

700 CMR: MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

700 CMR 5.000: REGULATION OF CERTAIN ROADWAYS AND BRIDGES

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5.101: Scope and Objective

700 CMR 5.000 is intended to facilitate the transfer of certain roadways and bridges from the Department of Conservation and Recreation (DCR) as provided in St. 2009, c. 25, §§ 176 and 177, and to maintain in full force and effect the regulations governing use and operations of these roadways and bridges previously in effect, including DCR's authority under 700 CMR 5.000.

5.102: Definitions

Bridges. The vehicular bridges and underpasses transferred from DCR to MassDOT pursuant to St. 2009, c. 25, including without limitation those identified in a Memorandum of Understanding between DCR and MassDOT.

DCR. Department of Conservation and Recreation.

MassDOT. Massachusetts Department of Transportation.

MOU. Memorandum of Understanding between the Department of Conservation and Recreation and the Massachusetts Department of Transportation dated November 2, 2009.

Roadways. McGrath and O'Brien Highways in the cities of Cambridge and Somerville, Middlesex avenue in the city of Medford, William Casey highway overpass in the Jamaica Plain section of the city of Boston, Columbia road in the South Boston and Dorchester sections of the city of Boston, Morton street in Boston and Gallivan boulevard in the Dorchester section of the city of Boston.

5.103: Continuance and Severability

(1) Continuance. Under authority granted by St. 2009, c. 25, § 147, on and after November 2, 2009, the provisions of 700 CMR 5.300 through 5.500 shall be implemented by the Department of Conservation and Recreation and the Department of Conservation and Recreation is authorized to so implement in accordance with the Memorandum of Understanding. Except as provided in the MOU and 700 CMR 5.103(2), all permits, authorizations and approvals respecting the transferred Roadways and Bridges shall be implemented by MassDOT.

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(2) DCR Authorization. The DCR is hereby authorized to take actions on the transferred Roadways and Bridges to implement and enforce traffic and pedestrian rules, including the use of crossing guards, and to continue to impose fines, hold hearings and collect revenue relating to such fines. DCR shall also have authority to issue special event permits in coordination with MassDOT.

(3) Severability. The provisions of 700 CMR 5.000 shall be deemed severable. If any of its provisions shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

5.201: Government and Use of the Reservations and Parkways Under the Care and Control of MassDOT

(1) Definition of Reservations and Parkways. Reservations and Parkways shall include all boulevards, roadways, driveways, bridges, buildings, structures, land, beaches, ponds, lakes, rivers and other waters under the care and control of MassDOT.

(2) Rules and Regulations.

(a) Entrance on and exit from reservations, parkways or waterways by vehicular traffic shall be made over designated areas only.

(b) No person is allowed on DCR Reservations except during the hours from dawn to dusk unless specified otherwise at the site, or by permit. Use of Parkways and Bridges is not restricted.

(c) DCR may post rules restricting recreational activity to designated areas and times.

(d) Cookouts shall be allowed only in places designated; and the use of grilles, hibachis and other apparatus for cooking is permitted subject to the direction of an Authorized Police Officer or DCR Ranger. Picnics are allowed except in those areas where expressly prohibited. Open fires are prohibited except by permit from the Commissioner or his designee.

(e) Drunkenness, breach of the peace, profanity, amplified sound, or disorderly conduct offensive to the general public are strictly forbidden. Possession of, or drinking of, alcoholic beverages is forbidden, except when authority has been granted by the Secretary in writing.

(f) No person shall willfully obstruct the free passage of vehicles or persons;

(g) No person shall cause or permit any animal owned by him or her or in his or her custody or under his or her control, except a dog when restrained by a leash not exceeding seven feet in length, to roam or be at large in, on, or through any reservation or parkway, or to be hitched or tied to a fence, tree, bush, shrub, or any object or structure except as otherwise provided; nor ride or drive a horse or animal not well broken and under proper control and then only on such roadways or bridle paths where authorized; nor neglect or refuse to stop, place, change, or move the position of said horse or animal as directed by an Authorized Police Officer or DCR Ranger. Owners are required to properly dispose of their dog's animal waste.

(h) The use of bicycles, and other means of transportation including in-line skating may be prohibited in areas so designated on a site by site basis.

(i) No person, except in an emergency, shall bring, land, or cause to descend within any reservation or parkway any airplane, parachute or other apparatus of aviation, except by written permit from the Secretary or his or her designee.

(j) No person shall injure, deface, destroy, remove or carry off any sign, structure, facility, tree or any other property or equipment, real or personal, under the care and control of MassDOT.

(k) Parades, games, fairs, carnivals, bazaars, gifts or solicitations for raising or collecting funds shall not be permitted without written Secretary approval.

