700 CMR 7.00: USE OF THE MASSACHUSETTS TURNPIKE AND THE METROPOLITAN HIGHWAY SYSTEM

Section

7.01: Scope and Effect
7.02: Definitions
7.03: Tolls
7.04: EZDriveMA Toll Collection
7.05: EZDriveMA Toll Enforcement
7.06 Limitations on Use of Ways
7.07: Special Limitations and Issuance of Special Permits
7.08: Limitations on Large Tandem Units
7.09: Traffic, Operation, and Safety
7.10: Motor Carrier Safety Act
7.11: Hazardous Materials
7.12: Repair or Removal of Vehicle
7.13: Penalties
7.14: Parking Violation Enforcement

7.01: Scope and Effect

(1) Scope. 700 CMR 7.00 regulates activity, and establishes procedures, requirements, and penalties, with respect to the use of ways under the jurisdiction of the Massachusetts Department of Transportation. A provision of 700 CMR 7.00 applies equally to each such way, whether or not the provision refers explicitly to a way, unless the provision states otherwise.

(2) Effect. The headings of 700 CMR 7.00 are provided for ease of reference only and should not be used to construe its provisions. A judicial determination that a provision of 700 CMR 7.00 is unenforceable does not affect another provision of 700 CMR 7.00 unless the provisions are integrally related and cannot be severed.

7.02: Definitions

The following terms and their grammatical counterparts are used in 700 CMR 7.00 as described in 700 CMR 7.02:

Abandoned Vehicle refers to a vehicle other than a disabled vehicle left on a way with neither the operator nor another responsible individual present.

Acceleration Lane refers to a special travel lane on a way that facilitates a change of speed by a vehicle entering a travel lane.

Account Holder is an E-ZPass MA or Pay By Plate customer who uses the EZDriveMA system in accordance with applicable rules, regulations and/or terms and conditions.

ALPR shall mean Automatic License Plate Recognition which are automated computer processes that identify a license plate number, state from which the license plate was issued, and/or license plate type using optical character recognition or similar software.

Apportioned Vehicle refers to a motor vehicle bearing a valid number plate with an "apportioned" designation issued by the Massachusetts Registrar of Motor Vehicles or an equivalent number plate.

Articulated Bus refers to the term "articulated bus" as defined in M.G.L. c. 90, § 1.

Auto Home refers to the term "auto home" as defined in M.G.L. c. 90, § 1.

Automobile Transporter refers to the term "automobile transporter" as defined in M.G.L. c. 90, § 1. A tractor-trailer or semi-trailer unit capable of transporting fully-assembled automobiles or other types of cargo within the enclosed trailer in a tractor-trailer unit or within the enclosed

semi-trailer in a semi-trailer unit is not an "automobile transporter" for the purposes of 700 CMR 7.02.

Axle refers to a supporting structure, upon which a pair or pairs of wheels revolve, that may be included between two parallel transverse vertical planes forty inches apart extending across the full width of the supported vehicle.

Balance Due the amount shown on invoices and other notices, which includes the amount due for tolls, fines, and other fees owed to MassDOT for use of the Massachusetts Turnpike, MHS, or MassDOT or MassDOT approved facilities.

Boat Transporter refers to the term "boat transporter" as defined in M.G.L. c. 90, § 1.

Boston Extension refers to the roadways and tunnels for vehicular traffic as defined in M.G.L. c. 6C, § 1.

Boston Extension Tunnel refers to the vehicular tunnel consisting of two roadways separated by a median under the air rights project between Dalton Street and Clarendon Street, including Interchange 22, in the city of Boston, and any additional area that the Department designates as such.

Breakdown Lane refers to a paved lane on a way to the right of the travel lanes and separated from them by a solid line.

Bridge Gross Weight Formula refers to the formula and definitions of terms set out in 700 CMR 7.07(3)(b).

Bus refers to a motor vehicle bearing a valid number plate with a "bus" designation issued by the Massachusetts Registrar of Motor Vehicles or an equivalent number plate.

Callahan Tunnel refers to the tunnel for vehicular traffic as described and defined in M.G.L. c. 6C, § 1.

Car Pool Vehicle refers to a private passenger motor vehicle, not for public hire, carrying three or more occupants, one of whom possesses a currently valid car pool identification card.

Chief Engineer refers to the Chief Engineer of the Department or an employee or employees of the Department designated by the Chief Engineer to carry out one or more of the responsibilities assigned to the Chief Engineer in accordance with 700 CMR 7.00.

Clerk shall mean MassDOT employees, hearing examiners, or persons employed by or under contract with MassDOT or its EZDriveMA system contractor, designated by MassDOT to review and to perform functions related to EZDriveMA such as processing transactions, invoicing, disputes, appeals and hearings, and to administer and/or enforce collections or other liabilities and tasks associated with the EZDriveMA system.

Commercial Vehicle shall mean any Motor Vehicle which is not a Private Passenger Motor Vehicle displaying a private passenger registration number plate issued by the Massachusetts Registrar of Motor Vehicles or other jurisdictions or an equivalent number plate and is not a Motorcycle displaying a Motorcycle registration number issued by the Massachusetts Registrar of Motor Vehicles or other jurisdictions or an equivalent number plate.

Creeper Lane refers to a special travel lane on a way provided for vehicles that cannot maintain the required rate of speed over travel lanes.

Cross-over refers to an area in a median used by a vehicle authorized in accordance with 700 CMR 7.09(10)(b) to cross a median.

Deceleration Lane refers to a special travel lane on a way that facilitates a change of speed by a vehicle leaving a travel lane.

Department or MassDOT refers to the Massachusetts Department of Transportation created by

M.G.L. c. 6C.

Department Vehicle refers to a vehicle owned by the Department and operated by one of its employees or a Massachusetts Troop E State Police officer.

Disabled Vehicle refers to a vehicle on a way that is incapable of movement under its own power or as to which movement is inadvisable because of a flat tire, mechanical breakdown, or other malfunction. A disabled vehicle is not an abandoned vehicle provided that it is not stopped on a way for a period of more than two hours and that the Massachusetts State Police have been notified that the vehicle is disabled.

Equivalent Number Plate refers to a type of number plate issued by the Registrar or department of motor vehicles or similar official or department of another jurisdiction in accordance with the law of that jurisdiction that is equivalent in function and designation to the specific type of number plate issued by the Massachusetts Registrar of Motor Vehicles that 700 CMR 7.00 requires a vehicle registered in Massachusetts to display.

EZDriveMA is the cashless, automated system installed on or operating with respect to the Massachusetts Turnpike, MHS, a way, or at other MassDOT or MassDOT approved facilities for the purpose of collecting tolls, fares, fees, fines or other transactions as determined by MassDOT. The EZDriveMA system consists of E-ZPass MA and Pay By Plate.

E-ZPass MA equipped Motor Vehicle shall mean a motor vehicle properly equipped with and using a valid electronic device, such as a transponder, that MassDOT, or its E-ZDrive MA system contractor has issued or authorized for the purpose of transmitting information to the EZDriveMA system for collecting tolls, fares, fines, fees or other transactions electronically

E-ZPass MA shall mean the electronic toll collection system installed on or operating with respect to the Massachusetts Turnpike, a way, or at other MassDOT or MassDOT approved facilities for the purpose of collecting tolls, fares, fines, fees or other transactions through an electronic device, such as a transponder, as determined by MassDOT.

Explosive refers to any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, *i.e.*, with substantially instantaneous release of gas and heat.

Fullmount refers to a smaller vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination.

Gross Vehicle Weight Rating refers to the term "gross vehicle weight rating" as defined in M.G.L. c. 90, § 1.

Hazardous Material refers to the term "hazardous material" as defined in 49 CFR Parts 171 through 173 and 177.

Hearse refers to a motor vehicle bearing a valid number plate with a "hearse" designation issued by the Massachusetts Registrar of Motor Vehicles or an equivalent number plate.

Heavy Commercial Vehicle refers to a vehicle in excess of 2.5 tons that is used for the transportation of goods, wares, or merchandise.

High-occupancy Vehicle refers to a bus, a car pool vehicle, a pupil vehicle, a school bus, or a vanpool vehicle.

Hot List – a list of specific license plates and/or transponder numbers provided or identified by law enforcement to MassDOT pursuant to the standards and procedures in 700 CMR 7.05(8).

House Trailer refers to the term "house trailer" as defined in M.G.L. c. 90, § 1.

Interchange refers to a location, with or without toll booths, that provides entry to and/or exit from a way.

Irreducible Load or Vehicle refers to a load or vehicle exceeding applicable weight or length limitations under 700 CMR 7.07 that, if separated into smaller loads or vehicles, would compromise the intended use of the vehicle, *i.e.*, make it unable to perform the function for which it was intended; destroy the value of the load or vehicle, *i.e.*, make it unusable for its intended purpose; or require more than eight work hours to dismantle using appropriate equipment.

Irreducible Load Permit refers to a permit that the Department issues for use of a way in accordance with 700 CMR 7.07(3)(c)1. or 700 CMR 7.07(4)(c)1.

Lane refers to a longitudinal strip of roadway of sufficient width to accommodate the passage of a single line of vehicles, whether or not the bounds of the lane are indicated by pavement markings or longitudinal construction joints.

Large Tandem Unit refers to a tandem unit in which either the semi-trailer or trailer exceeds 28 feet in length.

Large Tandem Unit Permit refers to a permit that the Department issues in accordance with 700 CMR 7.08.

Late Fee is assessed by MassDOT on unpaid tolls and/or other transactions that have not been paid in full by the Payment Due Date shown on an invoice or notice.

Livery Vehicle refers to a motor vehicle bearing a valid number plate with a "livery" designation issued by the Massachusetts Registrar of Motor Vehicles or an equivalent number plate.

Marking refers to a line, legend, or other medium or device that is painted or placed by or at the direction of the Department on the surface of a way.

Massachusetts State Police Officer refers to a state police officer assigned to the Department under the provisions of M.G.L. c. 22C, § 29.

MassDOT or Department refers to the Massachusetts Department of Transportation created by M.G.L. c. 6C.

Median refers to the area separating traffic moving in opposite directions on a way.

Metropolitan Highway System (MHS) refers to the highway system that consists of the Boston Extension, the Callahan Tunnel, the Central Artery, the Central Artery North Area, the Sumner Tunnel, and the Ted Williams Tunnel, as defined in M.G.L. c. 6C, § 1.

Motorcycle refers to the term "motorcycle" as defined in M.G.L. c. 90, § 1.

Motor Vehicle refers to the singular of the term "motor vehicle" as defined in M.G.L. c. 90, § 1

Non-revenue Vehicle refers to an official vehicle of the Department and any other vehicle that the Department designates as such.

Official Emergency Vehicle refers to an official police, fire, or health services vehicle of Massachusetts or any of its municipalities, political subdivisions, or instrumentalities.

Official Vehicle of the Department refers to a motor vehicle of a member, officer, or employee of the Department or of a person engaged in the performance of duties in connection with the operation of a way.

On The Go (OTG) is a prepaid toll payment option through use of a transponder or other electronic device issued by MassDOT or its EZDriveMA contractor, for use with the EZDriveMA system, and said device has not been registered with MassDOT or other agency or entity that has toll collection reciprocity with MassDOT.

Operator refers to an individual who operates a motor vehicle.

Over-size Vehicle refers to a vehicle or vehicle combination that exceeds the maximum size designated for a vehicle or vehicle combination of its type as specified in 700 CMR 7.07(4)(a).

Over-weight Vehicle refers to a vehicle that exceeds the maximum weight designated for a vehicle of its type as specified in 700 CMR 7.07(3) and/or 700 CMR 7.08(4).

Parked Vehicle refers to a vehicle that is stopped or standing, whether occupied or not, except that a vehicle is not a parked vehicle if it has stopped temporarily because its movement is obstructed, it is waiting to enter or leave a toll booth lane, the operator is following the direction of a Massachusetts State Police officer or a sign, or because it is a disabled vehicle.

Parking refers to the stopping or standing of a parked vehicle.

Pay By Plate (PBP) refers to the EZDriveMA payment option where photographic or video images of vehicles and license plates are used to either post toll transactions to a Registered Pay By Plate account or for obtaining the name and address of the registered owner of the vehicle from the RMV/DMV or other means, for purposes of collecting tolls, fees, fines, and other debts owed.

Pay By Plate Invoice refers to an itemized statement issued to a vehicle's registered owner of record or responsible party, where applicable, which provides a summary of toll usage, tolls due, balance, late and other fees, fines, penalties, and other amounts due associated with toll or other transactions; as well as payments made, and/or credits..

Pay By Plate Past Due Invoice refers to a statement issued to a vehicle's registered owner or other responsible party, where applicable, when any portion of the Balance Due from the Pay By Plate Invoice is outstanding after the Pay By Plate Invoice Payment Due Date. Pay By Plate Past Due Invoice may include any previous Balance Due and any current tolls, fees, fines, penalties, and other amounts due; as well as payments made, credits, and/or other transactions.

Pay By Plate Notice of Non-Payment (NONP) is a statement issued to a vehicle's registered owner of record, or other responsible party, where applicable, when any portion of the Balance Due from the Pay By Plate Past Due Invoice is outstanding after the Pay By Plate Past Due Invoice Payment Due Date. The NONP may include any previous Balance Due and any current tolls, fees, fines, penalties and other amounts due; as well as payments made, credits, and/or other transactions.

Pay By Plate Notice of Liability (NOL) is a statement issued to a vehicle's registered owner of record when any portion of the Balance Due from the NONP is outstanding after the NONP Payment Due Date. The NOL may include any previous Balance Due and any current tolls, fees, fines and penalties, as well as payments made credits, and/or other transactions. The NOL demands immediate payment of NOL Balance Due.

Pay By Plate Registered account refers to a payment option whereby a vehicle and its corresponding license plate is provided by the customer to be listed on an account for collecting tolls, fees, fines or other transactions as determined by MassDOT.

Payment Due Date is the date on which a payment must be received by MassDOT in accordance with an invoice or notice issued by MassDOT for any E-ZPass MA or Pay By Plate account in order to avoid additional fees, fines, and/or penalties.

Person refers to an individual, firm, co-partnership, association, corporation, or other legal entity.

Private Passenger Motor Vehicle refers to the term "private passenger motor vehicle" as defined by the Registrar of Motor Vehicles in 540 CMR 2.05: *Vehicle Registration Requirements*.

Pupil Vehicle refers to a motor vehicle bearing a valid number plate with a "pupil" designation issued by the Massachusetts Registrar of Motor Vehicles or an equivalent number plate.

Qualified Towing Contractor refers to a qualified emergency road-service provider having a service contract with the Department in accordance with 700 CMR 7.12(2)(c)3.

Recreational Vehicle refers to a private passenger motor vehicle that provides living accommodations for persons or an apportionable vehicle designed or converted and used exclusively for personal pleasure or travel by an individual or the individual's family.

Reducible Load refers to any load or object including the vehicle whose gross weight or dimensions can be practically reduced to a lesser gross weight or dimension as determined by the Chief Engineer.

Reducible Load Permit refers to a permit that the Department issues to an owner or lessee of a vehicle for which the chief engineer has issued a valid reducible load permit in accordance with 700 CMR 7.07(3)(c)3.

Registered Owner refers to a person registered by the Massachusetts Registrar of Motor Vehicles in accordance with M.G.L. c. 90, § 2, at the time of a violation of 700 CMR 7.03, 700 CMR 7.04, or 700 CMR 7.12 as the owner of the vehicle involved in the violation or who is so registered by the Registrar or department of motor vehicles or similar official or department of another jurisdiction in accordance with the law of that jurisdiction.

Roadway refers to that portion of a way consisting of travel lanes, including acceleration lanes and deceleration lanes, creeper lanes, and ramps or approaches to toll plazas.

Saddlemount Combination refers to a combination of vehicles in which a truck or tractor tows one or more trucks or tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The saddle is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front of the towed vehicle and functions as a fifth wheel kingpin connection. When two vehicles are towed in this manner, the combination is called a double saddlemount combination, and, when three vehicles are towed in this manner, the combination is called a triple saddlemount combination.

School Bus refers to a motor vehicle bearing a valid number plate with a "school bus" designation issued by the Massachusetts Registrar of Motor Vehicles or an equivalent number.

Semi-trailer refers to the term "semi-trailer" as defined in M.G.L. c. 90, § 1. Semi-trailer unit refers to the term "semi-trailer unit" as defined in M.G.L. c. 90, § 1.

Service or Rest Area refers to an area that the Department designates along a way for the purpose of providing travelers on the way rest or refreshment or to provide services for vehicles using the way.

Shoulder refers to that part of the paved surface of a way lying outside solid traffic lines.

Sign refers to a sign, lights, signal, barrier, marker, marking, cone, barrel, or similar device or indicator, whether the means of display or indication is mechanical, electrical, acoustical, or another means, that the Department deploys or causes to be deployed for the purpose of regulating traffic, parking, or other activity on a way.

Small Tandem Unit refers to a tandem unit in which either the semi-trailer or trailer does not exceed 28 feet in length.

Small Tandem Unit Permit refers to a permit that the Department issues in accordance with 700 CMR 7.07(3)(c)(4).

Special Fuel refers to a liquefied petroleum gas, including propane, butane, LP Gas or LPG, a liquefied natural gas or LNG, and a compressed natural gas or CNG.

Special Fuel Transportation Permit refers to a permit that the Department issues allowing a vehicle transporting a special fuel to travel on certain portions of a way in accordance with 700 CMR 7.07(6).

Special Permit refers to an irreducible load permit, a large tandem unit permit, a small tandem unit permit, a reducible load permit, a special permit for explosives, or a special fuel transportation permit.

Special Permit for Explosives refers to a permit that the Department issues allowing a vehicle transporting explosives to travel on certain portions of a way in accordance with 700 CMR 7.07(5).

Special Vehicle refers to a vehicle that is not otherwise a commercial vehicle or high-occupancy vehicle and that the Department designates as authorized to use the Tunnels in furtherance of a purpose or need consistent with the public welfare or necessity and with the safe and efficient use of the Tunnels.

Sumner Tunnel refers to the tunnel for vehicular traffic as defined in M.G.L. c. 6C, § 1.

Tandem Axles refers to two or more consecutive axles whose centers can be included between parallel transverse vertical planes spaced not less than 40 and not more than 96 inches apart, extending across the full width of the vehicle.

