c. 90C and the penalties for such infractions shall be that established by that statute. The penalty for abandoning a motor vehicle and the manner of prosecuting such offense shall be the penalties and procedures prescribed in M.G.L. c. 90, § 22B. All other automobile law violations shall be enforced by complaint brought in district court and the penalty and punishment shall be as provided by law and as the district may see fit to impose.

5.98: Fines for Parking Violations

The penalties for a violation of 946 CMR 5.07 for each day of violation shall be \$15.00, except the penalty for a violation of 496 CMR 5.07(1)(d) shall be \$50.00 for each day of violation, and for a violation of 496 CMR 5.07(1)(g) the penalty shall be \$100.00 for each day of violation.

REGULATORY AUTHORITY

946 CMR 5.00: St 198, c. 289, §§ 23 through 29 and 33; St. 1998, c. 266, § 2.