(l) Lotteries, raffles, gambling and games of chance are prohibited; and no person shall have possession of machinery, instruments or equipment of any kind for use for these purposes on MassDOT property.

(m) Public assemblies of more than 25 persons shall not be allowed without a written permit from the Secretary or his designee.

(n) No person shall engage in any business, sale, or display of goods or wares without a written permit from the Secretary or his or her designee.

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5.201: continued

- (o) All signs and advertising are prohibited on MassDOT property without a written permit from the Secretary .
- (p) No person, unless authorized by law or permit, shall have possession of or discharge any weapon, firearm, fireworks or other explosive.
- (q) Hunting or trapping of animals or birds shall not be permitted unless specifically authorized by law, including the Colonial ordinances of 1641-47, or by the Secretary. Injuring or otherwise disturbing animals or birds or their habitat is prohibited.
- (r) No person shall drop, throw, or place and allow to remain any litter, garbage, or other refuse, except in the receptacles provided; nor throw a lighted match, cigarette butt or any other burning substance on the ground or in said receptacles; nor bring or cause to be brought within any reservation or parkway any garbage, refuse or material for the purpose of dumping, or depositing same within said receptacles.
- (s) No person shall drop, throw or place any litter, garbage or refuse in any of the rivers or waters under the care and control of MassDOT, or in any other way pollute or contribute to the pollution of such rivers or waters.
- (t) No person shall refuse or neglect to obey any posted regulatory sign or the lawful directions of an Authorized Police Officer, DCR Ranger or person in charge.
- (u) Public use allowed on established park trails in woodland areas. No off-trail use allowed except by permit from the Commissioner or his/her designee.

(3) Lands and Waters of the Watershed System. 700 CMR 5.201 through 5.209 shall apply to lands and waters under the care and control of MassDOT in and adjacent to the Quabbin, Ware, and Wachusett and Sudbury watersheds, commensurate with the provisions of M.G.L. c. 92, § 119, except where inconsistent with 350 CMR 11.09, or where inconsistent with the purposes for which the watershed system is maintained. In the case of inconsistency the provisions of 350 CMR 11.09 shall govern.

For purposes of permits and other approvals in the lands and waters in the Quabbin, Ware and Wachusett and Sudbury watersheds 'designee' of the Commissioner shall be the Quabbin Reservoir Superintendent for Quabbin and Ware watershed lands and waters, and Wachusett Reservoir Superintendent for Wachusett and Sudbury lands and waters.

(4) Massachusetts Colonial Ordinances of 1641-47 provide the citizens of the Commonwealth the right to fish, fowl and navigate in the areas below the high water mark along the coast.

5.202: Enforcement of Rules and Regulations by DCR Rangers

(1) Definitions.

Offense. Any violation of 700 CMR 5.201 through 5.505.

Ranger. Any person duly appointed by the Commissioner of the DCR to perform the duties of a Ranger pursuant to M.G.L. c. 92, § 34B.

(2) Authority. Pursuant to M.G.L. c. 92, § 34B, Rangers are authorized to issue citations for violations contained in 350 CMR 2.00 through 5.00.

(3) Citation Procedure.

- (a) If a Ranger witnesses a violation of 700 CMR, the Ranger may issue a citation to the offender. The Ranger is authorized to request the name, address, driver's license, phone number, and date of birth of the offender.
- (b) The citation must contain the offense charged, the name and address of the offender, if known, the time and place of the offense and be signed by the Ranger.
- (c) If it is not possible to give the citation to the offender at the time of the offense, the DCR shall mail the citation to the offender's last known address within 15 days of the offense.
- (d) The Chief Ranger shall maintain and preserve one copy of all citations issued, and shall deliver a copy of all citations to the court with jurisdiction, within two business days.

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(4) Payment or Appeal of Citation.

- (a) The offender shall make full payment to the DCR Office of Reservations and Historic Sites, 251 Causeway Street, Boston, Massachusetts 02114.
- (b) In lieu of payment, the offender may, within 21 days of receipt of the citation, request a hearing at the District Court of the Commonwealth with jurisdiction over the matter.
- (c) If the offender fails to make timely payment of the citation and fails to appear for a hearing or fails to pay the citation upon an order of the court, the DCR may seek a criminal complaint against the offender.