Tandem Unit refers to the term "tandem unit" as defined in M.G.L. c. 90, § 1.

Taxi refers to a motor vehicle bearing a valid number plate with a "taxi" designation issued by the Massachusetts Registrar of Motor Vehicles or an equivalent number plate.

Ted Williams Tunnel refers to the system of roadways, bridges, viaducts and tunnels for vehicular traffic as defined in M.G.L. c. 6C, § 1.

Toll shall mean the amount assessed by MassDOT for passage over the Massachusetts Turnpike and MHS.

Tractor refers to the non-cargo carrying power unit that operates in combination with a semi-trailer or trailer, except that the power unit of a semi-trailer unit engaged in the transportation of automobiles is also a tractor notwithstanding its use to carry motor vehicles.

Traffic refers to vehicles, either singly or together, using any portion of a way for the purpose of travel.

Traffic Control Signal refers to a device using colored lights whereby traffic may alternately be directed to slow down and proceed with caution, to stop, or to proceed.

Trailer refers to the term "trailer" as defined in M.G.L. c. 90, § 1.

Transponder refers to an electronic Device used for the collection of tolls, fines, or other fees as determined by MassDOT.

Travel Lane refers to a lane used by traffic for ordinary travel.

Truck refers to a motor vehicle designed to carry goods.

Tunnels refers to all Tunnels owned and operated by the Department, Metropolitan Highway System Tunnels, including but not limited to the Callahan, Sumner, Ted Williams, Boston Extension as defined in M.G.L. c. 6C, § 1, including the roadway referred to as the Prudential Tunnel, I-90, I-93, and the Central Artery North Area (CANA) Tunnels, individually or collectively, including their access and egress ramps, each of which is a way.

Turnpike refers to the term "turnpike" as defined in M.G.L. c. 6C, § 1.

U-turn refers to the backing or turning of a vehicle whereby its direction is reversed.

Vanpool Vehicle refers to a motor vehicle bearing a valid number plate with a "vanpool" designation issued by the Massachusetts Registrar of Motor Vehicles or an equivalent number

plate.

Vehicle refers to a device in, upon, or by which individuals or property are or can be transported upon a way.

Vehicle Combination refers to any attached combination of a motor vehicle and vehicle or vehicles.

Vehicle Height refers to the height of a vehicle, including its load.

Vehicle Length refers to the length of a vehicle or vehicle combination, including its load and load-holding devices, but exclusive of safety and energy-conservation devices such as refrigeration units and air compressors, heating units, wind deflectors, flexible fender extensions, mud flaps and splash and spray suppressant devices, or other device that the Department determines is necessary for safe and efficient operation, provided that any such device is mounted, and extends beyond the nominally allowed length, in a manner and to the extent that the Department determines, and provided further that the device is not designed or used to carry cargo.

Vehicle Weight refers to the gross weight of a vehicle, including its load.

Vehicle Width refers to the width of a vehicle, including its load, but exclusive of load-induced tire bulge, rear view mirrors, turn signal lamps, hand holds for cab entry or egress, mud flaps and splash and spray suppressant devices, or other device that the Department determines is necessary for the safe and efficient operation of the vehicle, provided that any such device is mounted, and extends beyond the nominally allowed width, in such manner and to such extent as the Department determines, and provided further that in no event may such a device extend more than three inches beyond the maximum vehicle width on each side.

Way is defined as the Turnpike, the Metropolitan Highway System, tunnels, a service or rest area, that is located on property owned or controlled and under the jurisdiction of the Department, and includes the areas appurtenant to said way that are necessary for the operation, construction and maintenance of the way.

7.03: Tolls

(1) Vehicle Classification. The Department applies the vehicle classification schedules specified in 700 CMR 7.03(1): *Table 1*, to determine tolls for the use of a way for which the Department collects a toll. (*See* Notes 1)..

TABLE 1

Class	Type of Vehicle
2	Private Passenger - 2 Axles

2	Resident Program Commuter ** - 2 Axles
2	Commercial – 2 Axle
3	Any 3 Axle Vehicle
4	Any 4 Axle Vehicle
5	Any 5 Axle Vehicle
6	Any 6 Axle Vehicle
7	Any 7 Axle Vehicle
8	Any 8 Axle Vehicle
9	Any 9 Axle Vehicle
10	Any 10 Axle Vehicle
11	Any 11 Axle Vehicle
12	Any 12 Axle Vehicle
13	Any 13 Axle Vehicle
14	Any 14 Axle Vehicle
15	Any 15 Axle Vehicle

* Motor Vehicle Description determined by type of registration (Massachusetts vehicles) or by image and/or type of vehicle (non-Massachusetts vehicles).

Note 1. Toll Rates may vary for vehicles qualifying for specific toll rate Programs established by the Department.

(2) Payment of Toll. Each Operator shall pay the toll as established by MassDOT. MassDOT may obtain an image of the vehicle and/or vehicle license plate for purposes of assessing a toll, invoicing, assessing fees, fines, and/or penalties; evaluating transaction disputes and appeals; and toll collection and violation enforcement.

(3) Evasion of Toll. No person may commit, or attempt to commit, any act with the intent to evade the payment of a toll or to defraud the Department with respect to the payment of a toll. Refusal to pay a toll are both considered to be acts done with intent to evade the payment of a toll.

(4) Special Permit Fees. The operator of a motor vehicle requiring a special permit for use of a way shall pay the fee that the Department determines in accordance with the provisions of the permit and of 700 CMR 7.07.

(5) Car Pool Program. Only authorized E-ZPass MA-equipped vehicles will be eligible for the car pool program. Qualifying individuals who choose to participate in the car pool program shall adhere to the E-ZPass MA terms and conditions and regulations governing the use of the EZDriveMA system and the car pool program. To be eligible for the car pool program, qualifying individuals shall renew on an annual basis. Qualifying individuals must submit on an annual basis a valid Massachusetts Registry of Motor Vehicles registration and/or lease agreement, and a valid driver's license. Failure to renew by the applicable expiration date will result in the loss of the car pool program discount. While not in the program, the subject individual shall be responsible for the full toll rate and the full, non-discounted toll rate.

(6) Vehicle Classification. Each motor vehicle displaying a private passenger registration number plate or a motorcycle displaying a motorcycle registration number plate shall pay the toll established by MassDOT for a Private Passenger Motor Vehicle, provided such vehicles are listed on a Private Passenger Account. Each motor vehicle which does not display a private passenger registration number plate or a motorcycle registration number plate, or any private passenger registration or motorcycle that is listed on a Commercial Account shall pay the toll established by MassDOT for a Commercial Motor Vehicle. Toll rates may vary depending upon the method in which the toll was assessed.

(7) Resident Discount Program. Only authorized E-ZPass MA-equipped vehicles will be eligible for the resident discount program. Residents who qualify and choose to participate in the resident discount program shall adhere to the E-ZPass MA terms and conditions and regulations governing the use of the EZDriveMA system. To be eligible for the resident discount program, qualifying Boston residents shall renew on an annual basis. Eligible residents must submit on an annual basis a valid Massachusetts Registry of Motor Vehicles registration and/or lease agreement, a valid Massachusetts driver's license, and current proof of residency as determined by the Department. Failure to re-qualify by the applicable expiration date will result in the loss of the resident toll rate. While not in the program, the subject resident shall be responsible for the full toll rate and the full, non-discounted toll rate will be posted to the subject E-ZPass MA account or invoiced as a Pay By Plate toll transaction.

St. 1995, c. 102, § 14 was enacted as a mitigation measure resulting from construction activities of the Central Artery/Tunnel Project and the increased amount of traffic passing through the affected communities of East Boston, the North End of Boston, and South Boston. In order to mitigate the impacts of construction and traffic on certain sections of the city of Boston most directly affected, St. 1995, c. 102, § 14 was enacted which states in pertinent part that the Department may not charge and collect tolls for transit through the Callahan tunnel, the Sumner tunnel or the Third Harbor tunnel by private passenger vehicles registered in the East Boston or South Boston sections of the city of Boston, that are greater than the tolls in effect for such vehicles at existing tunnel toll facilities on August 10, 1995; and further, that the Department may not charge and collect tolls for transit through the Callahan or Sumner tunnels to private passenger vehicles registered in the North End section of the city of Boston, that are greater than the tolls in effect for such transit through either the Sumner tunnel or Callahan tunnel for such vehicles on August 10, 1995.

(8) E-ZPass MA Requirement - Two Axle Commercial Vehicles and Common Carriers.

(a) Two Axle Commercial Vehicles. All two axle Commercial Vehicles, as defined in 700 CMR 7.02, operating through the Sumner Tunnel and/or the Ted Williams Tunnel in Boston, Massachusetts, shall be equipped with an E-ZPass MA device, as described within the provisions of 700 CMR 7.04, for the payment of the required toll in accordance with the appropriate vehicle classification contained in 700 CMR 7.03(9)(a).

(b) Common Carriers. All Common Carriers, as defined in M.G.L. c. 159A, operating on any way under the jurisdiction of the Department for which operation said Common Carrier must obtain a Common Carrier License from the Department in accordance with M.G.L. c. 159A, shall be equipped with an E-ZPass MA device, as described within the provisions of 700 CMR 7.04, for the payment of the required toll in accordance with the appropriate vehicle classification contained in 700 CMR 7.03(9)(b).

7.04: EZDriveMA Toll Collection

(1) EZDriveMA System. The Department from time to time establishes the terms and conditions governing the use of the E-ZDrive MA system and requires that all users of the EZDriveMA System accept these terms and conditions. The EZDriveMA system is comprised of E-ZPass MA and Pay By Plate.

(2) Use of the EZDriveMA System. No person may use or attempt to use the Department's EZDriveMA system unless:

(a) the vehicle driven is properly registered with the RMV/DMV;

(b) the vehicle license plate number, jurisdiction, and other identifying characters on the license plate are all clearly visible at all times and the license plate(s) is/are unobstructed and mounted in compliance with M.G.L. c. 90, § 6; and

(c) the person agrees to adhere to all laws, regulations and terms and conditions governing the use of the Massachusetts Turnpike, MHS and the EZDriveMA system.

(3) E-ZPass MA Account and Use of On the Go Device. No person may possess an electronic device for use with the EZDriveMA system unless:

(a) the person is duly registered with the Department or its designated EZDriveMA contractor as an Account Holder; or

(b) the person is operating an authorized E-ZPass MA-equipped Motor Vehicle with the permission of the Account Holder of the E-ZPass MA-equipped Motor Vehicle; and

(c) the person has a valid OTG device and is using MassDOT facilities in accordance with applicable regulations and terms and conditions; or
(d) the person is using a valid electronic device of an electronic toll collection system of another jurisdiction that maintains reciprocity with the Department; and
(e) the person is operating a valid E-ZPass MA-equipped Motor Vehicle and that device is properly programmed to assess the appropriate toll charge as determined by the Department from time to time, for the classification of the vehicle that is using the E-ZPass MA System in accordance with the classification of that vehicle enumerated in 700 CMR 7.03;
(f) the vehicle is properly registered with the RMV/DMV; and
(g) the electronic device is properly mounted and operable and the associated account is in good standing.

(4) Pay By Plate Program - Driving on a MassDOT toll roadway without an E-ZPass MA account, Pay By Plate Registered account, or a toll account of another agency that has toll reciprocity with MassDOT, will result in an invoice issued to the registered owner or responsible party, where applicable, based on an image taken of the vehicle license plate or other identifying information. Pay By Plate invoices and notices will be issued according to the following processes:
(a) Pay By Plate Invoice is an itemized statement issued to the vehicle's registered owner of record, or other responsible party, where applicable, in accordance with 700 CMR 7.02. The Registered Owner or responsible party must pay the Balance Due by the Payment Due Date on the Pay By Plate Invoice.
(b) Pay By Plate Past Due Invoice is an itemized statement issued to the vehicle's registered owner of record, or other responsible party, in accordance with 700 CMR 7.02 The Balance Due must be received by MassDOT by the Payment Due Date on the Pay By Plate Past Due Invoice. Late fees, fines, or other penalties may be assessed when any portion of the Balance Due from the Pay By Plate Invoice is outstanding after the Pay By Plate Invoice Payment Due Date.
(c) Pay By Plate Notice of Non Payment (NONP) is an itemized statement issued to the vehicle's registered owner of record, or other responsible party, where applicable, in accordance with 700 CMR 7.02 The Balance Due must be received by MassDOT by the Payment Due Date on the Pay By Plate NONP. Late fees, fines, or other penalties may be assessed when any portion of the Balance Due from the Pay By Plate Past Due Invoice is outstanding after the Pay By Plate Past Due Invoice Payment Due Date.
(d) Pay By Plate Notice of Liability (NOL) is an itemized statement issued to the vehicle's registered owner of record, or other responsible party, where applicable, in accordance with 700 CMR 7.02. Late fees, fines, or other penalties may be assessed when any portion of the Balance Due from the Pay By Plate NONP is outstanding after the Pay By Plate NONP Payment Due Date. The Registered Owner must pay the NOL Balance Due immediately. The issuance of an NOL constitutes notification that enforcement action with the RMV/DMV has been taken in accordance with 700 CMR 7.05(4).
(e) MassDOT may assess a higher toll rate or other fee to a Pay By Plate customer, for the costs associated with administering the Pay By Plate program.

(5) Unauthorized Use. Only customers in good standing who comply with applicable terms and conditions and rules and regulations are authorized to use the EZDriveMA system. A person who operates a motor vehicle which is not an authorized E-ZPass MA-equipped Motor Vehicle, listed on a Pay By Plate Registered account, or using an electronic toll collection device of another agency or entity that has toll collection reciprocity with MassDOT, shall be considered a Pay By Plate customer and shall be subject to the provisions of 700 CMR 7.04. A person who has been issued a Notice of Liability for failure to pay one or more Pay By Plate invoices, and said invoices remain unpaid, shall not be authorized to use the EZDriveMA system.

(6) Assessment of Toll. A motor vehicle that travels on the Massachusetts Turnpike and the MHS incurs a toll. The Department assesses the appropriate toll charge against the corresponding E-ZPass MA Account Holder or for Pay By Plate account to the Registered Owner of record of the vehicle or responsible party, where applicable.

(7) Evasion of Toll by Device or Method. No person may use or attempt to use any device or method, the intended result of which is the inability of the EZDriveMA system to assess or

collect the toll due under 700 CMR 7.03 or the non-payment of the toll. Failure to comply with 700 CMR 7.04(7) shall be considered toll evasion and/or unauthorized use of the EZDriveMA system.

(8) *Prima Facie* Responsibility. The registered owner of record of the motor vehicle is *prima facie* responsible for the payment of the tolls, fees, fines and/or penalties that the Department assesses with respect to the nonpayment of the toll unless:

(a) Stolen Vehicle. The registered owner of record has reported in a timely manner to a police agency that the subject vehicle has been stolen, and the subject vehicle remained stolen at the time of the toll transaction; or

(b) Leased or Rented Vehicle. The registered owner of record is in the business of leasing or renting motor vehicles and provides to MassDOT by the Payment Due Date on the Pay By Plate invoice, a copy of a lease, rental or similar contract document indicating that the vehicle was leased or rented at the time of the toll transaction and the identity, address and driver's license information of the person entitled to possession is discernible from the document, in which case that person is *prima facie* responsible for the payment of the fines or penalties that the Department assesses in accordance with 700 CMR 7.00.

(9) Toll Rate Discount. Pay By Plate customers and non-EZDriveMA customers shall not be eligible for the toll discount program provided for in M.G.L. c. 6C, § 13(b), Said discount shall only be available to two-axle passenger vehicles on passenger E-ZPass MA accounts.

7.05: EZDriveMA Toll Enforcement

(1) Enforcement. Operators who use the EZDriveMA system acknowledge and authorize MassDOT or its contractor to acquire the name and address of the Registered Owner of record of the vehicle for purposes of EZDriveMA toll collection and enforcement. A Clerk may enforce the provisions of 700 CMR 7.05.

(2) Designation of Clerks. MassDOT may designate one or more Clerks to perform the functions specified in 700 CMR 7.05(3) for MassDOT and for such finite or indefinite period as MassDOT deems desirable.

(3) Functions of the Clerks. The Clerks coordinate and administer the processing of EZDriveMA statements, invoices and notices, and any and all other duties and tasks associated with toll collection, toll enforcement, and the EZDriveMA system. MassDOT may hire or designate such personnel and organize such divisions as MassDOT may deem necessary, or contract for such services, in order to carry out the provisions of 700 CMR 7.05(3).

(4) Issuance and Content of Pay By Plate Invoices and Notices.

(a) Information Regarding the Balance Due. A Pay By Plate Invoice and notice include, but is not limited to, the following information: the registration number and state of issuance of the registration number of the vehicle involved; the name of the registered owner of the vehicle, or other responsible party where applicable; the lessee or renter as identified by 700 CMR 7.04(8)(b); the date, time and place of the transaction; the total amount owed; the applicable fines or penalties incurred that MassDOT has assessed; and such other information as MassDOT may deem appropriate.

(b) Notice of Requirement to Respond. A Pay By Plate invoice and notice states that the Registered Owner of record or responsible party where applicable, must pay the Balance Due by the Payment Due Date, appeal, or request a hearing for these items. The invoice and notice describes the means and content of the response for payment or appeal.

(c) Delivery of Invoice and Notice. A Clerk issues and may certify invoices and notices as soon as practicable by mail to the Registered Owner of the vehicle or responsible party, where applicable at the address of the registrant on record with the Massachusetts Registry of Motor Vehicles, or, in the case of a motor vehicle registered under the laws of another state or jurisdiction, at the address of the registrant on record with the official in the state or other jurisdiction having charge of the registration of the vehicle, or as supplied by a third party provider under contract with the Department, or to the name and address of the lessee or renter in accordance with 700 CMR 7.04(8)(b). Notices of Liability shall be sent to the Registered Owner of the vehicle.

(d) *Prima Facie* Evidence of Notice. Delivery by mail of a copy of an Invoice or Notice is sufficient notice of the failure to pay the required toll and/or Balance Due. Certification of the invoice or notice by a Clerk is *prima facie* evidence of the facts contained therein and

is admissible in any administrative or judicial proceeding to adjudicate the liability for the unpaid toll transactions, and related fees, fines and penalties. The Clerk shall maintain a docket of all copies of notices.

