

# HOUSE . . . . . No. 3603

By Representative Provost of Somerville and Senator Jehlen, joint petition of Denise Provost and others for legislation to further regulate speed limits on certain roadways in cities and towns. Transportation.

## The Commonwealth of Massachusetts

PETITION OF:

Denise Provost	David B. Sullivan
Matthew C. Patrick	Bruce E. Tarr
David Paul Linsky	Pamela P. Resor
Kathi-Anne Reinstein	Patricia D. Jehlen
Martha M. Walz	Michael E. Festa
Kay Khan	Elizabeth A. Malia

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO SPEED LIMITS ON CERTAIN CITY AND TOWN WAYS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION I. The first paragraph of section eighteen of Chapter 90  
2 of the General Laws, as appearing in the 2004 Official Edition, is  
3 hereby amended by striking said paragraph and inserting in place  
4 thereof the following:—  
5 Section 18. For the purposes of this section the words “function-  
6 ally classified local street” as defined by the Metropolitan Planning  
7 Organization shall mean a public way in a residential area and a  
8 public way between a residential and a minor commercial area. The  
9 city council, the transportation commission of the city of Boston, the  
10 board of selectmen, park commissioners, a traffic commission or  
11 traffic director, or the department, on way within their control, may  
12 make special regulations as to the speed of motor vehicles and may  
13 prohibit the use of such vehicles altogether on such ways; provided,  
14 however, that except in the case of speed regulation no such special  
15 regulation shall be effective unless it shall have been published in  
16 one or more newspapers, if there be any, published in the town in  
17 which the way is situated, otherwise in one or more newspapers

18 published in the county in which the town is situated; nor until after  
19 the department and the registrar, acting jointly, shall have certified in  
20 writing that such regulation is consistent with the public interests;  
21 provided, however, that no posted speed limit on a functionally clas-  
22 sified local street, shall be raised to a higher speed without the con-  
23 currence of said city or town; provided, further, that nothing herein  
24 contained shall be construed as affecting the right of the metropol-  
25 itan district commission or of the department of environmental man-  
26 agement to make rules and regulations, governing the use and  
27 operation of motor vehicles on lands, roadways and parkways under  
28 its care and control. No such rule or regulation shall prohibit the use  
29 of passenger or station wagon type motor vehicles whose gross  
30 weight is less than five thousand pounds and which are registered for  
31 commercial use on ways where noncommercial, passenger type  
32 motor vehicles are permitted to operate. No such regulation shall be  
33 effective until there shall have been erected, upon the ways affected  
34 thereby and at such points as the department and the registrar, acting  
35 jointly, may designate, signs, conforming to standards adopted by  
36 the department, setting forth the speed or other restrictions estab-  
37 lished by the regulation, and then only during the time such signs are  
38 in place. Any sign, purporting to establish a speed limit, which has  
39 not been erected in accordance with the foregoing provisions may be  
40 removed by or under the direction of the department.

1 SECTION 2. Section 18 of Chapter 90 of the General Laws, as so  
2 appearing, is hereby amended by inserting between the first and  
3 second paragraph thereof the following paragraph:—

4 Notwithstanding the foregoing, any city or town which accepts  
5 the provisions of this paragraph may establish a speed limit of not  
6 less than 25 m.p.h. for a way which is a functionally classified local  
7 street and no state approval shall be required; provided, however that  
8 prior to establishing such speed limit such city or town shall deter-  
9 mine the location and length of each thickly settled or business dis-  
10 tricts on functionally classified local streets, as determined by the  
11 department of highways, within such city or town and state and shall  
12 keep a map of such districts available to the public in the office of  
13 the city or town clerk; provided further, that any city or town estab-  
14 lishing a speed limit under this paragraph, shall inform the Depart-  
15 ment of Highways of its location within thirty days after establishing  
16 such speed limit.