5.203: Issuance of Special Use Permits -Generally

- (1) Pursuant to and in conjunction with the policy stated in M.G.L. c. 92, §§ 33 and 37, the Commissioner or his/her designee may, upon a finding that a Special Use Permit request is consistent with the Commission's policy to increase public recreational opportunities, while preserving the environment of public parkland may issue a Special Use Permit.
- (2) An applicant must comply with any terms and conditions contained within the Special Use Permit. Any act authorized pursuant to a Special Use Permit may be performed only by the person(s) named therein, and any such authorizations may not be assigned or delegated, except as provided by such permit.
- (3) Special Use Permits may be issued by the Commissioner on an annually renewable basis, or for such a period of time as in the judgment of the Commissioner appears reasonable and consistent with Commission policy or as limited by any provision(s) of the General Laws.
- (4) The Commissioner shall not issue nor allow continued use of any Special Use Permit, when in the Commissioner's opinion such permit may contribute to water or air pollution or to a general lowering of environmental quality. The Commissioner may waive a permit fee or requirement in whole or in part if he or she is satisfied that such a waiver is consistent with Commission policy and that it is in the best interest of the Commonwealth to do so.
- (5) All person(s) requesting a Special Use Permit must agree to indemnify and hold the Commonwealth, the Commission, its employees and agents harmless against all claims relating to or arising out of the use of Commission property. The Commissioner may require the Permittee to obtain liability insurance to support the Permittee's obligation to indemnify and hold the Commonwealth and Commission harmless.

5.204: Special Use Permits -Commercial Activity

The Commissioner shall issue a special use permit for commercial activity only after evaluating the proposed use in light of the following policies:

- (1) A Special Use Permit for Commercial Activity shall be given only after the Commissioner has requested responses from at least three vendors.
- (2) All commercial activities within Commission lands shall be dependent upon the resources therein and shall enhance the public's enjoyment thereof.
- (3) In determining whether to allow a proposed commercial use, the Commissioner shall consider the likely impact on Commission lands and facilities, the recreation or conservation benefits that will result, and the relative cost and resource effectiveness of the proposal.
- (4) The Commissioner or his or her designee may, at their discretion, conduct a public hearing on any application for a permit for a commercial activity.

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(5) Commercial activities that do not necessitate private control over a given area or resource for a period greater than five years shall be allowed only through revocable permits. Commercial activities requiring such control for a longer period shall be allowed only through lease arrangements approved by the General Court, pursuant to the provisions of Article 49 *Amendments to the Constitution of the Commonwealth of Massachusetts*, and only after such feasibility and impact studies as the Commission deems necessary.

(6) The Commercial activity permit provisions shall not apply to timber harvesting activities in and adjacent to the Quabbin, Ware, and Wachusett and Sudbury watersheds.

5.205: Special Use Permits- Special Events

(1) Special events or activities are defined as supervised or organized situations involving one or more participants or spectators, which might be expected to affect the public use or enjoyment or the general environmental quality of any of the lands or waters of MassDOT.

(2) No person shall conduct any special activity or event upon the lands or waters of MassDOT without first obtaining a "Special Use Permit" from the Secretary or his or her designee.

5.206: Special Use Permit-Special Events -Hatch Memorial Shell

In determining whether to issue such a Permit, the Secretary shall take into consideration the following factors:

- (1) The overall impacts of the seasonal special events schedule on the Hatch Shell environment;
- (2) The impact on surrounding neighborhoods;
- (3) Public safety and traffic concerns;
- (4) The impact on the general public to use and enjoy the Esplanade area.

5.207: Revocation of Special Use Permits

(1) All Special Use Permits issued by MassDOT are in the nature of a license and are revocable at-will.

(2) Any violation of a Permit by its holder, its agents, employees or guests of any term or condition therein shall constitute grounds for its revocation by the Secretary or his authorized representative, whose action therein shall be final.

(3) In case of revocation of any Special Use Permit, all monies paid for or on account thereof shall, at the option of the Secretary, be retained by MassDOT, and the holder of such permit, together with his or her agents, employees, and guests who violated said terms or conditions shall be jointly and severally liable to MassDOT for all damages and/or loss suffered by MassDOT in excess of such monies retained. Neither such retention by MassDOT of the whole nor any part of such monies nor the recovery or collection thereof of such damages, or both, shall in any manner relieve such person(s) from criminal liability for violation of any other state or local law, ordinance, rule or order.

5.208: Permits for Excavations or Driveway Openings on MassDOT Boulevards, Parkways and Land

(1) Definitions.

Boulevard. Any roadway under the care and control of MassDOT.

Excavation. Any digging or opening into the surface of a MassDOT boulevard, parkway or land.

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Parkway. Any roadway under the care and control of MassDOT.

Tree. Shall mean any tree, shrub, or landscape planting.

(2) General.

(a) MassDOT land may be dug up only under the following conditions. No Boulevard or any MassDOT Land shall be dug up, nor opening made therein for any purpose without a permit from the Secretary or the Secretary's designee. No material shall be dumped or placed on MassDOT Property. No tree shall be planted or removed or obstruction or structure placed on MassDOT Property or removed therefrom or changed without the written permit of MassDOT. Any work shall be done under MassDOT supervision and to its satisfaction, and the entire expense of replacing and resurfacing the Boulevard or other MassDOT Land at the same level and in as good condition as before, with materials equal in specifications to those removed, shall be paid by the persons to whom the permit was given or by whom the work was done.