(5) Payment of Balance Due or Appeal. The Registered Owner of record or responsible party, where applicable, shall pay all tolls, fines, fees, and penalties that may be assessed by MassDOT by the Payment Due Date on the invoice or notice, or appeal in accordance with the procedures herein.

(a) Payment. The registered owner or responsible party, where applicable, shall pay the tolls, fines, fees and penalties that may be assessed by MassDOT by the Payment Due Date as specified in the invoice and notice. Failure to do so may result in additional fees, fines and penalties.

(b) Appeal by Mail. The registered owner or responsible party, where applicable, may, without waiving the right to a hearing before a Clerk as provided by 700 CMR 7.05(5)(c), and also without waiving judicial review as provided by M.G.L. c. 30A, § 14, appeal the assessment of a toll, fine, fee or other penalty and receive a review and disposition from a Clerk by mail. The appeal by mail must contain a signed statement from the registered owner or responsible party, where applicable, explaining the basis for the appeal. The signed statement may be accompanied by signed statements from witnesses, police officers, government officials, or other relevant parties or photographs, diagrams, maps or other relevant documents that the registered owner determines to submit. Statements or materials sent to a Clerk for review must have attached to them the name and address of the registered owner as well as the invoice number of the notice and the date of the invoice. All information submitted by the registered owner becomes part of the record. Written appeals submitted by mail must be received by MassDOT within 120 days of the date the charge first appears on the invoice or notice., The Clerk or other MassDOT designee shall, within 60 days of receipt of such material, review the material and dismiss or uphold the issuance of the notice and notify the registered owner or appellant of the disposition of the appeal in writing. If the appeal by mail is denied, the Clerk shall explain the reasons for the determination. The review and disposition handled by mail is informal, the rules of evidence do not apply, and the decision of the Clerk is final subject to the hearing provisions provided by 700 CMR 7.05(5)(c) and to judicial review as provided by M.G.L. c. 30A, § 14.

(c) Request for Hearing. Consistent with the provisions of M.G.L. c. 30A, a person issued a notice regarding the assessment of a toll, fine, fee or other penalty may make a written request for an appeal hearing before a Clerk designated by MassDOT. Requests for a hearing must be received by MassDOT within 30 days of the issuance of the decision of the appeal by mail pursuant to 700 CMR 7.05(5)(b), in order to be entitled to a hearing. The Clerk then notifies the Registered Owner or appellant in writing by mail of the date, time, and place of the hearing. The hearing is informal, the rules of evidence do not apply, and the decision of the Clerk is final, subject to judicial review as provided by M.G.L. c. 30A, § 14. Parties are notified in person or by mail of the decision following the hearing. Each written appeal decision contains a statement of reasons for the decision including a determination of each issue of fact necessary to the decision. Failure to appear at the date, time, and place specified on the hearing notice automatically results in the denial of the appeal.

(d) The provisions of 700 CMR 7.05 do not apply to Uniform Traffic Citations issued by Massachusetts State Police officers pursuant to M.G.L. c. 90C. A violation of MassDOT's regulations that results in the issuance of a Uniform Traffic Citation by a Massachusetts State Police officer under M.G.L. c. 90C, is subject to the procedures that M.G.L. c. 90C provides.

(6) Failure to Comply. Failure to comply with the requirements of 700 CMR 7.05(5) shall result in the following sanctions against the registered owner.

(a) Additional Fines or Penalties. MassDOT assesses the following additional fines, fees or penalties for late payment, failure to pay, or for otherwise failing to respond to a notice as provided by 700 CMR 7.05(5), in accordance with *Table 2* below. Fines, fees and penalties for unpaid tolls associated with use of EZDriveMA system shall not exceed $500.00 per year, per registered vehicle.

(b) Pay By Plate Past Due Invoice Late Fees. Failure to pay the Balance Due on the Pay By Plate Invoice may result in the issuance of a Pay By Plate Past Due Invoice. Each toll trip included on the Pay By Plate Past Due Invoice may be charged a late fee in accordance with *Table 2*.

(c) Pay By Plate Notice of Non Payment (NONP) Late Fees - Failure to pay the Balance Due on the Pay By Plate Past Due Invoice may result in the issuance of a NONP. Each toll trip included on the NONP may be charged a late fee in accordance with Table 2.

(d) Failure to Respond after Issuance of a Notice of Non Payment. A registered owner or other responsible party, where applicable, who fails to pay the tolls, fines, fees or other penalties as specified in the NONP, shall be assessed an RMV fee of $20.00 and the registered owner shall be issued a Notice of Liability. The Clerk notifies the registered owner by mail of this Notice of Liability and, in addition, notifies the Registrar of Motor Vehicles of MA or other states, where applicable, who shall place the matter on record and, the Registrar shall not renew the registered owner's license to operate a vehicle or the registration of the vehicle until after notice from the Clerk that all such matters have been disposed of in accordance with applicable law or regulation. If the registered owner is a resident of another state or jurisdiction, the Registrar shall revoke the registered owner's right to operate a motor vehicle in the Commonwealth until the matter has been disposed of in accordance with applicable law or regulation. The source of the Registered Owner information may be from the Registrar or similar official or department of another jurisdiction in accordance with the law of that jurisdiction or a third party service contracted by MassDOT for providing Registered Owner information, or from vehicle images that display information identifying the vehicle owner.

(e) Pay By Plate Notice of Liability (NOL) Late Fees - Failure to pay the Balance Due on the Pay By Plate NONP may result in the issuance of a NOL. Each toll trip included on the NOL may be charged a late fee in accordance with Table 2.

Table 2

Invoice/Notice Issued	Days to Pay Invoice/Notice	Days Outstanding	Late Fees Assessed
1st Invoice Issued	30	1-30	$0
Past Due Invoice	30	31-60	$1.00 for each overdue toll charge
Notice of Non-Payment	30	61-90	An additional $1.00 for each overdue toll charge
Notice of Liability	Due Immediately	>90	An additional $1.00 for each overdue toll charge; Plus a $20.00 RMV Fee

*MassDOT may charge a higher toll rate or other fee to Pay By Plate customers in accordance with 700 CMR 7.04(4)(e).

(f) Civil or Criminal Action. MassDOT may pursue such civil or criminal action as it deems appropriate to collect outstanding tolls, fees, and fines assessed as well as such additional fines or penalties as MassDOT may assess in accordance with 700 CMR 7.00.

(7) Confidentiality of Records. MassDOT shall maintain the confidentiality of all information including, but not limited to, photographs or other recorded images and credit and account data relative to Account Holders who utilize its EZDriveMA toll collection system. MassDOT shall maintain procedures consistent with M.G.L. c. 66A, and regulations promulgated thereunder. For purposes of this 700 CMR 11.06(7), all EZDriveMA customers, including customers of another agency or entity that may have toll collection reciprocity with MassDOT, are considered Account Holders

(8) Hot List Data. Notwithstanding any other law or regulation, data and information such as name, location, time and date of travel, regarding Hot List license plates and/or transponders, while such license plates and/or transponders are on the Hot List ("Hot List Data"), shall be made available to a representative of the Massachusetts State Police, designated by the Secretary of the Executive Office of Public Safety and Security (EOPSS). License plates and/or transponder numbers shall only be included on the Hot List in limited emergency situations involving imminent and immediate threat to the safety, health, and well-being of an individual or the public based on specific, reasonable intelligence sufficient to necessitate the

need to provide this Hot List Data to law enforcement. Such emergency situations shall include, but are not limited to terrorist threats, Amber Alerts, Silver Alerts, kidnappings, missing persons, and felons actively traveling to or from a crime scene. The Secretary of EOPSS, or his or her designee, shall verify in writing which emergency situations warrant adding any license plate and/or transponder number to the Hot List. License plates and/or transponder numbers shall only remain on the Hot List for 14 days unless the Secretary of EOPSS or his or her designee certifies and justifies the need to maintain the numbers on the Hot List for a longer period, but in no event shall such numbers remain on the list longer than 30 days.

(9) System Maintenance and Enforcement. Any electronic or other automated system of toll collection used by MassDOT is regularly tested and maintained to promote accurate and efficient determinations as to payment or non-payment of tolls. Any invoice or notice based in whole or in part upon inspection of any photograph or other recorded image of a motor vehicle and the written certification by a Clerk shall be *prima facie* evidence of the facts contained therein and shall be admissible in any administrative or judicial proceeding to adjudicate the liability for such invoice or notice.

(10) Fines. Whoever violates any provision of 700 CMR 7.00 is subject to a fine not exceeding the amount indicated in 700 CMR 7.00 and below in addition to other penalties as the laws of Massachusetts or federal law may provide. The section and general subject matter headings are provided for convenience only and do not amend or in any way affect the substance of the provisions to which they refer.

7.06: Limitations on Use of Ways

(1) One-way Restriction. Lanes on a way are used for one-way traffic unless a sign specifically indicates that two-way traffic is permitted. An operator of a motor vehicle may not travel on a way contrary to the direction indicated or intended for travel unless a Massachusetts State Police officer or a sign directs the operator to do so.

(2) Use of the Callahan Tunnel and the Sumner Tunnel. An operator of a motor vehicle traveling from Boston to East Boston shall use the Callahan Tunnel and an operator of a motor vehicle traveling from East Boston to Boston shall use the Sumner Tunnel unless a toll collector, a Massachusetts State Police officer, or a sign directs the operator otherwise.

(3) Entry to and Exit from a Way. An operator may not cause a vehicle to enter or leave a way except through an interchange or other authorized point of entry or exit or at the direction of a toll collector or Massachusetts State Police officer.

(4) Prohibited Entry to or Use of a Way. The Department prohibits the following vehicles from entering or using a way:

(a) Improperly Seated. A vehicle carrying an individual who is not properly seated within the confines of the vehicle.

(b) Flat or Inadequate Tire. A vehicle with a flat, bald, unduly or unevenly worn, solid, or metal tire mounted on a wheel in contact with the roadway surface or with a tire mounted on a wheel in contact with the roadway surface that poses a risk to individuals or property or may render the use of the way unsafe by disintegrating or partially disintegrating during travel and distributing tire debris upon the way.

(c) Obstructed Window. A motor vehicle having a window or windshield obstructed in a manner prohibited by M.G.L. c. 90, § 9D.

(d) Propelled by Muscle Power. A vehicle propelled by muscle power, including without limitation a bicycle or a vehicle drawn by a horse or other animal, or a motorized bicycle or moped.

(e) Construction and Similar Equipment. A vehicle in contact with a way that has caterpillar treads or that is a type of construction, agricultural, or similar equipment not designed for or employed in general highway travel, whether designed to be self-propelled or towed.

(f) Falling Debris. A vehicle upon or in which snow, ice, or other unsecured or improperly secured article or material (debris) has gathered or been placed such that the debris may fall from the vehicle and endanger individuals or property or render the use of the way unsafe.

(g) Inadequate Brakes. A vehicle with inadequate brakes.
(h) Over-weight Vehicle. An over-weight vehicle, except under, and in accordance with the terms of, a special permit that the Department issues pursuant to 700 CMR 7.07(3)(b) or 700 CMR 7.07(3)(c).
(i) Over-size Vehicle. An over-size vehicle, except under, and in accordance with the terms of, a special permit that the Department issues pursuant to 700 CMR 7.07(4)(b) or 700 CMR 7.07(4)(c).
(j) Propelled by a Special Fuel in the Tunnels. A vehicle propelled by a special fuel while traveling in the Tunnels, except a vehicle propelled by compressed natural gas, or propane, provided the tunnel exhaust fans are in operation, and so long as the 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 ½ ", and is identified by a blue-and-white diamond decal attached as specified in NFPA 52, and is not used to transport compressed natural gas or propane.
(k) Carrying an Explosive. A vehicle carrying an explosive except pursuant to a special permit for explosives that the Department issues in accordance with 700 CMR 7.07(5).
(l) Carrying a Special Fuel. A vehicle, however propelled and whether or not carrying a special fuel, used to carry a special fuel, except under a special fuel transportation permit that the Department issues pursuant to 700 CMR 7.06(6).
(m) Carrying a Hazardous Material. A vehicle carrying a hazardous material except as 700 CMR 7.11 permits; provided that a vehicle may carry individual packages containing non-hazardous materials and carbon dioxide in solid or dry ice form for refrigeration purposes.
(n) Vehicles Posing Special Risks in Tunnels. A tandem unit except as 700 CMR 7.07(3)(c)4. permits; a passenger vehicle or commercial vehicle carrying cargo which may pose a risk to public safety; a passenger vehicle or commercial vehicle used for carrying any amount of hazardous materials; a passenger vehicle or commercial vehicle carrying hazardous materials in the form of consumer goods (consumer goods are those goods used or bought primarily for use by individuals for personal, family or household purposes); an empty tank vehicle or a vehicle transporting empty containers which were last used for the transportation of hazardous materials. Hazardous materials is defined and listed in 49 CFR Chapter 1, Subchapter C.
(o) Other Prohibited Vehicles. A vehicle emitting an offensive or obnoxious odor; a vehicle emitting an excessive amount of smoke; or a vehicle towed by chain, rope, or other non-rigid device.

(5) Pedestrians and Animals. No pedestrian may enter or use a way, and no person may allow a horse or other animal not properly contained in an appropriate vehicle to enter or use a way.

(6) Aircraft. Aircraft are prohibited from landing on a way except in an emergency. No aircraft may take-off in flight from any portion of a way except with the written approval of the Chief Engineer and the Massachusetts State Police. Removal of an aircraft from a way by means other than take-off in flight requires the approval of the Massachusetts State Police.

(7) Hitchhiking and Loitering. No individual may engage in the solicitation of a ride, commonly known as "hitchhiking," on a way. An individual who, for the purpose of soliciting a ride on a way, displays a sign, signals a moving vehicle, causes the stopping of a vehicle, or stands on property of the Department in view of a ramp or roadway of a way, may be arrested without a warrant. No person may loiter in or about a way for the purpose of "hitchhiking" or for any other purpose.

(8) Commercial Activity - Solicitation of Funds. No person may carry on any commercial activity, except the transportation of individuals or property, without the written permission of, or unless under contract with, the Department. No person may post, distribute, or display signs, advertisements, circulars, or printed or written matter without the written permission of the Department. No person may solicit funds for any purpose without the written permission of the Department.

7.07: Special Limitations and Issuance of Special Permits

(1) Scope and Organization.

(a) Over-weight Vehicles; Over-size Vehicles; Small Tandem Units; and Vehicles Carrying Reducible Loads, Explosives, and Special Fuel. 700 CMR 7.07 establishes limitations on use and provides for special permits with respect to: over-weight vehicles, 700 CMR 7.07(3); vehicles carrying reducible loads, 700 CMR 7.07(3); small tandem units, 700 CMR 7.07(3)(c)4.; over-size vehicles, 700 CMR 7.07(4); vehicles carrying explosives, 700 CMR 7.07(5); and vehicles carrying a special fuel, 700 CMR 7.07(6).

(b) Applicability to Large Tandem Units. The provisions of 700 CMR 7.07 apply to large tandem units except that 700 CMR 7.08(3) and 700 CMR 7.08(4) governing length and weight limitations, respectively, applicable to large tandem units, supersede any conflicting provisions of 700 CMR 7.07.

(2) Practices and Procedures Regarding Special Permits.

(a) Application to the Department. An owner or operator (applicant) may apply to the Department for a special permit on a written form (application) that the Department provides for this purpose. The Chief Engineer may approve an application on those terms or conditions, if any, as the Chief Engineer determines are consistent with the safe and efficient operation of the way over which permission to travel is sought. The Department accepts applications mailed or delivered to the office of the Chief Engineer and may, at its discretion, accept applications by facsimile transmission.

(b) Payment of Fees. An applicant must pay the fees that are specified in the application and in 700 CMR 7.07: *Table 4*. The Department specifies on the application the time and manner of payment.

(c) Approval or Disapproval. The Department notifies the applicant of the approval or disapproval of the application as soon as is reasonably practicable and in a manner specified on the application.

(d) Discretion of the Department. The Department may at any time decline to issue, with or without a prior hearing as it determines, any special permit. The Department may at any time suspend or revoke a special permit. The Department provides a hearing with respect to any such decision in the manner and to the extent required by law.

(e) Effect of Misrepresentation. A material misrepresentation as to the weight or the dimensions of a vehicle or its load, or the nature of the load, that an applicant or the applicant's agent, employee, or lessee makes to the Department voids the special permit under which the vehicle is operating. A Massachusetts State Police officer or an authorized employee of the Department may verify at any time the weight, dimensions, or load of a vehicle.

(f) Not Transferable. A special permit is valid only for the vehicle or vehicles that the Department approves in the special permit and is not transferable to another vehicle.

(g) Emergency Suspension. The Department, acting by the responsible commanding officer of the Massachusetts State Police or, in the absence of the commanding officer, the officer's designee, may suspend the use of a special permit when road or weather conditions or the volume of traffic warrant doing so, as the commanding officer or designee determines.

(h) Restrictions on Irreducible Load Permits. An irreducible load permit is valid for a trip in one direction through one of the Tunnels or between specified interchanges on the Turnpike unless the permit specifies otherwise. The Department may restrict travel under an irreducible load permit to specified days or hours. The Department ordinarily does not issue an irreducible load permit for travel in the Sumner Tunnel or the Ted Williams Tunnel in the direction away from Logan Airport between 7:00 A.M. and 10:00 A.M. or in the Callahan Tunnel or Ted Williams Tunnel in the direction toward Logan airport between 3:00 P.M. and 7:00 P.M. The Department ordinarily does not issue an irreducible load permit for travel on the Turnpike between Interchange 11A in Westborough and Interchange 24 in Boston eastbound between 7:00 A.M. and 10:00 A.M. or westbound between 3:00 P.M. and 7:00 P.M.

(i) No Representation. The Department's issuance of a special permit does not constitute a representation by the Department of the adequacy of the way to support or accommodate the passage of a special permit vehicle with its load.

