

700 CMR 5.000: REGULATION OF CERTAIN ROADWAYS AND BRIDGES

Section

5.101: Scope, and Objective

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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 DCR regulations governing use and operations of these roadways and bridges prior to the transfer..

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, as may be amended from time to time, between DCR and MassDOT.

DCR. Department of Conservation and Recreation.

DCR Regulations. Regulations of the Department of Conservation and Recreation, found at 302 CMR, 304 CMR, 350 CMR, and 801 CMR 4.02 [302 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, as may be amended from time to time.

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, all as transferred from DCR to MassDOT pursuant to St. 2009, c. 25.

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 DCR Regulations shall apply to the Bridges and Roadways. Such regulations shall be implemented and enforced by the Department of Conservation and Recreation and any other entities so authorized under the DCR Regulations, 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, all permits, authorizations and approvals respecting the transferred Roadways and Bridges shall be implemented by MassDOT.

(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, pursuant to DCR regulations at 302 CMR, 304 CMR, and 350 CMR, 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.

700 CMR: MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

REGULATORY AUTHORITY

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