(b) In the case of a driveway opening on a Boulevard, MassDOT shall grant a permit for a driveway location or alteration only after it has been determined that there is no other means of access and egress available and that said proposed driveway is in conformance with generally accepted safety standards.

(3) Application Process. All persons seeking a driveway or excavation permit must submit a request on a form prescribed by MassDOT. All requests must contain the following:

- (a) A plan identifying any proposed change as well as a description of the general area;
- (b) A written description of the proposed work;
- (c) A copy of all permits issued by other regulatory bodies, necessary to perform the proposed work;
- (d) Other documentation requested by MassDOT necessary to facilitate a review of the proposed work.

(4) Work Requirements.

(a) All excavation work must be performed in accordance with applicable statutes, regulations, codes or standards.

(b) Prior to the commencement of any excavation work, the Permittee must notify Dig Safe to obtain location of utilities. The Permittee is charged with the responsibility of reviewing MassDOT plans to ensure that the proposed excavation work will not adversely affect any subsurface utilities, equipment or structures including trees and tree-root systems.

(c) MassDOT may require a bond to guarantee the faithful and satisfactory performance of the work and payment for any damage to MassDOT Boulevards, facilities and associated landscaping features caused by or resulting from the operations authorized by such permit. The amount of said bond shall be determined by the department not to exceed the estimated cost of the work and possible damage, but shall be not less than \$2,000 nor more than \$50,000.

(d) The Permittee must agree to indemnify and hold MassDOT, Commonwealth of Massachusetts harmless for all injuries to persons or property resulting or arising from the issuance of a permit. The Permittee must warranty that all restorative work be in a safe condition for a period of one year after work ceases, and agree that it shall indemnify and defend any suits arising from an unsafe or dangerous condition.

(5) Status of Excavation or Driveway Permit. A permit is in the nature of a licence it is revocable at will. Acceptance of any permit is an acknowledgment of the Permittee that the permit does not confer any rights in real property of the Commonwealth.

(6) Fee for Excavation of Driveway Permits. Fees are set in 350 CMR 14.00.

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5.209: Violations

- (1) Whoever throws or places, or causes to be thrown or placed, any trash or other debris on any parkway, lake, stream or river or within 20 yards of such parkway, lake, stream or river shall be punished by a fine of not more than \$1,000 for the first offense and not more than \$10,000 for each subsequent offense (St. 1985, c. 197).
- (2) Any other violation of 700 CMR 5.201 through 5.209 shall be punishable with a fine of not more than \$200.00 (St. 1980, c. 106).

5.301: Pedestrian Rules

- (1) Pedestrians shall obey all traffic signals, traffic control devices, and heed traffic pavement markings when they are within 300 feet of these elements unless directed otherwise by an Authorized Police Officer or an DCR Ranger.
- (2) Pedestrian Crossings and Use of Roadways. 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.
- (3) Pedestrian Obedience to Traffic Control Signals. Traffic control signal color indications and legends shall have the pedestrian commands ascribed to them in 700 CMR 5.301 and no other meanings, and every pedestrian shall comply therewith, except when otherwise directed by an officer.
 - (a) Red and Yellow or the Word "Walk". Whenever the red and yellow lenses are illuminated together or the single word "Walk" is illuminated, pedestrians facing such indication may proceed across the roadway and in the direction of such signal only.
 - (b) Red Alone or "Don't Walk". Whenever the words "Don't Walk" or any indication other than red and yellow shown together 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 a roadway until the proper indication is illuminated in the traffic control signal, but any pedestrian who has partially completed his/her crossing on the walk indication shall proceed or return to the nearest sidewalk or safety island on the yellow indication, the red indication 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, 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, Yellow or Green. At any traffic control signal locations where a flashing red, flashing yellow or flashing green indication is being given facing a crosswalk, pedestrians shall actuate, where provided, the pedestrian signal indication and cross the roadway only on the red-yellow or "Walk" indication when such indication is in operation. If no pedestrian signal is provided, pedestrians shall cross within crosswalks with due care.
- (4) 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.

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 Commissioner or Commissioner's designee.
- (5) Violation. Any person violating any of 314 CMR 5.00 shall be punished in accordance with the provisions of M.G.L. c. 90.

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5.401: Traffic Regulations and Rules for Driving

(1) The operator of a vehicle shall obey the instructions of any official traffic control sign, signal, device, marking or legend unless otherwise directed by a Authorized Police officer.

(2) No person shall operate a vehicle on any land, roadway, driveway, parkway or bridge, under the care and control of the Department of Conservation and Recreation, at a rate of speed greater than is reasonable and proper having regard to traffic, the use of the way, and the safety of the public; and in no event in excess of the posted limits.