(j) Applicant's Responsibility. An applicant is responsible for injury to, or the death of, individuals and for damage to the Department or public or private property resulting

directly or indirectly from the presence on a way of a special permit vehicle or its operation by the applicant, whether owner or lessee, or by the applicant's agents, employees, or contractors. By applying for and using a special permit, an applicant agrees to save the Department, its members, officers, and employees harmless from liability for any such injury, death, or damage. The Department requires that an applicant agree to indemnify the Department against damage or injury resulting from the operation of the special permit vehicle on the way and to maintain such insurance as the Department considers appropriate as specified in the application. By submitting an application for a special permit, an applicant agrees to these requirements and certifies that the required insurance is in force.

(k) Demonstration of Need for Irreducible Load Permit. An applicant for an irreducible load permit must demonstrate the number of work hours required to dismantle the load.

(l) Circumstances under Which a Special Permit Is Not Issued. The Department does not issue a special permit with respect to weight, and a vehicle may not use a way, if the vehicle weight exceeds the gross vehicle weight rating or the gross weight for which the vehicle is registered, except that the Department may issue a special permit for a vehicle having a vehicle weight in excess of its registered gross weight if it is owned or leased by a carrier that is not domiciled in the Commonwealth of Massachusetts.

(m) Tandem Units Not Permitted in the Tunnels. Except as provided in 700 CMR 7.07(3)(c)4. and notwithstanding any other provision of 700 CMR 7.07 to the contrary, tandem units are not permitted in the Tunnels.

(3) Limitations on Weight.

(a) Circumstances under Which No Special Permit Is Required. A vehicle does not require a special permit with respect to its weight if the vehicle weight does not exceed the maximum vehicle weight indicated in 700 CMR 7.07(3): *Table 2* for a vehicle of its type, except that a special permit may nonetheless be required in accordance with the provisions of 700 CMR 7.07(3)(b)2. or 3. A vehicle may not use a way if its vehicle weight does not conform to the requirements of 700 CMR 7.07.

TABLE 2

Type of Vehicle	Maximum Vehicle Weight
Motor Vehicle with two axles	46,000 lbs.
Vehicle or vehicle combination with three axles	73,000 lbs.
Vehicle or vehicle combination with four or more axles	87,000 lbs.
Vehicle or vehicle combination with five or more axles	99,000 lbs.

(b) Circumstances under Which a Special Permit Is Required. A motor vehicle, vehicle, or vehicle combination requires a special permit if:

1. the vehicle weight exceeds the maximum vehicle weight as indicated in 700 CMR 8.00: *Table 2*; or
2. the weight on any axle, measured at the ground, exceeds the maximum weight indicated in 700 CMR 7.07(3): *Table 3* for the applicable spacing between axles of the vehicle;

TABLE 3

Axle Spacing	Maximum Weight
A single axle or axles spaced less than six feet apart	18,000 lbs.
Axles spaced six feet or more apart	22,400 lbs.

or,

3. the overall gross weight on a group of two or more consecutive axles exceeds 80,000 pounds or the value of "W" produced by application of the Bridge Gross Weight Formula, whichever is less, except that two consecutive sets of tandem axles may carry

a gross load of 34,000 pounds each, provided that the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

Bridge Gross Weight Formula:

W = 500 (LN/N-1 + 12N + 36)

where:

"W" represents the overall gross weight in pounds on any group of two or more consecutive Axles to the nearest 500 pounds,

"L" represents the distance in feet between the extreme of any group of two or more consecutive Axles, and

"N" represents the number of Axles in the group under consideration.

(c) Types of Special Permits Issued (Over-weight and Small Tandem Units). The Department issues special permits for over-weight vehicles in accordance with the following provisions:

1. Irreducible Load Permit. The Department may issue an irreducible load permit for over-weight vehicles in accordance with the procedures and subject to the terms of 700 CMR 7.07(2) and subject to 700 CMR 7.07(2)(1) for vehicles weighing more than the maximum vehicle weight indicated in 700 CMR 7.07(3): *Table 2*, upon the approval of the Chief Engineer. The applicant must pay the fees that are specified in the permit application and in 700 CMR 7.07: *Table 4* and the toll charge based on the classification of the vehicle, under 700 CMR 7.03(1). In the case of an annual permit, multiple trips of a single vehicle or a convoy of vehicles, the fee specified on the permit application represents the total fee due up to a maximum number of trips of two or more as determined by the Chief Engineer, provided that the applicant specifies on the application referred to in 700 CMR 7.07(2)(a) the number of anticipated multiple trips, the time period in which they will be completed, and other information that the application or the Chief Engineer require.

2. Use of the Ted Williams Tunnel, Including the South Boston Bypass Road. A vehicle weighing more than the maximum vehicle weight indicated in 700 CMR 7.07(3): *Table 2* requires an irreducible load permit for use of the Ted Williams Tunnel, including the South Boston Bypass Road, for construction equipment for the vehicle, allowing the vehicle to operate at a vehicle weight greater than that indicated in 700 CMR 7.07(3): *Table 2*. The operator of the vehicle is responsible for the regular toll charge based on the classification of the vehicle under 700 CMR 7.03(1).

3. Reducible Load Permit. The Department issues a reducible load permit in accordance with the procedures and subject to the terms of 700 CMR 7.07(2) and subject to 700 CMR 7.07(2)(1) for vehicles weighing not more than the maximum vehicle weight indicated in 700 CMR 7.07(3): *Table 5*.

TABLE 4

Type of Permit	Fee
Irreducible Load Permit - Exceeding Any Legal Limit for Size and Weight Pursuant to 700 CMR 7.00	$400.00 - Annually for Travel on Turnpike and MHS
Irreducible Load Permit - Exceeding Any Legal Limit for Size and Weight Pursuant to 700 CMR 7.00	$40.00 Per Trip on Turnpike and MHS
Reducible Load Permit - Exceeding Any Legal Limit for Size and Weight Pursuant to 700 CMR 7.00	$50.00 per 1,000 pounds exceeding the Federal Bridge Formula
	$300.00 Application Fee

Tandem Trailer Permit	$75.00 for First Card $25.00 for Each Additional Card
Explosives Permit	$300.00 Application Fee $75.00 for First Card $25.00 for Each Additional Card
Special Fuel Hauling	$300.00 Application Fee $75.00 for First Card $25.00 for Each Additional Card
Super Load Weight >130,000 pounds - Detailed Engineering Calculations Required	$300.00 Single Trip on Turnpike and MHS

TABLE 5

Type of Vehicle	Maximum Vehicle Weight
Vehicle or vehicle combination with three axles	73,000 lbs.
Vehicle or vehicle combination with four axles	87,000 lbs.
Vehicle or vehicle combination with five or more axles	99,000 lbs.

A reducible load permit issued to an owner or lessee may be used in connection with a valid sticker issued by the Registrar of Motor Vehicles in accordance with M.G.L. c. 90, § 19D. An original reducible load permit must be kept in an accessible place in the vehicle for which it was issued and must be presented to a toll collector, other official or employee of the Department, or Massachusetts State Police officer on demand. A copy of the original is not an acceptable substitute. In enforcing compliance with 700 CMR 7.07(3)(c)2. the Department provides an allowance of 5% above the maximum vehicle weights specified in 700 CMR 7.00: Table 5, rounded to the nearest 500 pounds. For example, a vehicle with five or more axles is deemed to be in compliance with the weight requirement of its reducible load permit provided that the vehicle and its load weighs not more than 105% of 99,000 pounds or 104,000 pounds.

The applicant must pay the non-refundable fee that is specified on the permit application and in 700 CMR 7.07: *Table 4*. Upon application and payment of this fee, the Department issues the number of reducible load permits as the owner or lessee may request for the vehicles of the owner. The fee for a reducible load permit is in addition to the regular toll charge based on the classification of the vehicle under 700 CMR 7.03(1).

4. Small Tandem Unit Permit. The Department may issue a special permit for small tandem units in accordance with the procedures and subject to the terms of 700 CMR 7.07(2). An operator may operate a small tandem unit in the Prudential Tunnel and portions of the Seaport Access Tunnel (I-90 Connector Tunnel) in accordance with the conditions contained in said permit, only if the Department has issued a small tandem unit permit or any renewal thereof pursuant to 700 CMR 7.07 and the permit and any renewal thereof has not expired or been revoked.

The applicant must pay the fee that is specified on the permit application and in 700 CMR 7.07: *Table 4*. The fee is in addition to the regular toll charge based on the classification of the vehicle under 700 CMR 7.03(1).

An original annual permit for small tandem units must be kept in an accessible place in the vehicle for which it was issued and must be presented to a toll collector, other official or employee of the Department, or Massachusetts State Police officer on demand. The operator of the vehicle is responsible for the regular toll charge based on the classification of the vehicle under 700 CMR 7.03(1).

(4) Limitations on Size.

(a) Circumstances under Which No Special Permit Is Required. A vehicle does not

require a special permit with respect to its size if the vehicle does not exceed any of the applicable maximum dimensions specified in 700 CMR 7.07(4)(a)1., 2., or 3.

1. Width. The vehicle width is no greater than eight feet, six inches for use of the Tunnels and the vehicle width is no greater than eight feet, six inches for use of a way other than the Tunnels.

2. Height. The vehicle height is no greater than the maximum vehicle height for the way upon which the vehicle is traveling as indicated in 700 CMR 7.07(4): *Table 6*.

TABLE 6

Way	Maximum Vehicle Height
Turnpike	13 feet 6 inches
Ted Williams Tunnel	13 feet 6 inches
Callahan Tunnel	12 feet 6 inches
Sumner Tunnel	12 feet 6 inches
Thomas P. O'Neill, Jr., Tunnel	13 feet 6 inches
Prudential Tunnel	13 feet 6 inches
CANA (City Square) Tunnels	13 feet 6 inches
Other Way Not Listed Above	13 feet 6 inches

3. Length. For use of the Tunnels, the vehicle length is no greater than the maximum vehicle length for a vehicle of its type as indicated in 700 CMR 7.00: *Table 7* and, in the case of a tandem unit operating on a way, as indicated in Note 4 to 700 CMR 7.00: *Table 7*. For use of a way other than the Tunnels, the vehicle length is no greater than 55 feet for a vehicle with more than two axles, except a bus; the vehicle length is no greater than 45 feet for a bus; and the vehicle length is no greater than 100 feet for a vehicle combination, except a vehicle combination listed in 700 CMR 7.06(4): *Table 7* and a vehicle subject to 700 CMR 7.08.

TABLE 7

Type of Vehicle	Maximum Vehicle Length
Motor vehicle not of the type listed below in 700 CMR 7.07(4): *Table 7*	33 feet
Vehicle combination other than semi-trailer unit and not of a combination type listed below in 700 CMR 7.07(4): *Table 7*	60 feet (see note 1)
Articulated Bus	60 feet
Auto Home	40 feet
Automobile Transporter (traditional)	65 feet (see Note 2)
Automobile Transporter (stinger-steered)	75 feet (see Note 2)
Boat Transporter (traditional)	65 feet (see Note 2)
Boat Transporter (truck-trailer)	65 feet (see Note 2)
Boat Transporter (stinger-steered)	75 feet (see Note 2)
Bus or School Bus	45 feet
House Trailer	40 feet
Saddlemount Combination	75 feet (see Note 3)
Semi-trailer	53 feet

Tandem unit	(see Note 4)
Trailer in tractor-trailer combination	53 feet
Trailer not in tractor-trailer combination	33 feet
Truck	40 feet

Note 1: No overall length limitation applies to a semi-trailer unit with a semi-trailer up to 53 feet in length. For purposes of 700 CMR 7.07(4): *Table 7*, the combination of a motor vehicle designed for towing and a vehicle or combination of vehicles being towed because of disablement or emergency does not constitute a vehicle combination and thus is not subject as a vehicle combination to the length limitations of 700 CMR 7.07(4)(a)3., but a Massachusetts State Police officer or an official of the Department designated to make such decisions may preclude such a towing motor vehicle and towed vehicle or vehicle combination from using a way for reasons of safety.

Note 2: The vehicle length includes front and rear bumpers, but does not include a load overhang up to three feet beyond the foremost part of the front transporting vehicle or more than four feet beyond the rear bed of the rear vehicle.

Note 3: A number of vehicles may be transported in combination by means of saddlemount combination or fullmount mechanism. Vehicles using these mechanisms must conform to M.G.L. c. 90, § 19C.

Note 4: Subject to the restrictions that 700 CMR 7.07(4)(e) and 700 CMR 7.08 impose, a tandem unit may operate on a way without a special permit with respect to its length, provided that:

1. the overall total number of semi-trailers or trailers in the tandem unit is no greater than two;
2. each semi-trailer or trailer of the tandem unit does not exceed 28 feet in length, without regard to the overall length of the tandem unit; and
3. a tandem unit with semi-trailers or trailers that do not exceed 28½ feet in length, if such semi-trailers or trailers were actually and lawfully operating on December 1, 1982, as part of tandem units within a 65 foot overall length limit in any state, may similarly operate on a way without a special permit with respect to its length.

(b) Circumstances under Which a Special Permit Is Required. A motor vehicle, vehicle, or vehicle combination requires a special permit with respect to its size only when compliance with the maximum size limitations specified in 700 CMR 7.06(4)(a)1., 2., or 3. is impossible or impractical.

(c) Type of Special Permit Issued (Over-size). The Department issues special permits for over-size vehicles in accordance with the following provisions:

1. Irreducible Load Permit. A vehicle requires an irreducible load permit if the vehicle width exceeds the maximum vehicle width permitted under 700 CMR 7.06(4)(a)1.; the vehicle height exceeds the maximum vehicle height permitted under 700 CMR 7.07(4)(a)2.; or, the vehicle length exceeds the maximum vehicle length allowed for a vehicle of its type as specified in 700 CMR 7.07(4)(a)3.

   The Department does not issue an irreducible load permit if it believes that a load can be divided or arranged so as to conform with the limitations on its width, height, or length. The Department may prohibit an over-size vehicle from using a way if, in the opinion of the Chief Engineer, safety or the public convenience warrants the prohibition.

   The Department may issue, upon the approval of the Chief Engineer, an irreducible load permit in accordance with the procedures and subject to the terms of 700 CMR 7.07(2) and 700 CMR 7.07(4)(f).

   The applicant must pay the fee that is specified on the permit application and in 700 CMR 7.07: *Table 4*. This fee is in addition to the regular toll charge based on the classification of the vehicle under 700 CMR 7.03(1). In the case of multiple trips of a single vehicle or a convoy of vehicles, the fee represents the total fee due up to a maximum number of trips of two or more as determined by the Chief Engineer, provided that the applicant specifies on the application referred to in 700 CMR 7.07(2)(a) the number of anticipated multiple trips, the time period in which they will be completed, and any other information that the application or the Chief Engineer requires.

2. Use of the Ted Williams Tunnel, Including the South Boston Bypass Road. A

vehicle that exceeds any of the applicable maximum dimensions specified in 700 CMR 7.07(4)(a)1., 2., or 3. requires an irreducible load permit for use of the Ted Williams Tunnel, including the South Boston Bypass Road for construction equipment. An original annual permit for construction equipment issued by the Department must be kept in an accessible place in the vehicle for which it was issued and must be presented to a toll collector, other official or employee of the Department, or Massachusetts State Police officer on demand. The operator of the vehicle is responsible for the regular toll charge based on the classification of the vehicle under 700 CMR 7.03(1).

(d) Pilot Car.

1. When Required. A pilot car must follow an over-size vehicle if: the overhang is four or more feet and the load consists of poles, masts, booms, or similar shapes or if the overhang is ten feet or more; the over-size vehicle is a drill rig with boom, a shovel, or a crane; the over-size vehicle is odd-shaped or has an odd-shaped load; or the over-size vehicle is not a tandem unit or a semi-trailer unit with a semi-trailer of not more than 53 feet and has a length of more than 80 feet and less than 95 feet or a width of more than 12 feet.

2. Convoy Pilot Car. If two or more over-size vehicles are in convoy, one may be pilot for the other, but a separate pilot car must follow the last over-size vehicle.

3. Preceding and Following Pilot Cars. If an over-size vehicle is not a tandem unit or a semi-trailer unit with a semi-trailer of not more than 53 feet and has a length of more than 95 feet or width of more than 13 feet, it must have pilot cars preceding and following it.

4. Requirements for a Pilot Car. A pilot car must be a truck with two axles and four wheels or a private passenger motor vehicle and must have two flashing amber lights visible from front and rear; 24 inch by 24 inch red flags on the right and left rear of the pilot car; and a sign reading: "Oversize Load."

5. State Police Escort. In addition to the requirements with respect to a pilot car as specified in 700 CMR 7.07(4)(d), an over-size vehicle, with its load, that is wider than 15 feet or longer than 135 feet must be escorted by two motor vehicles of the Massachusetts State Police. Any vehicle that, in the opinion of t he Chief Engineer, may be incapable of operating at a minimum speed such that it may pose a danger to individuals, property, or the safe operation of a way, may be required to be accompanied by motor vehicles of the Massachusetts State Police.

6. Oversize Load Sign. An oversize vehicle that is not required to be accompanied by a pilot car must have a sign on the rear reading: "Oversize Load."

(e) Tandem Units and Certain Saddlemount Combinations Not Permitted in the Tunnels. Subject to 700 CMR 7.07(3)(c)4., and notwithstanding any other provision of 700 CMR 7.07 to the contrary, and irrespective of their length, tandem units, double saddlemount combinations, and triple saddlemount combinations are not permitted in the Tunnels.

(f) Height Indication. No vehicle that has a total height exceeding ten feet, excluding the height of its load, may be operated on a way unless the measurement of the total height is painted or printed in letters and numerals at least four inches high in a conspicuous place upon the side or front of the vehicle.

(g) Responsibility of Operator. The operator of an over-size vehicle is responsible for checking the clearance of the vehicle and its load through any toll lane or canopy and for checking structures on a way for available clearance with respect to movements by the oversize vehicle or by load movements. The operator is subject to the penalty provided in 700 CMR 7.13(3)(a) for failure to exercise this care. The Department imposes this penalty in addition to holding the operator liable for the damage resulting from failure to exercise this care.

(5) Limitations on the Transportation of Explosives.

(a) General Prohibition. No vehicle carrying explosives may enter or use a way unless specifically allowed to do so by a provision of 700 CMR 7.07(5) and only to the extent and upon the conditions so specified. Any specific prohibitions contained in other subsections of 700 CMR 7.07(5) do not limit the generality of 700 CMR 7.07(5)(a).

(b) Operation Prohibited in Tunnels. No vehicle carrying explosives may enter or use the Tunnels.