(3) No person shall park a motor vehicle within any reservation or upon any road, driveway, parkway or bridge, nor allow any vehicle to stand upon the traveled portion of any road, driveway, parkway or bridge, nor upon the shoulder of any roadway where parking is prohibited by signs or markings, nor in such a manner as to interfere in any way with the removal or plowing of ice or snow. No person shall drive or park a vehicle upon grass areas. A Massachusetts State Police Officer or DCR Park Ranger may remove a vehicle parked in violation of 700 CMR 5.401 and 5.402, except those specifically exempt by law, to some convenient place, and the owner shall be liable to charge for the removal and storage of the vehicle as well as subject to punishment by fine.

(4) All vehicles shall be operated on the right-hand side of the traveled portion of any road, driveway, parkway or bridge except when passing another vehicle, provided, however, that passing another vehicle shall be permitted in the right-hand lane of any roadway that has two or more lanes of traffic in which the traffic movement is restricted to one direction. In turning, stopping or backing up a vehicle, the operator shall signal, either by mechanical or automatic electrical device, or by hand, indicating the direction about to be taken.

(5) No person shall stop or park a vehicle so as to obstruct a road, driveway, parkway, intersection, sidewalk or pedestrian crossing or on a hill or curve where it would be a hazard or obstruction for other traffic. When stopping or parking a vehicle off of the traveled portion of the road, the front of the vehicle should be facing the direction in which traffic in the nearest traffic lane is flowing, and the vehicle should be stopped or parked parallel and within 12 inches of the curb; but in no case should any vehicle stop or park within 20 feet of any intersection nor within ten feet of a fire hydrant.

(6) Massachusetts State Authorized Police Officers, DCR Rangers or other DCR authorized personnel may divert vehicular traffic or pedestrians, when necessary, to avoid congestion or promote safety and convenience. No person having charge of a motor vehicle shall refuse or neglect to stop or position said vehicle when directed by an authorized police officer, DCR Ranger or authorized DCR personnel or where indicated by signs, markings or barriers.

(7) When indicated by a sign, traffic signal or device, every operator of a motor vehicle shall bring their vehicle to a full stop before entering any road, driveway, or parkway. When indicated to yield the right-of-way by a sign, the operator shall bring the vehicle to a complete stop before entering the intersection, provided, however, the requirement to stop shall not apply when a driver approaching a "yield" sign can enter the intersection in safety without causing interference to approaching traffic.

(8) Notwithstanding where traffic signals may indicate that vehicles may proceed, the operator of a vehicle shall yield to any pedestrian crossing 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.

(9) No person shall signal or stop the operator of any vehicle or approach the occupants for the purpose of soliciting a ride, or selling or distributing any merchandise, advertising matter, or ticket of admission.

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(10) No person shall operate a truck, bus, camper, trailer or mobile home or any vehicle with a seating capacity of more than 12 persons upon any road, driveway, parkway, boulevard or bridge under the jurisdiction of the Department of Conservation and Recreation which is restricted to pleasure vehicles only, provided, however, that "pickup trucks," so-called, having a gross vehicle weight of 5,000 pounds or less and a maximum overall height of seven feet or less are permitted. Those vehicles which are prohibited may gain access to a destination situated on, or only accessible by the use of a restricted roadway, by entering from the nearest roadway and exiting in the same manner; provided, however, that in no case shall a person operate a vehicle having a gross vehicle weight in excess of ten tons upon any roadway of the Department of Conservation and Recreation except by express written consent of said Department of Conservation and Recreation.

(11) No person, other than an employee of the Department of Conservation and Recreation or an employee in the service of an independent contractor acting for the Department of Conservation and Recreation, shall pile, push or plow snow or ice onto any road, driveway, parkway, bridge, or property under the care and control of the Department of Conservation and Recreation except by express written consent of said Department of Conservation and Recreation.

5.402: Violations

Any person violating any of 700 CMR 5.401 or 5.402 shall for each offense be punished by a fine of not more than \$200.00. (St. 1980, c. 106).

5.501: Definitions Applicable to 700 CMR 5.502 through 5.505

The following words and phrases when used in 700 CMR 5.502 through 5.505 shall for the purpose of 700 CMR 5.502 through 5.505 have the meanings respectively ascribed to them except in those instances where the context clearly indicates a different meaning.

Whenever any words and phrases used in are 700 CMR 5.502 through 5.505 not defined in 700 CMR 5.502 through 5.505 but are defined in the Massachusetts General Laws regulating the operation of vehicles, any such definition in the M.G.L. shall be deemed to apply to such words and phrases used in 700 CMR 5.502 through 5.505.