(c) Operation Prohibited on Ways Other than the Tunnels. No vehicle carrying explosives may enter or use the Turnpike at or between Interchange 15 in Weston and Interchange 24 in Boston.

(d) No Liquid Nitroglycerin. No vehicle carrying liquid nitroglycerin may enter or use a way.

7.07: continued

(e) Ways upon Which Department May Issue Permit. No vehicle used to carry explosives may enter and use the Turnpike at or between Interchange 1 in West Stockbridge and Interchange 14 in Weston unless the Department has issued for the vehicle a special permit for explosives as provided in 700 CMR 7.07(5)(f) and the vehicle and its operation fully comply with those provisions, except that a vehicle carrying no explosives other than fireworks not in excess of ten pounds, or other than 1,000 blasting caps or fewer, may enter and use that portion of the Turnpike without obtaining a special permit for explosives.

(f) Special Permit for Explosives.

1. Application. An owner or operator of a vehicle who has determined to obtain a special permit for explosives may apply for one in accordance with and subject to the provisions of 700 CMR 7.07(2). Among other information required by the application, the applicant shall indicate the number of vehicles to be covered under the application.

2. Terms and Conditions. The Department may issue a special permit for explosives for any 12 month period, together with a separate certification card for each vehicle enumerated in the permit application, as evidence that the vehicle is covered by the permit, subject to the following terms and conditions: a vehicle for which the Department has issued a special permit for explosives and certification card may make an unlimited number of trips on a way in accordance with 700 CMR 7.07(5)(e) or a portion of a way as designated on the permit or certification card; the operator of the vehicle must carry an original, not a copy, of the certification card in an accessible place and must display it to a toll collector, other official or employee of the Department, or Massachusetts State Police officer on demand.

3. Fees. The applicant must pay the fee that is specified on the permit application and in 700 CMR 7.07: *Table 4*. The applicant shall also pay the fee for the first certification card referred to in 700 CMR 7.07(5)(f)2. and an additional fee for each additional certification card that the Department issues during the term of the permit. The applicant must submit with its application full payment for the application fee and for all additional fees for the number of vehicles specified in the application. All these fees are in addition to any regular toll charge that the Department assesses in accordance with 700 CMR 7.03.

4. Minimum Separation of Vehicles. No vehicle carrying explosives may operate within 1,000 feet longitudinally of another vehicle carrying explosives or any vehicle transporting hazardous material as defined in 49 CFR Chapter I, Subchapter C.

5. No Stopping. No vehicle carrying explosives may stop on a way, including a service or rest area, unless the movement of the vehicle is obstructed; it is waiting to enter or leave a toll booth lane; it is disabled; or the operator of the vehicle is following the directions or requirements of a Massachusetts State Police officer, a sign, or governing federal regulations.

6. Conformance with Law. The equipment, cargo, operator, and operation of a vehicle operating under a special permit for explosives must conform with all federal and state laws and regulations governing the transportation of explosive materials by a motor carrier.

(6) Limitations on the Transportation of Special Fuels.

(a) General Prohibition. No vehicle used to carry a special fuel, however propelled and whether or not containing a special fuel, may enter or use a way unless specifically allowed to do so by a provision of 700 CMR 7.07(6) and only to the extent and upon the conditions so specified. Any specific prohibitions contained in other subsections of 700 CMR 7.07(6) do not limit the generality of 700 CMR 7.07(6)(a).

(b) Operation Prohibited in Tunnels. No vehicle used to carry a special fuel, however propelled and whether or not containing a special fuel, may enter or use the Tunnels.

(c) Operation Prohibited on Ways other than the Tunnels. No vehicle used to carry a special fuel, however propelled and whether or not containing a special fuel, may enter or use the Turnpike at or between Interchange 15 in Weston and Interchange 24 in Boston.

(d) Ways upon Which Department May Issue Permit. No vehicle used to carry a special fuel, however propelled and whether or not containing a special fuel, may enter and use the Turnpike at or between Interchange 1 in West Stockbridge and Interchange 14 in Weston unless the Department has issued for the vehicle a special fuel transportation permit as

provided in 700 CMR 7.07(6)(e) and the vehicle and its operation fully comply with those provisions.

(e) Special Fuel Transportation Permit.

1. Application. An owner or operator of a vehicle who has determined to obtain a special fuel transportation permit may apply for one in accordance with and subject to the provisions of 700 CMR 7.07(2). Among other information required by the application, the applicant shall indicate the number of vehicles to be covered under the application.

2. Terms and Conditions. The Department may issue a special fuel transportation permit for any 12 month period for the type of special fuel or fuels the Department designates on the permit application, together with a separate certification card for each vehicle enumerated in the permit application, as evidence that the vehicle is covered by the permit, subject to the following terms and conditions: a vehicle for which the Department has issued a special fuel transportation permit and certification card may make an unlimited number of trips on a way in accordance with 700 CMR 7.07(6)(d) or a portion of a way as designated on the permit or certification card; the operator of the vehicle must carry an original, not a copy, of the certification card in an accessible place and must display it to a toll collector, other official or employee of the Department, or Massachusetts State Police officer on demand; and a vehicle for which the Department has issued such a permit must conspicuously display, both before and after, signs with letters not less than six inches in height bearing appropriate words identifying the cargo, and, if empty, the cargo last carried.

3. Fees. The applicant must pay the fee that is specified on the permit application and in 700 CMR 7.07: *Table 4*. The applicant must submit with its application full payment for the application fee and for all additional fees for the number of vehicles specified in the application. All these fees are in addition to any regular toll charge that the Department assesses in accordance with 700 CMR 7.03.

4. Minimum Separation of Vehicles. No vehicle used to carry a special fuel, however propelled and whether or not containing a special fuel, may operate within 1,000 feet longitudinally of another vehicle carrying a special fuel.

5. No Stopping. No vehicle used to carry a special fuel, however propelled and whether or not containing a special fuel, may stop on a way, including a service or rest area, unless the movement of the vehicle is obstructed; it is waiting to enter or leave a toll booth lane; it is disabled; or the operator of the vehicle is following the directions or requirements of a Massachusetts State Police officer, a sign, or governing federal regulations.

6. Conformance with Law. The equipment, cargo, operator, and operation of a vehicle operating under a special fuel transportation permit must conform with all federal and state laws and regulations governing the transportation of special fuels by a motor carrier.

7.08: Limitations on Large Tandem Units

(1) Scope. 700 CMR 7.08 applies exclusively to large tandem units.

(2) Use of Ways. Tandem units are not permitted in the Tunnels. No operator may operate a large tandem unit on any way other than the Turnpike. An operator may operate a large tandem unit on the Turnpike only if the Department has issued a large tandem unit permit pursuant to 700 CMR 7.07(2).

(3) Configuration and Length. A complete large tandem unit consists of a tractor, first semi-trailer, dolly, and second semi-trailer. The length of either semi-trailer may not be in excess of 48 feet, and the total length of the combination, including the dolly and load, may not exceed 120 feet, provided, however, that the overall length of loaded tandem trailer automobile haulers may not exceed 108 feet and may be increased to 109 feet by load overhang.

(4) Maximum Gross Weight. A large tandem unit must be registered for the gross weight that it carries and certified by the original manufacturer to carry this weight. The vehicle weight of a large tandem unit may not exceed 127,400 pounds. The maximum gross weight of the tractor and first semi-trailer may not exceed 71,000 pounds. The maximum gross weight of each unit of dolly and semi-trailer may not exceed 56,400 pounds.

7.08: continued

The maximum gross weight that may be carried upon any combination of units is limited by the maximum gross weight that can be carried upon each unit and its axles. The maximum gross weight for the unit of tractor and first semi-trailer is governed by this formula: 35,000 pounds plus 1,000 pounds per foot between the center of the foremost axle of the tractor and the center of the rearmost axle of the first semi-trailer. The gross load on a unit may not exceed the sum of the allowable gross loads on the axles, which are as follows:

Maximum gross weight on any one axle	22,400 pounds
Tandem axles on one vehicle (under ten feet apart) (Axles measuring less than 46 inches between axle centers are considered as one axle.)	36,000 pounds

The limit of 127,400 pounds permitted under 700 CMR 7.08(4) requires a minimum axle spacing of 92 feet, measured betwee n the center of the foremost axle of the tractor and the center of the rearmost axle of the rearmost semi-trailer. If the axle spacing is less, the permissible gross weight is correspondingly reduced.

(5) Size and Weight Limitations Generally. The provisions of 700 CMR 7.00 with respect to size and weight that are not inconsistent with 700 CMR 7.08(4) are applicable to large tandem units unless specifically excluded under the terms of a large tandem unit permit.

(6) Approval of Vehicle or Equipment Used to Tow. The owner or lessee of a large tandem unit must file a description of the tractor, dollies, and any semi-trailer used to tow another semi-trailer with the Department on Forms MTT-3, MTT-4, and MTT-5, respectively. The owner or lessee must obtain the Department's approval of the vehicles before they are used under a large tandem unit permit. The Department may withdraw its authorization to use the vehicles at any time at its sole discretion.

(7) Certification of Tractors. No operator may operate a large tandem unit unless the Department has certified that the tractor of the unit is appropriate for the purpose. Both the tractor manufacturer of each tractor used in a large tandem unit and the owner or lessee of the unit must certify to the Department prior to the approval of the tractor that it is capable of hauling the maximum permissible gross load to be transported by the owner or lessee at a speed not less than 20 m.p.h. over the Turnpike. (The maximum grade on the Turnpike is 7.50%, and the length of the longest such grade is approximately 1.75 miles.) If it is determined after the tractor is in use as part of a large tandem unit that the tractor cannot meet this requirement, the Department's approval may be withdrawn, and, in that event, the tractor may not be used as part of a large tandem unit on the Turnpike until the gross loads are reduced, the tractor is modified, or other corrective measures are taken. Upon a new certification by both the tractor manufacturer and the owner or lessee that corrective measures have been taken and the tractor is now capable of complying with the minimum speed requirement, the Department may reinstate its approval of the tractor.

(8) Certification of Trailers. No operator may operate a large tandem unit unless the Department has certified that the trailer of the unit is appropriate for the purpose. In order to comply with 700 CMR 7.08(13), all semi-trailers, except the rear trailer used in tandem operation, must have sufficient structural strength to permit the satisfactory attachment of the coupling device (pintle hook or its equivalent) at the rear of the trailer, and each coupling device must be capable of towing a trailer and a dolly. The permittee shall certify to the Department that every trailer certified for use in tandem service is adequate for this service and, in addition, the trailer manufacturer on new equipment must certify the adequacy of the trailer. If the trailer has been modified to include a pintle hook, the fabricator must certify the adequacy of the pintle hook assembly. Every coupling dev ice must incorporate a no-slack design such as air take-up, fitted pin and socket, mechanical wedging, or similar coupler designs, that eliminate fore and aft slack in the coupling of dollies to semi-trailers. The no-slack feature of the coupler must be in constant operation while the tandem trailer combination is operated on the Turnpike. The coupler used on each semi-trailer, in conformance with 700 CMR 7.08(8), must be specified by the permittee on Form MTT-4, giving semi-trailer descriptions and the vehicle identification number on the permittee's records (company number) and must be filed with the Department in conformance with 700 CMR 7.08(6).

7.08: continued

(9) Brakes.

(a) Compliance with Federal Regulations. The brakes on a vehicle or dolly converter or combination of vehicles used in a large tandem unit must comply with federal regulations as published in 49 CFR Part 393, Subpart C, as revised and effective on the date of the vehicle's entry upon or use of the Turnpike.

(b) Compliance with State Law. A vehicle or dolly converter or combination of vehicles used in a large tandem unit must meet the requirements of the provisions of the M.G.L. c. 90.

(c) Braking Devices Required. The brake application line of every large tandem unit certified on or after June 1, 1968, must be equipped with suitable devices to accelerate application and release of the brakes of the towed vehicles. These devices must be so arranged that the brake application signal does not pass directly through more than one trailer, but is dead-ended at the rear of the trailer or, alternatively, at the dolly, and the application signal then is retransmitted to the dolly and the second trailer. The devices required for retransmission of the application signal must be closely connected to and supplied by air reservoirs that have their air supplied to them by the emergency line. In the event of rupture of the application line on the towed vehicle of a large tandem unit, the loss of brake application must be limited upstream of the loss to those vehicles between the rupture and the first retransmission device.

(d) Brakes on Steering Axle. A tractor used in a large tandem unit must have brakes on the steering axle.

(10) Axles. A tractor used in a large tandem unit with a gross weight of more than 110,000 pounds must be equipped with tandem rear axles, each of which must be engaged to bear its full share of the load on the roadway surface.

(11) Emergency Equipment. Each tractor used in a large tandem unit must be equipped at a minimum as follows:

(a) Federal Regulations. Emergency equipment as required by 49 CFR Part 393, Subpart H.

(b) Fuses. At least one spare fuse or other overload protective device, if the devices used are not of a reset type, for each kind and size used.

(c) Chains. One set of tire chains for at least one driving wheel on each side between October 15th and May 1st.

(d) Fire Extinguishers. Fire extinguishers that have an aggregate rating of 20 BC.

(12) Vehicle Identification. The owner or lessee shall stencil the tractor weight on the left side of each tractor used in a large tandem unit. The Department issues an identification number that the owner or lessee shall also stencil on the left side of each tractor used in a large tandem unit. The Department also issues a certificate bearing the complete description of a particular tractor, including the maximum permissible gross load to be transported, and the operator shall suitably protect and carry this certificate in the cab of the tractor that it describes. A vehicle certified for less than 127,400 pounds may not exceed the weight indicated on the certificate. The Massachusetts State Police and Department personnel may examine the certificate and compare its description with the vehicle in which the certificate is carried. A discrepancy between the description on the certificate and the actual description of the vehicle may result in the withdrawal of the approval of the particular tractor or all of the vehicles and equipment of the owner or lessee. Compliance with the Provisions Governing the Operation of Tandem Trailer Combinations of the New York State Thruway Department requiring the issuance of an identification number, its stenciling on the tractor, and the issuance of a certificate describing the tractor is compliance with the similar requirements of 700 CMR 7.08.

(13) Tandem Assembly. In the assembly of large tandem units prior to their operation on the Turnpike, the operator shall ascertain the total gross weight of each trailer of the proposed combination. In the event that the gross weights of the trailers vary by more than 20%, the operator shall couple them for each trip according to their gross weight, that is, with the heaviest trailer coupled to the tractor.

7.08: continued

(14) Dollies, Safety Chains, and Cables.

(a) Converter Dolly. Every converter dolly certified on or after June 1, 1968, used to convert a semi-trailer to a full trailer may have either single or tandem axles. The operator shall couple the dolly with one or more safety chains or cables to the frame, or to an extension of the frame, of the motor vehicle by which it is towed. Attachment of these chains or cables to the pintle hook or to any other device on the towing vehicle to which the tow bar is attached does not meet this requirement; provided, however, that a separate place of attachment independent of the pintle hook on a pintle hook forging or casting may be used to attach the safety chains or cables to the towing vehicle.

(b) Slack in Chains or Cable. Safety chains or cables may have no more slack than is necessary to permit proper turning.

(c) Strength of Chain or Cable. Each chain or cable and each means of attachment must have an ultimate strength at least equal to the gross weight of the vehicle being towed.

(d) Connection of Chain or Cable. Chains or cables must be connected to the towed and towing vehicles and to the tow bar in a manner that prevents the tow bar from dropping to the ground in the event that the bar fails or becomes disconnected.

(e) Chain or Cable on Converter Dolly with Hinged Tow Bar. Every converter dolly with a hinged tow bar must be equipped with two safety chains, or cables, or a bridle arrangement of a single chain or cable, attached to its frame or axle at two points as far apart as the configuration of the frame or axle permits. These chains or cables must be either two separate pieces, each equipped with a hook or other means for attachment to the towing vehicle, or a single piece leading along each side of the tow bar from the two points of attachment on the towed vehicle and arranged into a bridle with a single means of attachment to be connected to the towing vehicle. When a single length of cable is used, a thimble and twinbase cable clamps must be used to form the forward bridle eye. The hook or other means of attachment to the towing vehicle must be secured to the chain or cables in a fixed position.

(f) Chain or Cable on Converter Dolly without Hinged Tow Bar. Converter dollies with solid tongues and without hinged tow bars or other swivels between the fifth wheel mounting and the attachment joint of the tongue eye or other hitch device may be equipped with either one or two safety chains or cables, provided that, if only one chain or cable is used, it must be in line with the center line of the trailer tongue. The point of attachment of these chains or cables to a solid tongue converter dolly is optional provided only that the attachment is to the rear of the attachment of the tongue eye or other hitch device.

(g) Points of Attachment. Where two safety chains or cables are used and attached to the towing vehicle at separate points, the points of attachment on the towing vehicle must be located equally distant from, and on opposite sides of, the center line of the towing vehicle. Where two chains or cables are attached to the same point on the towing vehicle, and where a bridle or a single chain or cable is used, the point of attachment must be on the center line of the towing vehicle.

(h) Compliance with Federal Regulations. Coupling devices and towing devices must comply with the federal regulations as stated in 49 CFR Part 393, Subpart F, on the date of the large tandem unit or one of its component's entry upon or use of the Turnpike.

(15) Indication That Trailers Form One Unit. When the distance between the rear of the one semi-trailer and the front of the following semi-trailer is ten feet or more, the dolly must be equipped with a device, or the trailers must be connected along the sides with suitable material, that will indicate to other traffic that the trailers are connected and are operating as one unit. The Department must approve the type of device or connection prior to its use on a large tandem unit.

(16) Lighting. Each trailer in a tandem trailer combination must be equipped at a minimum with electric lamps and reflectors mounted on the vehicle as follows:

(a) Amber Clearance Lamps. Two amber clearance lamps on the front, one at each side of the trailer.

(b) Rear Lamps. On the rear: one red tail lamp; one red or amber stop lamp; two red clearance lamps, one on each side; two red reflectors, one on each side.

(c) Side Lamps. On each side: one amber side-marker lamp located at or near the front; one red side-marker lamp located at or near the rear, one amber reflector, located at or near the front; one red reflector, located at or near the rear.

7.08: continued

(d) On Dolly Converter. Each dolly converter, when towed singly by another vehicle, and not as a part of a full Trailer, must be equipped with a minimum of one stop lamp, one tail lamp, and two reflectors on the rear.

(17) Equipment Inspection. The operator of a large tandem unit is responsible for ensuring that all certified tandem trailer equipment is systematically inspected and maintained by a competent mechanic and kept in first class condition. Inspection and maintenance of the equipment must be in accordance with the requirements outlined in 49 CFR 396.

After all of the component vehicles in a large tandem unit are completely hooked up, and prior to the departure of the large tandem unit from the assembly area, the operator, or a mechanic, shall, in addition to the pre-trip equipment inspection and use requirements set forth in 49 CFR 392.7 and 49 CFR 392.8, inspect the large tandem unit and make certain tests on the vehicle, equipment, and hook-up to determine whether each item is in safe and proper operating condition.

The items to be inspected and tests to be made include, but are not to be limited to, the following:

-Federal equipment inspection.
-Inspection of brake line to dolly and trailers.
-Inspection of electric lines to dolly and trailers.
-Inspection of coupling devices.

Following this inspection and prior to departure from the assembly area, the operator shall complete and execute a tandem trailer inspection report form provided by the Department. A new inspection report must be prepared each time the component parts of the tandem trailer unit are rearranged, or the operator is replaced, or upon re-entry to the Turnpike after any valid departure. The operator shall keep an original inspection report in an accessible place in the vehicle for which it was prepared, and this original inspection report must be presented to a toll collector or other official or employee of the Department, or a Massachusetts State Police officer on demand.

(18) Registration of Operators. Proposed operators of large tandem units must be registered with the Department prior to operating such equipment on the Turnpike. Completed applications for registration must provide all specified driving, safety, and physical examination records and be accompanied by an official abstract of the driving record of the individual for whom it is being submitted. An applicant for registration as an operator of a large tandem unit must demonstrate to the Department that the applicant has a minimum of five years of tractor trailer driving experience. The Department issues a special identification card to each registered operator of a large tandem unit, and each registered operator shall carry this card and display it upon request to a Massachusetts State Police officer or Department personnel. A registered operator may hold a large tandem unit permit for two companies at the same time, provided that each company has filed an application for this permit with the Department and that the Department has approved this permit. The special identification card is valid only for the operation of tractors owned or leased by the company by whom the operator is employed. The Department may decline to register an applicant or cancel a registration at any time should the Department determine that operational or safety considerations warrant its doing so. An operator's qualification for and possession of a valid special identification card of the New York State Thruway Department satisfies the requirements of 700 CMR 7.08.

(19) Speed Regulations. The operator of a large tandem unit shall strictly comply with the speed regulations for these units. In particular, an operator of a large tandem unit shall strictly observe the 55 m.p.h. speed limit as well as any lower posted speed limit.

(20) Distance Between Vehicles. The operator of a large tandem unit shall maintain a minimum distance of 500 feet, or approximately two delineator spaces, under normal conditions between a large tandem unit and a vehicle traveling in front of it in the same travel lane, except when passing occurs.

7.08: continued

(21) Insurance. In order to comply with the Department's insurance requirements for large tandem units, the permittee must supply the Department with either a duplicate copy of its automobile liability insurance policy or a certificate of insurance evidencing automobile liability coverage. The policy or certificate of insurance must include the insurance requirements found in the large tandem unit permit application or other applicable form or document provided by the Department.

(22) Passing. A large tandem unit may pass another vehicle traveling in the same direction only if the speed differential between the large tandem unit and the vehicle that the large tandem unit is overtaking is adequate to allow the large tandem unit to complete the passing maneuver and return to the unit's driving lane within a distance of one mile.

(23) Reports and Observation. The owner or lessee shall, upon request, furnish to the Department all data and information pertaining to an individual trip by a large tandem unit or the overall large tandem unit operations of the owner or lessee on the Turnpike. The owner or lessee shall afford representatives of the Department the opportunity to observe the large tandem unit operations on the Turnpike by riding in the cab of the tractor or using other prescribed methods, all in accord with governmental regulations and insurance requirements.

(24) Payment of Fees and Tolls. An applicant must pay the fees that are specified in the permit application and in 700 CMR 7.07: *Table 4*, and the toll charge. The toll for a large tandem unit is the toll charge based on the classification of the vehicle under 700 CMR 7.03(1).

(25) Emergency Service and Towing Vehicles. An emergency service or towing vehicle that an owner or lessee uses to maintain its large tandem units may be certified for operation on the Turnpike on Form MTT-1, provided that the owner or lessee certifies on Form MTT-1 that:

(a) The emergency service or towing vehicle is completely equipped with emergency lighting equipment.

(b) The use of the emergency service or towing vehicle will conform to the provisions of 700 CMR 7.00.

(26) Renewal of Permits. The Department may renew a large tandem unit permit monthly or annually upon the owner's or lessee's submission of Form MTT-2 requesting renewal. Form MTT-2 must be accompanied by a letter, on company stationery, signed by a duly authorized designee of the owner or lessee requesting recertification of the equipment to be continued in use in the operation of the large tandem unit, which has been certified previously pursuant to 700 CMR 7.08(8). The letter must be substantially similar to and include the information set forth in the sample letter that the Department supplies entitled "Sample Letter for Recertification of Tandem Equipment". According to the following schedule, the Department may subject an owner or lessee of a large tandem unit to a probationary period or to a period of suspension of operations based on the owner's or lessee's cumulative violations of motor vehicle laws or regulations or 700 CMR 7.00 that occur within a permit's annual renewal period:

(a) three violations - six month renewal
(b) six violations - three month renewal
(c) nine violations - one month renewal
(d) 12 violations - suspension of large tandem unit permit

(27) Limitations on Permits. The Department may, at its sole discretion, and, in whole or in part, revoke or temporarily suspend at will a large tandem unit permit. The Department's issuance of a large tandem permit creates no property interest, and the Department retains the right to amend or repeal, in the Department's sole discretion and the exercise of its police or other powers, the provisions of 700 CMR 7.08 pursuant to which large tandem unit permits are issued. The Department may temporarily suspend large tandem unit operations at any time and for any reason. Should the Department temporarily suspend operations of large tandem units, for example, because of inclement weather, reconstruction, or other adverse operating conditions, an operator of a large tandem unit shall comply with the instructions of the Department or the Massachusetts State Police immediately or as promptly as safe operating practices permit.

7.08: continued

(28) Makeup-breakup Areas. Tandem trailer units may be assembled and disassembled only in special makeup-breakup areas that the Department designates for this purpose. No combination consisting of a tractor, first semi-trailer and dolly, with or without a second semi-trailer, may leave the Turnpike and pass on to a public highway or road within the Commonwealth of Massachusetts unless permitted by law. The owner or lessee of a vehicle entering or leaving a makeup-breakup area shall supervise the movement of the vehicle across traffic to minimize the possibility of accidents. The owner or lessee of a tandem trailer unit shall employ appropriate and adequate protection devices, such as flags, flares, or lights, to warn and stop traffic while the vehicles are maneuvering. The owner or lessee of a tandem trailer unit is solely responsible for its vehicles and equipment, as well as their contents, while the vehicles and equipment are in a makeup-breakup area. Large tandem units or components of them, except dollies, may not be parked in makeup-breakup areas for more than eight hours. The use of makeup-breakup areas is restricted to trailers of registered owners or lessors that exceed 28 feet.

A tandem trailer unit left in a makeup-breakup areas must be disassembled while parked in tandem lots. A trailer parked in a makeup-breakup area containing hazardous materials must have its cargo's shipping papers available in an accessible place on the front of the trailer for inspection by the Department or a Massachusetts State Police officer.

(29) Penalties. Whoever violates any provision of 700 CMR 7.08 shall be punished by a fine not exceeding $500 for every such offense.

7.09: Traffic, Operation, and Safety

(1) Signs and Orders.

(a) Signs. The Department erects signs on ways to implement the provisions of 700 CMR 7.00, for purposes of trial use, or in the event of an emergency. A person may not disobey a sign unless a toll collector or Massachusetts State Police officer directs otherwise. A person may not purposefully strike, move, deface, injure, obstruct, or interfere with a sign. A person may not, in any manner or by any means, erect or otherwise deploy any sign, signal, marking, or any other device that would be a sign if the Department deployed it, except with the approval, and at the direction, of the Department.

(b) Orders. A person may not fail to comply with any lawful order, signal, or direction by voice, hand, whistle, or other means of a toll collector or Massachusetts State Police officer.

(2) Traffic Control Signal. The operator of a motor vehicle approaching a traffic control signal exhibiting one or more colored lights shall obey the commands of the lights in accordance with their signification as specified in 700 CMR 7.09(1): *Table 8*.

TABLE 8

Description of Light	Meaning
Green Light	Proceed.
Green Arrow	Proceed as directed by arrow.
Red Light	Stop or lane closed to traffic.
Red X	Lane closed to traffic.
Amber Light (in any other location)	Proceed only as directed by a toll collector or Massachusetts State Police officer.
Flashing Light	Reduce speed and proceed with caution and in compliance with any supplemental directions.

7.09: continued

(3) Parking.

(a) General Parking Prohibitions and Conditions. No operator may leave a parked vehicle on a way, including in parking areas of a service or rest area, except within those areas where a sign indicates that parking is allowed. Any such sign may impose time limits or other restrictions as the Department deems appropriate. Unless otherwise indicated, parking in service area parking lots where the Department allows parking is limited to two hours. The Department may, if it determines that emergency measures are appropriate, immediately and without notice prohibit parking in areas previously opened to parking.

(b) Over-weight or Over-size Vehicles. Parking of an over-weight vehicle or an over-size vehicle is permitted only in service area parking lots. Parking of such vehicles in parking areas reserved for tandem units is prohibited.

(4) Parking Specifically Prohibited. Without limiting the scope or effect of 700 CMR 7.09(3)(a), parking is specifically prohibited in areas constituting, or designated by signs as constituting, any of the areas listed in 700 CMR 7.09(4): *Table 9*.

TABLE 9

Type of Area	Limitation of Description. If Any
(a) No Parking area - posted	Sign posted or curb painted yellow for restricted area.
(b) No Parking area - tow zone	-
(c) No Stopping or Standing area	-
(d) Crosswalk	-
(e) Sidewalk	-
(f) Reserved area	-
(g) Area reserved for HP or DV plate parking	-
(h) Handicapped Ramp	-
(i) Median	-
(j) Designated truck or bus parking area	If the vehicle is not a truck or bus.
(k) Designated car parking area	If the vehicle is not a private passenger motor vehicle or motorcycle.
(l) Designated tandem trailer parking area	If the trailer is not part of the tandem unit.
(m) Hydrant area	If any portion of the vehicle is located within ten feet of a fire hydrant.
(n) Designated fire lane	
(o) Breakdown lane	Except as such parking is permitted in accordance with 700 CMR 7.12 (1) and 700 CMR 7.12(2).
(p) Over Posted Time Limit	If the time that the vehicle has been parking exceed the time limit indicated on an applicable sign.
(q) Inspection Sticker	If the vehicle does not have a properly displayed, current, valid inspection sticker.
(r) Idling in excess of five minutes	-
(s) Emergency vehicle access	-
(t) Double parking	-
(u) Weather emergency	If the vehicle is parked on a way when an applicable sign prohibits parking during an issued or declared weather emergency.
(v) Outside of marked spaces	-
(w) Street cleaning	If the vehicle is parked on the day and time indicated on an applicable sign for street cleaning.

7.09: continued

(5) Negligent Operation or Loading.

(a) Negligent Operation. An operator may not operate a vehicle carelessly or negligently or in disregard of the rights or safety of others or without due caution and circumspection.

(b) Negligent Loading. An operator may not operate a vehicle that is constructed, equipped, or loaded so as to endanger unreasonably or to be likely to endanger unreasonably individuals or property.

(6) Speed.

(a) In General: Reasonable and Proper. An operator may not operate a vehicle at a rate of speed greater than that is reasonable and proper, having due regard for traffic, the condition of the roadway, and the safety of the public and property.

(b) In General: Not Driving so as to Endanger. An operator may not operate a vehicle at a speed or in a manner so as to endanger unreasonably or to be likely to endanger unreasonably persons or property.

(c) Maximum and Minimum Speed Limits. An operator may not operate a vehicle at a rate of speed greater than that of the maximum speed limit indicated in 700 CMR 7.09(6): *Table 10* for the way. An operator may not operate a vehicle in excess of any lesser maximum speed limit for the way that the Department has posted on a sign on the way. An operator may not operate a vehicle at a rate of speed less than that of the minimum speed limit indicated in 700 CMR 7.09(6): *Table 10* for the way except while traveling in a creeper lane, acceleration lane, or deceleration lane; over a portion of a way where the Department has posted a lesser minimum speed limit on a sign; when the vehicle is incapable of operation at the minimum speed because of mechanical failure; when weather or roadway conditions require traveling at a lesser speed; or if the vehicle is an over-weight vehicle or over-size vehicle operating in conformance with a special permit, in which case the vehicle must be capable of maintaining a minimum speed of 20 miles per hour unless the special permit provides otherwise.

TABLE 10

Way	Maximum Speed Limit	Minimum Speed Limit
Turnpike between the New York State border and Interchange 14 in Weston, eastbound, and from Interchange 15 in Newton to the New York State border, westbound	65 m.p.h	40 m.p.h
Turnpike, all other portions	55 m.p.h	40 m.p.h
Callahan and Sumner Tunnels	35 m.p.h	20 m.p.h
Ted Williams Tunnel	40 m.p.h	20 m.p.h
Prudential Tunnel	45 m.p.h.	-
Thomas P. O'Neill, Jr., Tunnel	45 m.p.h.	-
Any Other Way	As posted.	As posted.
Entrance and Exit Ramps; entries and exits to toll plazas; and all other entries, exits, and ramps	As posted.	-

(7) Entering a Way. Except as otherwise directed by a Massachusetts State Police officer or sign, no individual may operate, push, or otherwise cause to move a vehicle on a way except in the direction of traffic. An operator of a motor vehicle entering a service or rest area, interchange, shoulder, or deceleration lane shall enter from the right hand travel lane. An operator of a motor vehicle entering a travel lane from a service or rest area or interchange shall use the acceleration lane and shall enter the travel lane with caution so as not to interfere with or endanger traffic.

7.09: continued

(8) Travel Lanes. An operator may not drive a motor vehicle across solid pavement markings separating travel lanes unless a toll collector, Massachusetts State Police officer, or sign so directs, or in the case of an emergency, or if done in accordance with 700 CMR 7.09(9).

(9) Breakdown Lane. An operator of a motor vehicle may not use a breakdown lane unless authorized by a Massachusetts State Police officer or a sign or the motor vehicle is a disabled vehicle.

(10) Crossing a Median or Area Not Intended for Travel.

(a) General Prohibition. An operator may not drive a motor vehicle upon or across a median or any area that has not been constructed or intended for travel except at the direction of a Massachusetts State Police officer or sign or in conformance with 700 CMR 7.09(10)(b).

(b) Use of Cross-over. An operator may not drive a motor vehicle across a cross-over unless the motor vehicle is an Department vehicle or a vehicle that the Department has authorized in writing to be driven across a cross-over. Before such a vehicle uses a crossover, except one located at a Massachusetts State Police barracks or an Department maintenance depot, the operator shall drive onto the right shoulder and stop until the pavement can be crossed in safety. After the vehicle, except one plowing snow or sanding a way, has entered the cross-over, the operator shall again stop the vehicle until entry can be made on to a travel lane without presenting a hazard to through traffic. The operator of a vehicle plowing snow or sanding a way shall cause the vehicle to remain stopped on the right shoulder until both roadways on either side of the cross-over can be crossed in safety in a single movement without presenting a hazard to through traffic.

(11) Restricted Areas.

(a) In General. An operator may not drive a motor vehicle upon any portion of a way when, by reason of construction, surface treatment, maintenance, or the like, or because of some unprotected hazard, the portion of the way is closed to travel or use as indicated by a sign or by a Massachusetts State Police officer.

(b) Left Lane Restrictions on the Turnpike. On the Turnpike between Interchange 14 in Weston and Interchange 9 in Sturbridge, in both directions, no operator of a heavy commercial vehicle other than a bus may, except in an emergency, use any travel lane other than the extreme right-hand travel lane or, when overtaking and passing another vehicle, the next adjacent travel lane. East of Interchange 15 of the Turnpike in Weston, in both directions, no operator of a heavy commercial vehicle, bus, or vehicle with anything in tow may use any travel lane other than the extreme right-hand travel lane, or, when overtaking and passing another vehicle, the next adjacent travel lane, except in an emergency or when access to or egress from the turnpike is provided by the extreme left lane, and, in this circumstance, the operator shall use the extreme left lane only to the extent reasonably necessary to enter or leave the Turnpike safely.

(12) Construction Zones. The Department posts signs notifying operators that they are entering a construction zone or maintenance work zone on a way, indicating the speed limit within the zone, and indicating the fine for speeding within the zone as provided in 700 CMR 7.13(3)(a).

(a) Excess Speed. An operator may not drive a vehicle in such a zone at a speed in excess of the posted speed limit. In accordance with M.G.L. c. 90, § 17, any person operating a motor vehicle through the parameters of a marked construction zone or construction area, at a speed which exceeds the posted limit, or at a speed that is greater than is reasonable and proper, shall be subject to a fine of two times the amount currently in effect for the violation issued.

(b) Excluded Zone. An operator may not drive a vehicle in areas within such a zone from which the vehicle is excluded as indicated by a sign.

(c) Careless Manner or Purposeful Interference. An operator may not operate a vehicle in such a zone in a careless manner, including striking, moving, or interfering with a sign.

(13) Keeping to the Right.

(a) In the Tunnels. The operator of a truck, bus, school bus, or slow-moving motor vehicle in the Tunnels shall drive only in the right-hand lane unless a toll collector,

Massachusetts State Police officer, or sign otherwise directs.

(b) On Ways Other than the Tunnels. The operator of a motor vehicle on a way other than the Tunnels shall drive in the lane nearest the right shoulder of the roadway, when that lane is available for ordinary travel, except when overtaking another vehicle in that lane or at the direction of a Massachusetts State Police officer or sign. When the lane nearest the right shoulder of the roadway is a creeper lane or breakdown lane, an operator shall drive in the lane adjacent to the creeper lane or breakdown lane, except when overtaking another vehicle in that lane or at the direction of a Massachusetts State Police officer or a sign.