Bus. Vehicles 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 the roadway adjacent to the curb or edge of the roadway set aside for the boarding of or alighting from buses.

Commercial Vehicles. Any vehicle registered for commercial purposes, bearing commercial vehicle number plates, including trailer or semi-trailer, and designed and used primarily for the transportation or delivery of goods, wares, merchandise or equipment, or designed and used for the delivery of utility services or for field services related to maintenance/repair of buildings. The vehicle must display permanently painted or sealed/adhered and plainly marked on both sides of the vehicle's body, exclusive of the windows, and on at least three separate lines, the name of the business entity owning or utilizing the vehicle, the full business address, and the telephone number. The name of the business entity must be displayed in letters or numbers a minimum of three inches in height and the full business address and telephone number must be displayed in letters or numbers a minimum of two inches in height. The business entity may substitute its e-mail address or its web site address for the full business address provided that at least three separate lines are used to display the required information. All lettering and numbers shall have a stroke width of at least 3/8 of an inch and shall be in a color clearly contrasting with the background color of the vehicle's body and shall be placed on the upper portion of the door panels or the body panels of the vehicle.

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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 crossing by lines on the road surface, other markings, signs or cobblestones.

Curb Loading Zone. A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of materials.

Curb Marking. that portion of a curbing, the painting of which has been authorized by the Commissioner or his designee, and which serves as a supplementary warning of a parking restriction. Curb markings alone shall not be construed to be adequate warning for the purpose of enforcement.

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

Government Vehicles. Those vehicles registered to any City or Town, the Commonwealth of Massachusetts, any Official Agency thereof, or to the Government of the United States are all defined as Government Vehicles. These vehicles must bear distinctive license plates so indicating to be so considered for the purposes of the DCR parking regulations and any exemptions therefrom referred to in 700 CMR 5.000.

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.

Metropolitan Way. A public way in which the fee or an easement of travel is owned by the Commonwealth and the establishment, maintenance and use of which are subject to the control of the Department of Conservation and Recreation except as otherwise provided by law.

Official Traffic Control Devices. All signs, signals, markings and devices not inconsistent with 350 CMR and which are placed or erected by authority of the Department of Conservation and Recreation for the purpose of guiding, directing, warning or regulating traffic.

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.

Parkland. All areas within DCR reservations dedicated to park purposes by the Department of Conservation and Recreation including, but not limited to, grass, dirt, or other unpaved areas unless specifically designated for the purpose of vehicle parking or vehicle access by the Department of Conservation and Recreation.

Parkway, Street or Highway. The entire width between the boundary lines of every way under the care and control of the Department of Conservation and Recreation when any part thereof is open to the use of the public for the purposes of vehicular traffic.

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

Railroad Crossing Including Street Railways. Any intersection of ways with a railroad right of way.

Roadway. That portion of a 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 Commonwealth from which the public may be excluded.

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5.01: continued

Sidewalk. That portion of a roadway or parkway under the care and control of the Department of Conservation and Recreation set aside for pedestrian 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 an Authorized Police officer or traffic control sign or signal.

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

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

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 700 CMR 5.50 1 through 5.505 is applicable to them, except other devices moved by human power or used exclusively upon stationary rails or tracks.

5.502: Violations

Violations of the following parking provisions shall be considered a violation of 700 CMR 5.000.

(1) Parking Rules During Snow Accumulation. Notwithstanding any provisions of 700 CMR 5.000 permitting the parking of vehicles, whenever snow or ice accumulates to a depth of two inches or more, no person shall allow, permit or suffer any vehicle registered in their name to stand or to remain upon a Metropolitan way or service way until the Metropolitan way or service way or section thereof used for vehicular travel has been cleared of snow or ice to within 12 inches of the curb or edge of the roadway.

(2) Double Parking is prohibited on the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(3) Parking within ten feet of a fire hydrant is prohibited.

(4) Parking within an intersection is prohibited as defined in 700 CMR 5.501.

(5) Parking in any Metropolitan way or service way of the Department of Conservation and Recreation or part thereof where signs have been placed for the purpose of facilitating the plowing or removal of snow, the cleaning of streets or the maintenance of streets is prohibited.

(6) Obstructing Public Transportation is Prohibited. Parking in such a manner as to obstruct the movement of any street car, trackless trolley, bus or railroad train is prohibited.

(7) Fire Station Exit or Entrance. Parking within 20 feet of the driveway entrance or exit of any fire station or on the side of the Metropolitan way opposite the entrance or exit of any fire station, within 75 feet of said entrance or exit as posted is prohibited.

(8) Railroad or Street Railway Crossing. Parking within 20 feet of the nearest rail of any grade crossing is prohibited.

(9) Crosswalk or Sidewalk. Stop, stand or park a vehicle, whether occupied or not, on any crosswalk, except momentarily to pick up or discharge a passenger or passengers, nor upon any sidewalk is prohibited.