(14) Passing. An operator of a motor vehicle may not overtake, attempt to pass, or pass another vehicle in violation of 700 CMR 7.09(8). An operator of a motor vehicle overtaking another vehicle shall, when necessary, signal that vehicle and also any vehicle to the rear in sufficient time before attempting to pass to give ample warning of such movement. If both the overtaking vehicle and the vehicle being overtaken are in the same lane, the operator of the overtaking vehicle shall gradually cross to an adjacent lane, which may not be a paved shoulder or a creeper lane, so as to avoid a sudden turn and to allow the overtaking vehicle to pass the overtaken vehicle at a safe lateral distance. The operator of a motor vehicle about to be overtaken and passed by another vehicle shall continue in the lane then occupied by the overtaken vehicle and may not increase the speed of the vehicle until it is completely passed by the overtaking vehicle. An operator of a motor vehicle may overtake, attempt to pass, or pass another vehicle in the same lane.

(15) Space Between Vehicles. The operator of a motor vehicle may not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicle and traffic conditions.

(16) Coasting. No operator may operate a motor vehicle without engaging the gears of the motor vehicle's transmission.

(17) Stopping, Backing, or Turning.

(a) Restrictions on Stopping, Standing, or Parking. The operator of a vehicle may not stop, stand, or park the vehicle except in conformance with 700 CMR 7.09(3) or (4); when necessary to avoid injury or damage to individuals or property; when paying a toll, except as otherwise provided by 700 CMR 7.04; in compliance with the direction of a traffic control signal or sign; in compliance with the direction or signal of a toll collector or Massachusetts State Police officer; or because the vehicle is a disabled vehicle that is repaired or removed in conformance with 700 CMR 7.12(1) or (2).

(b) Backing and U-turns Prohibited. Except as provided in 700 CMR 7.09(10), no operator of a motor vehicle may back the motor vehicle or make a U-turn on a travel lane, acceleration lane, breakdown lane, creeper lane, ramp, or approach to a toll booth.

(c) Care in Stopping or Turning. An operator, before stopping a vehicle or making any turning movement that would affect the operation of any other vehicle, must give a plainly visible signal by activating the brake lights or directional lights or signal as provided on the vehicle. In the event that electrical or mechanical signals are not operating or not provided on the vehicle, the operator must make a plainly visible signal by means of the left hand and arm as follows:

Intention to turn to the left:	Hand and arm extended horizontally.
Intention to turn to the right:	Hand and arm extended upward.
Intention to stop or decrease speed:	Hand and arm extended downward.

(18) Repairs and Removal of Disabled Vehicles. No person may repair or remove a disabled vehicle except in accordance with the applicable provisions of 700 CMR 7.12.

(19) Over-height Vehicles. The operator of a vehicle that activates a red light signal or the sounding of a buzzer warning that the vehicle is over-height shall immediately bring the vehicle to a stop and may not proceed further unless a special permit that the Department issues authorizes such travel.

7.09: continued

(20) Cutouts. No operator of a motor vehicle may use any cutout or other apparatus or device that allows exhaust gas to escape into the atmosphere without passing through a muffler or silencer.

(21) Horn. No operator may sound a vehicle's horn or other device or in any manner operate the vehicle so as to make a harsh, objectionable, or unreasonable noise.

(22) Headlights.

(a) In the Tunnels. No operator may flash the headlights of a motor vehicle or operate the motor vehicle with its headlights on high beam in the Tunnels, except on surface or aboveground roads or ramps of the Tunnels, provided that such use is warranted for reasons of safety.

(b) On Ways Other than the Tunnels. Whenever there is sufficient light within the traveled portion of a way other than the Tunnels to make clearly visible to the operator of a vehicle all other vehicles, individuals, or substantial objects for a distance of 350 feet, or whenever the operator of a vehicle approaches an on-coming vehicle within 500 feet, the operator shall regulate or operate the headlights of the vehicle so that no dangerous or dazzling light when measured 75 feet or more ahead of the headlights on a surface of uniform grade, rises to a height greater than 42 inches above the grade.

(23) Adequate Fuel. No operator of a motor vehicle may enter a way unless the motor vehicle carries a fuel or energy supply in its main fuel reservoir or energy supply source sufficient to enable it to complete its passage on the way without stopping to refuel or re-energize, except at designated service areas.

(24) Disposal of Waste or Other Materials.

(a) Minor Waste Disposal. No individual may dispose of household or commercial garbage or refuse other than by placing it in a trash barrel that the Department has placed on a way for the convenience of the traveling public.

(b) Major Waste Disposal. No individual may willfully place or drop on or from a way an article that may cause injury or death to an individual or damage to property, or improperly dispose of an article or waste material of any kind or description.

(25) Defacing. No person may cut, mutilate or remove a tree, shrub, or plant located on a way. No person may paint, mark, or mar any wall, bridge, or other structure on a way.

(26) Inspection Stickers. No vehicle may travel on a way unless it properly displays a current, valid inspection sticker pursuant to M.G.L. c. 90, § 7A, or the law of another jurisdiction in which the vehicle is registered as indicated by the number plate displayed by the vehicle.

(27) Inadequate Equipment. No operator may operate a vehicle in a manner that would violate any requirement as to the use of brakes, directional signals, lights, or safety devices and equipment specified in M.G.L. c. 90 with respect to the operation of a similar vehicle operating upon a way of the commonwealth.

(28) Idling. An operator of a motor vehicle shall comply with the provisions of M.G.L. c. 90, § 16A, regarding the unnecessary operation of the engine of a motor vehicle.

(29) Transportation of Alcoholic Beverages. No vehicle may travel on a way unless the operator complies with the provisions of M.G.L. c. 138, § 22, regarding the transportation of alcoholic beverages.

(30) Inspection and Examination of Cargo. No motor carrier may travel on a way unless it complies with the provisions of M.G.L. c. 159B, § 14A, with respect to the inspection and examination of cargo and of papers relating to cargo.

(31) Interstate Transportation. No vehicle may travel on a way unless it complies with the provisions of M.G.L. c. 159B, § 10, regarding interstate transportation.

7.09: continued

(32) Operator's Record of Duty Status. An operator who 49 CFR 395 (1997) requires to keep a record of duty status must maintain and carry this record and present it to a Massachusetts State Police officer or other Department official upon demand.

7.10: Motor Carrier Safety Act

The Department hereby adopts and incorporates by reference into 700 CMR 7.00, with full force and effect and subject to other applicable provisions of 700 CMR 7.00, 49 CFR 325, 390-393, 395-396, and 399 (1997), governing highway safety and noise emissions. All operators shall conform to the requirements of these provisions.

7.11: Hazardous Materials

(1) In the Tunnels. Passenger or commercial vehicles carrying any amount of hazardous material, excluding those permissible materials required for the actual operation of the vehicle, may not enter or use the Tunnels. Hazardous material is defined and listed in 49 CFR Chapter 1, Subchapter C. Official emergency vehicles, as defined in 700 CMR 7.02 are exempt.

(2) On Ways Other than the Tunnels. The Department adopts the regulations set forth in 49 CFR Parts 171, 172, 173, 177, 178, and 179 and 10 CFR Part 71, subject to the exclusions set forth in 700 CMR 7.11(3), for the purpose of governing the transportation of hazardous materials upon a way other than the Tunnels. The Department adopts 49 CFR Parts 171, 172, 173, 177, 178, and 179 and 10 CFR Part 71 as fully applicable to the transportation of hazardous materials upon a way other than the tunnels and without their limitation to transportation in commerce. No person may offer, accept, or transport a hazardous material upon a way other than the Tunnels unless the material is properly classed, described, packaged, marked, labeled, handled, placarded, and in proper condition for shipment in accordance with 49 CFR and 10 CFR on the date of the hazardous material's entry upon a way other than the Tunnels.

(3) Inapplicable Federal Regulations. The Department does not adopt under 700 CMR 7.11(2) the following regulations set forth in 49 CFR Parts 171, 172, 173, 177, 178, or 179:

(a) Those regulations that apply to the transportation of hazardous materials by air, water, rail, or pipeline; and,

(b) Those regulations that require the reporting of hazardous material incidents, including, but not limited to, 49 CRR Parts 171.15 and 171.16.

(4) Exemptions. The persons and vehicles identified in 700 CMR 7.11(4)(a) and (b) are exempt from the requirements of 700 CMR 7.11(2):

(a) A person properly operating under a valid exemption under 49 CFR Part 107, subpart B is in compliance with those portions of 700 CMR 7.00 to which the exemption applies.

(b) The operator of a cargo tank vehicle engaged in the retail delivery of fuel oil is exempt from the shipping paper requirements set forth in 49 CFR Part 172, subpart C. The operator of a cargo tank vehicle engaged in the retail delivery of fuel oil shall comply with the placarding requirements set forth in 49 CFR Part 172.

(5) Construction and Priority of Application. 700 CMR 7.11(2) established the minimum standards with which an operator and vehicle transporting hazardous materials must comply. In the event of a conflict between 700 CMR 7.11(2) and another provision of 700 CMR 7.00, the more stringent standard applies.

(6) Application in an Unusual Situation. The Department may determine not to apply a provision of 700 CMR 7.11 to an individual set of circumstances if, after consideration of the facts involved, the Department determines that its application of the provision would not be in the public interest.

7.12: Repair or Removal of Vehicle

(1) In the Tunnels.

(a) Repairs. Repairs to a disabled vehicle in the Tunnels are prohibited unless authorized by the Chief Engineer or a Massachusetts State Police officer to ensure the safe and efficient operation of the Tunnels.

(b) Removal. The Department may immediately remove, or cause to be removed, a disabled vehicle or abandoned vehicle in the Tunnels, and the Department may park, garage, or store the removed vehicle on property of the Department or elsewhere, all at the risk and expense of the owner of the removed vehicle.

(2) On a Way Other than the Tunnels. The provisions of 700 CMR 7.12(2) apply only to activities involving a disabled vehicle or abandoned vehicle that is located on a way other than the Tunnels. Activities involving a disabled or abandoned vehicle in the Tunnels are governed by 700 CMR 7.12(1).

(a) Repairs. The operator of a disabled vehicle may repair it, or cause it to be repaired in accordance with 700 CMR 7.12(2)(c), provided that the wheels and projecting parts, including any load, of the disabled vehicle completely clear the nearest lane by a minimum of two feet; the operator does not leave the disabled vehicle unattended; and the repairs are completed within two hours.

(b) Removal.

1. Authorization. The Department may remove, or cause to be removed, an abandoned vehicle in accordance with 700 CMR 7.12(2)(c). The Department may remove, or cause to be removed, a disabled vehicle in accordance with 700 CMR 7.11(2)(c) if effective repairs in accordance with 700 CMR 7.12(2)(a) cannot be accomplished or if, at any time, a Massachusetts State Police officer or the Chief Engineer determine that the vehicle's removal is appropriate to ensure the safe and efficient operation of the way.

2. Immediate Procedure. Pending removal in accordance with 700 CMR 7.12(2)(c), the operator of a disabled vehicle shall, if practicable, move or cause to be moved the vehicle to the extreme right side of the pavement or to an interchange. A Massachusetts State Police officer may similarly move a disabled vehicle or an abandoned vehicle.

(c) Providers of Repair or Removal Services.

1. Removal Procedure and Terms. A provider of emergency road services, as authorized in 700 CMR 7.12(2)(c), removes a disabled vehicle or an abandoned vehicle by towing, pushing, or transporting the vehicle at the risk and expense of its owner to a convenient place of storage as determined by a Massachusetts State Police officer or the Chief Engineer. The Department does not permit such a vehicle to be removed from the place of storage until full payment has been made for storage, towing, and any other charges reasonably related to the vehicle's removal.

2. Providers Certified with Respect to Tandem Units. The operator or owner of a tandem unit that is a disabled vehicle may use an emergency road-service provider certified in accordance with 700 CMR 7.08(25) to repair or remove the disabled vehicle; provided, however, that the Department or a Massachusetts State Police officer may require the tandem unit owner or operator to use a qualified towing contractor as described in 700 CMR 7.12(2)(c)3. to remove or repair the disabled vehicle if, in the judgment of the Department or the Massachusetts State Police, safety, the efficient operation of the way or the public convenience requires its doing so.

3. Qualified Towing Contractor. If the provisions of 700 CMR 7.12(2)(c)2. do not apply, a disabled vehicle or abandoned vehicle may be repaired or removed by a qualified towing contractor having a service contract with the Department and called to the scene by the Massachusetts State Police or the Department. Towing and related service charges are established in the service contract with the Department, and the qualified towing contractor provides a schedule of its charges to the vehicle owner or operator. The Department may terminate a service contract with a qualified towing contractor if the contractor fails to provide services in accord with its contract. Any person may submit written comments to the Chief Engineer concerning emergency road service that a qualified towing contractor provides.

7.12: continued

4. Other Qualified Emergency Road-service Provider. At the request of the operator or owner of a disabled vehicle or abandoned vehicle, the vehicle may be repaired or removed by a qualified emergency road-service provider other than a qualified towing contractor as described in 700 CMR 7.12(2)(c)3.; provided, however, that the Department or a Massachusetts State Police officer may require the vehicle operator or owner to use a qualified towing contractor as described in 700 CMR 7.12(2)(c)3. to remove or repair the vehicle if, in the judgment of the Department or the Massachusetts State Police, safety, the efficient operation of the way or the public convenience requires its doing so.

7.13: Penalties

(1) Exemptions. 700 CMR 7.13 does not apply to, and the Department does not impose a penalty with respect to, an operator of a vehicle acting in conformity with the direction of a toll collector or Massachusetts State Police officer, to the operator of a vehicle actually engaged in work on a way when the requirements of the work necessitate a departure from any of the requirements of 700 CMR 7.00 and the departure does not endanger the safety of individuals or property, or to a toll collector or Massachusetts State Police officer when engaged in the performance of duties that necessitates a departure from any of the requirements of 700 CMR 7.00, or to the operator of an official emergency vehicle when an emergency necessitates departure from any of the requirements of 700 CMR 7.00. These exemptions do not, however, relieve such an operator from other legal consequences of the operator's or individual's action.

(2) *Prima Facie* Responsibility for Violations. If a vehicle is operated on a way in violation of any provision of 700 CMR 7.00 or any other regulation or law of the Commonwealth of Massachusetts, and the identity of the operator of the vehicle can not be determined, the person in whose name the vehicle is registered is deemed *prima facie* responsible for the violation. With regard to a violation of 700 CMR 7.03(10), the person in whose name the vehicle is registered is deemed prima facie responsible for the violation, regardless of whether the operator of the vehicle may be identified.

(3) Fines.

(a) Fines by Reference to 700 CMR 7.00. Whoever violates any provision of 700 CMR 7.00 is subject to a fine not exceeding the amount indicated in 700 CMR 7.13(3): *Table 11*, in addition to other penalties as the laws of the Commonwealth of Massachusetts or federal law may provide. The section title and general subject matter headings are provided for convenience only and do not amend or in any way affect the substance of the provisions to which they refer.

TABLE 11

Section Title	Section	General Subject Matter	Fine Way other than the Tunnels	Fine Tunnels
Electronic Toll Collection	700 CMR 7.04(1)(a)	Unauthorized use of EZDriveMA System	Note 1	Note 1
	700 CMR 7.04(1)(b)	Restricted Access	Note 1	Note 1
	700 CMR 7.04(3)	Evasion of Toll	$250	$250
Limitation on Use of Ways	700 CMR 7.06(1)	Wrong way travel	$50	-
	700 CMR 7.06(2)	Wrong direction in Sumner, Callahan, or Ted Williams Tunnel	-	$500
	700 CMR 7.06(3)	Unauthorized entry or exit from a way	$50 -	$50 $50

Section Title	Section	General Subject Matter	Fine Way other than the Tunnels	Fine Tunnels
	700 CMR 7.06(4)(a)	Improperly seated person	$100	$100
	700 CMR 7.06(4)(b)	Flat or inadequate tire	$35	$35
	700 CMR 7.06(4)(c)	Obstructed window	$100	$100
	700 CMR 7.06(4)(d)	Muscle-powered vehicle	$100	$100
	700 CMR 7.06(4)(e)	Construction equipment	$100	$100
	700 CMR 7.06(4)(f)	Falling debris	$100	$100
	700 CMR 7.06(4)(g)	Inadequate brakes		
		1st Offense	$35	$35
		2nd Offense	$75	$75
		3rd and subsequent Offense within any 12 month period	$150	$150
	700 CMR 7.06(4)(h)	Over-weight vehicle	Note 2	Note 2
	700 CMR 7.06(4)(i)	Over-size vehicle	$500	$500
	700 CMR 7.06(4)(j)	Propelled by a special fuel	-	$500
	700 CMR 7.06(4)(k)	Carrying an explosive	$100	$100
	700 CMR 7.06(4)(l)	Carrying a special fuel	$500	$500
	700 CMR 7.06(4)(m)	Carrying a hazardous material	$500	$500
	700 CMR 7.06(4)(n)	Tandem unit, bulk liquid, radioactive materials, explosives, hazardous materials	-	$500
Prohibited Entry to or Use of a Way: Vehicle	700 CMR 7.06(4)(o)	Offensive odor, excessive smoke, improperly towed	$50	$50
	700 CMR 7.06(5)	Pedestrians and animals	$50	$50
Prohibited Entry to	700 CMR 7.06(6)	Aircraft	$500	-
or Use of a Way:	700 CMR 7.06(7)	Hitchhiking or loitering	$50	$50
Non-vehicle	700 CMR 7.06(8)	Commercial activity	$50	$50
	700 CMR 7.07(2)(e)	Misrepresentation	$500	$500
	700 CMR 7.07(2)(f)	Invalid transfer	$500	$500
	700 CMR 7.07(2)(h)	Inappropriate use of Irreducible Load permit	$500	$500
	700 CMR 7.07(2)(j)	Inadequately insured vehicle operating under a Special Permit	$500	$500
	700 CMR 7.07(2)(m)	Operation of tandem unit in Tunnels - weight	-	$500
	700 CMR 7.07(3)(c)2.	Failure to carry original permit issued by the Department	$100	$100
	700 CMR 7.07(3)(c)3.	Failure to produce original Reducible Load (RL) Permit	$100/each permit	$100/each permit
	700 CMR 7.07(4)(c)2.	Failure to carry original permit issued by the Department	$100	
	700 CMR 7.07(4)(d)	Failure to conform with requirements for pilot car, police escort, or warning sign	$500	$100 $500
	700 CMR 7.07(4)(e)	Prohibition on operation of Tandem unit and saddlemount combination (length) - Tunnels	-	$500
	700 CMR 7.07(4)(f)	Failure to exhibit height indication	$100	
Special Permits:	700 CMR 7.07(4)(g)	Insufficient care with respect to operation of over-size vehicle	$500	$100
General				$500
	700 CMR 7.07(5)(f)2.	Failure to carry original permit	$100	-
Special Permit:	700 CMR 7.07(5)(f)4.	Minimum separation	$500	-
Vehicle Carrying an	700 CMR 7.07(5)(f)5.	No stopping	$500	-
Explosive	700 CMR 7.06(5)(f)6.	Conformance with law	$500	-
Special Permit:	700 CMR 7.07(6)(e)2.	Failure to carry original permit	$100	-