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5.502: continued

(10) Bus or Trackless Trolley Stop. Stop, stand or park a vehicle, other than a bus or trackless trolley, in a bus or trackless trolley stand or stop when such stand or stop has been officially designated by signs, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus waiting to enter or about to enter such zone is prohibited.

(11) Parking in the Wrong Direction is Prohibited. Persons shall park in the direction of the flow of traffic pertaining to that side of the street on which the vehicle is parked.

(12) Emergency Areas. The Commissioner or the Commissioner's designee is hereby directed to designate by signs places in which the stopping, standing or parking of vehicles would create an emergency condition or would cause unusual delay to traffic.

(13) Bridge, Viaduct, Underpass, Tunnel. No person shall stop, stand or park a vehicle upon any bridge or viaduct or in any underpass or tunnel or the approaches thereto or exists therefrom unless signs permitting parking have been installed.

(14) Restricted Area. No person shall allow, permit or suffer any vehicle registered in their name to stand, stop or park at any place where official traffic signs have been placed or erected prohibiting stopping, standing or parking.

(15) Obstructing Driveways is Prohibited. No person shall stop, stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers in front of a public driveway or private driveway or road without the consent of the owner of the driveway.

(16) Obstructing Traffic Control Signals is Prohibited. No person shall stop, stand or park a vehicle so as to obstruct or hide from view a traffic control signal except in compliance with a traffic signal indication.

(17) Parking in a No Passing Zone is Prohibited. No person shall stop, stand or park a vehicle upon any Metropolitan way in a rural or sparsely settled district within any area designated either by signs or pavement markings as a "No Passing Zone".

(18) Parking on Metropolitan Way with less than ten feet passing clearance is prohibited.

(19) Angle Parking is permitted only upon Metropolitan ways or service ways of the Department of Conservation and Recreation or parts thereof which have been marked and signed for angle parking, persons parking shall park with one wheel within 12 inches from the curb or edge of the road and within the markings provided.

(20) Parking outside of the marked lines for areas designated angle parking only is prohibited on Metropolitan ways or service ways of the Department of Conservation and Recreation.

(21) Parking More Than One Foot Away from the Curb is Prohibited. Except as otherwise provided in 700 CMR 5.501 and 5.502, every person stopping or parking upon a Metropolitan way or service way of the Department of Conservation and Recreation shall so stop or park with both wheels on the side of the vehicle adjacent to the curb or edge of the roadway within 12 inches of the curb or edge of the roadway.

Upon any parkway or boulevard where snow, ice, debris or other obstruction prevents the parking of a vehicle as specified above, any vehicle parked so as to obstruct the free flow of traffic shall be considered in violation of 700 CMR 5.501 and 5.502.

(22) Parking in a Loading Zone is Prohibited. No person shall stop, stand or park a vehicle for any purpose or length of time except as provided below, other than for the expeditious unloading and delivery or pick-up and loading of materials in any place marked as a curb loading zone during the hours when the provisions applicable to such zones are in effect.

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5.502: continued

In no case shall the stop for loading and unloading of materials exceed 30 minutes. The driver of a passenger vehicle may stop temporarily at a place marked as a curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any motor vehicle used for transportation of materials which is waiting to enter or about to enter such zone.

(23) Angle Loading or Unloading Rules. The Commissioner and or the Commissioner's designee is hereby authorized to issue special permits to allow the backing of a vehicle to a curb for the purpose of loading or unloading merchandise or materials subject to the terms, conditions, times and dates of such permits. Such permits may be issued either to the owner or lessee of real property or the owner of the vehicle, and shall grant to such person the privilege as therein stated and authorized herein. It shall be unlawful for any permittee or other person to violate any of the special terms or condition of any such permit.

(24) Snow Emergency Rules. If it is the judgment of the Commissioner or the Commissioner's designee that threatening weather conditions may impair the free flow of vehicular traffic or that parked vehicles may impede the clearance of snow, then the Commissioner or the Commissioner's designee may declare a state of emergency under the powers vested in him by statutory law.

Whenever such an emergency is declared by the Commissioner or the Commissioner's designee, and he shall have caused announcement thereof by the use of available news and other media, the following parking prohibitions shall become effective:

No driver shall stop, stand or park any vehicle within the limits of any designated and posted "Emergency Artery" or upon the odd-numbered side of all other public ways, excepting such public ways which have already been or may be designated as "one side parking only" whether odd or even numbered, provided, however, that 700 CMR 5.501 through 5.505 shall not apply to passenger vehicles stopped temporarily during the actual receiving or discharging of passengers nor to commercial vehicles stopped temporarily during the actual loading or unloading of materials.