Vehicle Carrying a Special Fuel	700 CMR 7.07(6)(e)2.	Failure to display signs	$100	-
	700 CMR 7.07(6)(e)4.	Minimum separation	$500	-
	700 CMR 7.07(6)(e)5.	No stopping	$500	-
	700 CMR 7.07(6)(e)6.	Conformance with law	$500	-
Limitations on Large Tandem Units	All provisions of 700 CMR 7.08		$500	-
Traffic, Operation, and Safety: General	700 CMR 7.09(1)(a)	Failure to obey sign	$50	$50
	700 CMR 7.09(1)(a)	Interfering with sign	$50	$50
	700 CMR 7.09(1)(a)	Deploying unauthorized sign	$50	$50
	700 CMR 7.09(1)(b)	Failure to comply with orders	$50	$50
	700 CMR 7.09(2)	Failure to obey traffic control signal	$50	$50
Traffic, Operation, and Safety: Parking Prohibitions	700 CMR 7.09(4)(a)	No parking area: posted	$50	-
	700 CMR 7.09(4)(b)	No parking area: tow zone	$50	-
	700 CMR 7.09(4)(c)	No stopping or standing	$50	-
	700 CMR 7.09(4)(d)	Crosswalk	$50	-
	700 CMR 7.09(4)(e)	Sidewalk	$50	-
	700 CMR 7.09(4)(f)	Reserved area	$50	-
	700 CMR 7.09(4)(g)	HP or DV plate parking only	$150	-
	700 CMR 7.09(4)(h)	Handicapped ramp	$100	-
	700 CMR 7.09(4)(i)	Median	$50	-
	700 CMR 7.09(4)(j)	Bus or truck parking area	$50	-
	700 CMR 7.09(4)(k)	Car parking area	$50	-
	700 CMR 7.09(4)(l)	Tandem trailer parking area	$50	-
	700 CMR 7.09(4)(m)	Hydrant	$50	-
	700 CMR 7.09(4)(n)	Designated fire lane	$100	-
	700 CMR 7.09(4)(o)	Breakdown lane	$50	-
	700 CMR 7.09(4)(p)	Over posted time limit	$50	-
	700 CMR 7.09(4)(q)	Inspection Sticker	$50	-
	700 CMR 7.09(4)(r)	Idling in excess of five minutes	$100	-
	700 CMR 7.09(4)(s)	Emergency vehicle access	$50	-
	700 CMR 7.09(4)(t)	Double parking	$50	-
	700 CMR 7.09(4)(u)	Weather emergency	$50	-
	700 CMR 7.09(4)(v)	Outside of marked spaces	$50	-
	700 CMR 7.09(4)(w)	Street cleaning	$40	
Traffic, Operation, and Safety: Vehicle Operation	700 CMR 7.09(5)(a)	Careless or negligent operation	$50	$500
	700 CMR 7.09(5)(b)	Negligent loading	$50	**$**100
	700 CMR 7.09(6)(a)	Reasonable and proper speed	$50	$50
	700 CMR 7.09(6)(b)	Operating at dangerous speed	**$**50	$500
	700 CMR 7.09(6)(c)	Maximum speed	Note 3	Note 3
	700 CMR 7.09(6)(c)	Minimum speed	$20	$20
	700 CMR 7.09(7)	Improper entry to a way	$50	$100
	700 CMR 7.09(8)	Crossing solid pavement markings	$50	$100
	700 CMR 7.09(9)	Unauthorized use of breakdown lane	$100	$100
	700 CMR 7.09(10)(a)	Unauthorized or dangerous crossing of median or other area	$50	$100
	700 CMR 7.09(10)(b)	Unauthorized use of cross-over	$50	$100
	700 CMR 7.09(11)(a)	Entry into restricted area - general	$100	**$**100
	700 CMR 7.09(11)(b)	Entry into restricted area - left lane restrictions	$100	**$**100
	700 CMR 7.09(12)(a)	Construction zone - excess speed (Note 5)	**$**100	**$**100
	700 CMR 7.09(12)(b)	Construction zone - entry into excluded area	$100	$100
	700 CMR 7.09(12)(c)	Construction zone - careless operation	$100	$100
	700 CMR 7.09(13)(a)	Keeping to the right when overtaking another vehicle - Tunnels	-	$100
	700 CMR 7.09(13)(b)	Keeping to the right when overtaking another vehicle - Non-tunnels	$100	-
	700 CMR 7.09(14)	Care in passing another vehicle	$100	$100

	700 CMR 7.09(15)	Space between vehicles	$100	$100
	700 CMR 7.09(16)	Coasting	$100	$100
	700 CMR 7.09(17)(a)	Stopping, standing, or parking	$50	$100
	700 CMR 7.09(17)(b)	Backing and U-turns prohibited	$50	$100
	700 CMR 7.09(17)(c)	Failure to use care in stopping or turning - hand signals	$25	$25
	700 CMR 7.09(18)	Repair or removal of disabled vehicle prohibited	$50	$50
	700 CMR 7.09(19)	Failure to respond to over-height alarm	-	$500
	700 CMR 7.09(20)	Improper use of cutouts	$35	$35
	700 CMR 7.09(21)	Improper use of horn	$35	$35
	700 CMR 7.09(22)(a)	Improper use of headlights - Tunnels	-	$50
	700 CMR 7.09(22)(b)	Improper use of headlights - Non-tunnels	$35	-
		Adequate fuel or energy supply		
	700 CMR 7.09(23)	Disposal of waste - minor	$50	$100
	700 CMR 7.09(24)(a)	Disposal of waste - major	$50	$50
	700 CMR 7.09(24)(b)	Defacing property	$100	$100
	700 CMR 7.09(25)	Failure to display inspection sticker	$500	$500
	700 CMR 7.09(26)	Inadequate equipment	$50	$50
	700 CMR 7.09(27)	1st Offense		
		2nd Offense	$35	$35
		3rd and subsequent Offense within any 12 month period	$75	$75
		Idling	$150	$150
	700 CMR 7.09(28)		Note 4	Note 4
	700 CMR 7.09(29)	Transportation of alcoholic beverages	$100	$100
	700 CMR 7.09(30)	Inspection and examination of cargo	$100	$100
	700 CMR 7.09(31)	Interstate transportation	$100	$100
Transportation of	700 CMR 7.09(32)	Operator's record of duty status	$50	$50
Cargo	700 CMR 7.10	Motor Carrier Safety Act	$50	$50
Hazardous	700 CMR 7.11(1)	Hazardous Materials - Tunnels	-	$500
Materials	700 CMR 7.11(2)	Hazardous Materials - Non-tunnels	$500	-
	700 CMR 7.12(1)(a)	Unauthorized repair to disabled vehicle - Tunnels	-	$25
	700 CMR 7.12(1)(b)	Removal of disabled vehicle - Tunnels	-	$25
	700 CMR 7.12(2)(a)	Inappropriate repair of disabled vehicle - Non-tunnels	$25	-
Repair and Removal of Vehicles	700 CMR 7.12(2)(b)	Removal of disabled vehicle - Non-tunnels	$25	-

Note 1: The fine for a violation of 700 CMR 7.04(1)(a) or 700 CMR 7.04(1)(b) or 700 CMR 7.03(10) is specified in 700 CMR 7.13(3)(b).

Note 2: The fine for exceeding the permissible weight is specified in 700 CMR 7.13(3)(c).

Note 3: The fine for exceeding the maximum speed limit is specified in 700 CMR 7.13(3)(d).

Note 4: The fine for idling is determined according to the provisions of M.G.L. c. 90, § 16A.

Note 5: The fine for speeding in a construction zone may be doubled in accordance with M.G.L. c. 90, § 17 and 700 CMR 7.09(12).

Note 6: The fine for a registered owner who fails to pay the fine specified in a violation notice or who fails to appeal a violation notice as provided by 700 CMR 7.14(1)(f) shall pay an additional penalty as indicated on the violation notice and/or in accordance with the amount in parenthesis in 700 CMR 7.07: *Table 11*.

(b) Fines for Failure to Pay Toll . The fine for a violation of 700 CMR 7.04(1)(a), 700 CMR 7.04(1)(b), or 700 CMR 7.03(10), is contained in *Table 1* . Late payment fees may assessed in accordance 700 CMR 7.03(12) and 700 CMR 7.04(5).

(c) Fines for Over-weight Vehicles. Any operator who operates a vehicle, or any owner or bailee who requires or allows the operation of a vehicle, in violation of 700 CMR 7.06(5)(h) is subject to a fine of not less than $40.00 for each 1,000 pounds of weight or fraction thereof by which the vehicle weight of the vehicle as operated exceeds the maximum vehicle weight for a vehicle of its type as specified in 700 CMR 7.07(3): *Table 2*, or by a special permit that the Department issued for the vehicle for such operation, whichever is greater; provided, further, that, if the total of the excess weight is greater than

10,000 pounds, the rate of the fine is not less than $80.00 for each 1,000 pounds or fraction thereof over 10,000 pounds.

(d) Fines for Speeding. Any individual convicted of a violation of the maximum speed limit in violation of 700 CMR 7.09(6)(c) is subject to punishment by a fine of not less than $ 50.00. Where such conviction is for operating a motor vehicle at a rate of speed exceeding ten miles per hour over the speed limit, an additional fine of $10.00 for each mile per hour in excess of the ten miles per hour is assessed, to a maximum fine of $500.00.

(e) Fines for Other Violations. Whoever violates any provision of 700 CMR 7.00 not listed in 700 CMR 7.13(3): *Table 11* is subject to a fine not exceeding $500.00 for every such offense.

7.14: Parking Violation Enforcement

(1) Parking Violation Enforcement. The Department establishes regulations to address the public safety, environmental and related issues associated with the illegal parking of vehicles on properties owned, maintained or controlled by the Department.

(a) Enforcement. A violation or parking clerk may enforce the provisions of 700 CMR 7.14.

(b) Designation of Violation Clerks. The Department may, from time to time, designate one or more violation or parking clerks to perform the functions specified in 700 CMR 7.14(1)(c) at the pleasure of the Department and for such finite or indefinite period as the Department deems desirable.

(c) Functions of the Violation Clerks. The State Police or a parking clerk designated by the Department will record and collect data to identify a violating vehicle and certify that such violation occurred. After the parking violation has been issued or affixed to the vehicle, copies of the parking violations are forwarded to the violation clerks for the processing of violation notices. The violation clerks may coordinate the processing of violation notices in accordance with 700 CMR 7.14(1). The Department may hire or designate such personnel and organize such divisions as the Department may deem necessary, or contract for such services, in order to carry out the provisions of 700 CMR 7.14.

(d) Content of Violation Notice.

1. Information Regarding the Specific Offense. A violation notice includes, but is not limited to, the following information: the registration number and state of issuance of the registration number of the vehicle involved; the make and color of the vehicle; the date, time and place of the violation; the specific violation charged by reference to the appropriate entry in 700 CMR 7.13(3): *Table 11*; the applicable fines or penalties that the Department has established; an identifier for the Department's designated representative who is certifying that the violation occurred; and instructions for the return of the tag; and such other information as the Department may deem appropriate.

2. Notice of Requirement to Respond. A parking violation notice states that the registered owner must pay the fine stated in the violation notice or appeal the violation within 60 calendar days after the date of the issuance of the violation notice and describes the means and content of the response for payment or appeal. Payments or appeals shall be received by the Department by the due date listed on the parking violation notice.

(e) Issuance of Violation Notice.

1. Delivery of Violation Notice. A parking violation notice shall be affixed securely to the motor vehicle. If it not possible to affix a parking violation notice to the motor vehicle, such notice shall be sent to the address of the registered owner of the motor vehicle, if the vehicle is registered in the Commonwealth of Massachusetts. If the motor vehicle is not registered in the Commonwealth, the parking violation notice shall be sent to the records of the official of the relevant state in charge of the registration of such motor vehicle.

2. *Prima Facie* Evidence of Notice. Notice affixed to a motor vehicle as provided in 700 CMR 7.14, shall be deemed a sufficient notice, and a certificate of the parking violation clerk affixing such notice that it has been affixed thereto, in accordance with 700 CMR 7.14, shall be deemed *prima facie* evidence thereof and the facts therein and shall be admissible in any judicial or administrative proceeding as to the facts contained therein.

(f) Payment or Appeal of Violation Notice. Within 60 calendar days after the date of the issuance of the parking violation notice, the registered owner to whom the violation notice is issued must make one of the following responses: pay the fine as provided by 700 CMR

7.14(f)1; send a written dispute by mail as provided by 700 CMR 7.14(f)2.; or request a hearing as provided by 700 CMR 7.14(f)3.

1. Payment of Fine. The registered owner shall pay the fine as specified in the violation notice. Payment of the fine shall be received by the Department by the due date listed on the parking violation notice.

2. Appeal by Mail. The registered owner may, without waiving the right to a hearing before a violation clerk as provided by 700 CMR 7.14(f)3., and also without waiving judicial review as provided by M.G.L. c. 30A, § 14, appeal a parking violation and receive a review and disposition of the violation from a parking violation clerk by mail. The appeal by mail must contain a signed statement from the registered owner explaining the basis for the appeal. The signed statement may be accompanied by signed statements from witnesses, police officers, government officials, or other relevant parties or photographs, diagrams, maps or other relevant documents that the registered owner determines to submit. Statements or materials sent to a parking violation clerk for review must have attached to them the name and address of the registered owner as well as the number of the violation notice and the date of the violation. All information submitted by the registered owner becomes part of the violation record. Written appeals submitted by mail shall be received by the Department by the due date listed on the violation notice. The violation clerk shall, within 60 days of receipt of such material, review the material and dismiss or uphold the violation and notify the registered owner of the disposition of the hearing in writing by mail. If the appeal by mail is denied, the parking violation clerk shall explain the reasons for the determination. The review and disposition handled by mail is informal, the rules of evidence do not apply, and the decision of the violation clerk is final subject to the hearing provisions provided by 700 CMR 7.14(f), and to judicial review as provided by M.G.L. c. 30A, § 14.

3. Request for Hearing. Consistent with the provisions of M.G.L. c. 30A, a person issued a violation notice may make a written request for an appeal hearing before a violation clerk designated by the Department. Requests for a hearing shall be received by the Department by the due date listed on the violation notice. The violation clerk then notifies the registered owner in writing by first class mail of the date, time, and place of the hearing. The hearing is informal, the rules of evidence do not apply, and the decision of the violation clerk is final, subject to judicial review as provided by M.G.L. c. 30A, § 14. Parties are notified in person or by mail of the decision following the hearing. Each written appeal decision contains a statement of reasons for the decision including a determination of each issue of fact necessary to the decision. Failure to appear at the date, time, and place specified on the hearing notice automatically results in the denial of the appeal.

(g) Failure to Comply. Failure to comply with the requirements of 700 CMR 7.14(1)(f) shall result in the following sanctions against the registered owner.

1. Additional Fines or Penalties. The Department may assess additional fines or penalties for late payment, failure to pay, or for otherwise failing to respond to a violation notice as provided by 700 CMR 7.14(1)(f).

Failure to Respond Within 60 Days after the Date of Issuance of a Violation Notice. A registered owner who fails to pay the fine specified in a violation notice or who fails to appeal a violation notice as provided by 700 CMR 7.14(1)(f) within 60 calendar days after the date of the issuance of the violation notice shall pay an additional penalty as indicated on the violation notice and/or 700 CMR 7.07: *Table 11*. The violation clerk notifies the registered owner by first class mail of this notice of liability and, in addition, notifies the Registrar of Motor Vehicles who shall place the matter on record and, upon receipt of a notice of liability, the Registrar shall not renew the registered owner's license to operate the vehicle or the registration of the vehicle until after notice from the violation clerk that all such matters have been disposed of in accordance with applicable law or regulation. If the registered owner is a resident of another state or jurisdiction, the Registrar shall revoke the registered owner's right to operate in the Commonwealth until the matter has been disposed of in accordance with applicable law or regulation.

2. Civil or Criminal Action. The Department may pursue such civil or criminal action as it deems appropriate to collect the fine initially assessed in the violation notice as well as such additional fines or penalties as the Department may assess in accordance with 700 CMR 7.14.

(2) Program Enforcement. Any violation notice based in whole or in part upon the written

certification by the Department's designated representative for the purposes of recording such a violation, upon inspection of any photograph or other recorded image, and/or a violation clerk shall be *prima facie* evidence of the facts contained therein and shall be admissible in any administrative or judicial proceeding to adjudicate the liability for such violation. Nothing in 700 CMR 7.00 shall require a violation to be recorded by photographic or other recorded means, but a violation may be based in whole upon the written certification of the Department's designated representative that such violation has occurred.

(3) *Prima Facie* Responsibility for Stolen Vehicle. The registered owner of any vehicle violating the provisions of 700 CMR 7.14 is *prima facie* responsible for the payment of the fines or penalties that the Department assesses in accordance with 700 CMR 7.13(3)(a) with respect to a violation of 700 CMR 7.14, unless the registered owner has reported in a timely manner to a police agency that the violating vehicle has been stolen, and the violating vehicle remained stolen at the time of the violation of 700 CMR 7.14.

REGULATORY DEPARTMENT

700 CMR 7.00: M.G.L. c. 6C, § 3(l).