(25) Handicap Parking. No person shall stop, stand or park in any area designated by official sign as reserved for disabled persons, unless such vehicle bears HP (handicap parking) plates or a HP placard issued by any state. Placards shall be displayed on the dashboards of vehicles without HP plates, or in certain instances hung from the rear view mirror. There are no exemptions to 700 CMR 5.502(27).

(26) Handicap Ramp. No driver shall stop, stand, or park in front of any pedestrian sidewalk ramp (handicap ramp). No Exemptions (not even HP or DV (Disabled Veteran) plates or placards). For ramps located within 20 feet of an intersection, no signs are required. For ramps located well beyond an intersection, signage is required, unless roadway markings for a crosswalk are present.

(27) Resident Permit Only (Boston and Cambridge). No driver shall stop, stand, or park in an area signed "Resident Permit Parking Only" unless that vehicle bears the appropriate resident parking sticker as issued by the Boston Transportation Department or the City of Cambridge.

An expired sticker is invalid. On each sticker is recorded the plate number of the vehicle to which the sticker was issued. The plate number on the sticker must match the plate number of the vehicle. Any discrepancies between the two or changes to the plate number on the sticker make the sticker invalid.

In Resident Parking Permit areas, an HP/DV reserved spot is available to any vehicle with the appropriate license plate. There is no such thing as a "Resident HP or DV" space.

Government vehicles and commercial vehicles, while doing work in the area, will be exempt from Resident Permit Parking restrictions.

(28) Parkland. No person shall stop, stand or park a vehicle upon DCR parkland. (See 700 CMR 5.401(4).) (See 700 CMR 5.501: Parkland). No sign is needed to enforce 700 CMR 5.502(28).

(29) Travel Lane. No person shall stop, stand or park a vehicle within any portion of any DCR parkway, street, or highway. No sign is needed to enforce 700 CMR 5.502(29).

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5.503: Penalties

(1) Any person violating any of 700 CMR 5.502 shall be punished in accordance with the following Schedule of Penalties:

(2) The following schedule of penalties shall apply to violations of 700 CMR 5.501 through 5.505 and M.G.L. c. 90, §§ 20C and D:

Table 1
SCHEDULE A
(Fine--\$50.00 each)

VIOLATION CODE

- 03. Fire Hydrant
- 28. Handicap Ramp

SCHEDULE B
(Fine--\$30.00 each)

- 01. Snow Accumulation
- 04. Within Intersection
- 26. Snow Emergency Regulation
- 09. Crosswalk or Sidewalk
- 29. Resident Permit Only (Boston and Cambridge)
- 30. Parkland

SCHEDULE C
(Fine --\$25.00)

- 02. Double Parking
- 05. Snow Removal, Cleaning, Maintenance
- 06. Obstructing Public Transportation
- 07. Fire Station Exit or Entrance
- 08. Railroad or Street Railway Crossing
- 10. Bus or Trackless Trolley Stop
- 11. Wrong Direction
- 12. Emergency Areas
- 13. Bridge, Viaduct, Underpass, Tunnel
- 14. Restricted Area
- 31. Travel Lane

SCHEDULE D
(Fine--\$15.00)

- 15. Obstructing Driveway.
- 16. Obstructing Traffic Control Signal.
- 17. No Passing Zone.
- 18. Less than Ten Feet.
- 19. Angle Parking.
- 20. Angle Parking Only.
- 21. One Foot from Curb.
- 22. Loading Zone.
- 23. Angle Loading or Unloading.

SCHEDULE E
(Fine \$5.00 each)

- 27. Handicap Parking

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5.504: Violation Towing

(1) A vehicle may be towed as long as the restriction is clearly posted on the DCR sign and that the sign bears "Tow Zone" in the legend.

(2) Towing can occur without need of signage for the following violations:

(Violation Code Number: Title)

- 01. Snow Accumulation
- 02. Double Parking
- 03. Fire Hydrant
- 04. Within Intersection
- 09. Crosswalk or Sidewalk
- 21. One Foot from Curb
- 26. Snow Emergency Regulation
- 28. Handicap Ramp
- 30. Parkland
- 31. Travel Lane

5.505: Payment or Appeal of Parking Violation

(1) The offender shall make full payment to the DCR Office of the Parking Clerk, 251 Causeway Street, Boston, Massachusetts 02114. Payment may be made by mail, or by hand delivery, by money order or check. If payment is made after 21 days, the fine is increased by \$5.00.

(2) In lieu of payment, a hearing may be obtained upon the written request of the registered owner. Failure to obey this notice within 21 days after the date of violation may result in the non-renewal of the license to drive and the registration of the registered owner.

REGULATORY AUTHORITY

700 CMR 5.000: St. 2009, c. 25, § 147 and M.G.L. c. 6C.