

740 CMR: MASSACHUSETTS PORT AUTHORITY

740 CMR 3.00: PORT PROPERTIES

Section

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3.01: Definitions

Whenever used in 740 CMR 3.00, the following terms shall have the meanings respectively hereinafter indicated:

Authority - shall mean the Massachusetts Port Authority created by St. 1956, c. 465 and amendments thereto.

Guards - shall mean such Guards as the Authority might from time to time authorize to patrol the Port Properties or any portion thereof.

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

Permission - shall mean permission granted by the Executive Director, unless otherwise specifically provided.

Person - shall mean and include any individual, firm, co-partnership, corporation, association or company (including any assignee, receiver, trustee, or similar representative thereof) or the United States of America or any foreign government or any state, political division, thereof or the United Nations.

Police - shall mean the members of the Massachusetts State Police and such other police as are appointed or employed by the Authority pursuant to St. 1956, c. 465, §§ 3(g) and 23.

Port Properties - shall mean all Port Property as defined in St. 1956, c. 465. This term shall also mean the Marine Terminals and other property owned, operated, used, controlled or leased by the Authority for maritime purposes. The term includes but in no way limits the generality of the foregoing, Hoosac Pier, Commonwealth Pier Five, East Boston Terminals, Mystic Terminal, the Boston Army Base and Castle Island Terminal.

Premises - shall mean the Port Properties or any portion thereof including but in no way limited to any and all lockers, foot lockers, packages, receptacles and containers.

Search - shall mean such examination and investigation as the Police might, in their discretion, deem advisable or necessary including but in no way limited to any and all packages, boxes, bags, or containers.

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

3.02: General Provisions

(1) Compliance with 740 CMR 3.00. Any permission granted by the Authority directly or indirectly, expressly or by implication, to any person or persons to enter upon or use the Port Properties or any part thereof (including persons doing business with the Authority, its lessees, sublessees, permittees, licensees and all other persons whomever, whether or not of the type indicated) is conditioned upon compliance with 740 CMR 3.00 and entry upon or into the Port Properties or any part thereof by any person shall be deemed to constitute an agreement by such person to comply with said 740 CMR 3.00.

The Executive Director, the Secretary-Treasurer, and the Port Director are authorized to act for the Authority in connection with the enforcement of all rules and regulations contained herein.

(2) Restricted Areas. All areas of the Port Properties except those areas open to the public are restricted and no person shall enter Customs, Immigration or Public Health areas, other areas under the jurisdiction of the United States Government, any private offices, buildings or any restricted area on the Port Properties posted as being closed to the public except:

- (a) Persons assigned to duty or having official business therein.
- (b) Authorized representatives of the Authority.
- (c) Authorized representatives of the United States Government.
- (d) Persons having prior permission of the Authority.
- (e) Passengers under appropriate supervision, entering thereon for purposes of embarkation or debarkation.

(3) Soliciting, Advertising, Sales. No person unless duly authorized by the Authority shall, in or upon any area, lobby, sidewalk, stairway or any other appurtenance of the Port Properties:

- (a) Sell, or offer for sale any article of merchandise.
- (b) Carry on any commercial activity.
- (c) Solicit any business or trade.
- (d) Solicit alms or funds for any purpose.
- (e) Post, distribute, or display signs, advertisements, circulars, printed or written matter.

(4) Use Of Port Properties.

- (a) No person shall travel on any portion of the Port Properties, except upon the roads, walks, or places provided for the particular class of traffic; nor occupy the roads or walks in such manner as to hinder or obstruct their proper use.
- (b) No person shall place, discharge, or deposit in any manner offal, garbage, or any refuse in or upon any of the Port Properties.
- (c) No person shall enter the Port Properties with a dog or other animal except a "seeing eye" dog or one properly confined for shipment or on a leash or in such a manner as to be under positive control.
- (d) Passengers shall not be permitted to board or come ashore except in the presence of authorized steamship or steamship agent personnel.
- (e) Unless otherwise provided in a lease or other agreement, no person shall use any area of the Port Properties for storage of cargo or property without permission of the Authority. If, notwithstanding the above prohibition, a person uses such areas for storage as aforesaid without first obtaining such permission, then the Authority can order the cargo removed.
- (f) Heater valves, hydrants, sprinkler valves and devices, blower motors or any other Port Property machinery or equipment shall not be tampered with at any time. No person other than an authorized Port Property employee shall be permitted to operate such devices, machinery or equipment.
- (g) The owner, driver and occupants of any vehicle leaving any of the Port Properties or any part thereof shall be deemed to consent to a search of such vehicle by the Police.
- (h) The Police shall have the right to remove from the Port Properties or any part thereof any unauthorized vehicles and the Authority shall have the right to retain such vehicle until the owner and/or operator thereof shall reimburse the Authority for all costs of removal and storage of said vehicle.
- (i) The Police shall have the right to search the premises of the Port Properties or any part thereof at any and all times.

3.02: continued

(5) Conduct.

- (a) No person shall, at or upon the Port Properties, do or omit to do any act if the doing or omission thereof endangers or is likely to endanger persons or property.
- (b) No person who is unable to give satisfactory explanation of his presence shall loiter in or about any toilet, corridor, stairway, lobby, waiting room or other appurtenance of the Port Properties.
- (c) No person shall commit any disorderly, obscene, indecent, or unlawful act, commit any nuisance, or abandon any personal property on the Port Properties.
- (d) No person shall violate the posted "no smoking" restrictions on the Port Properties.

(6) Firearms and Explosives. No person except Police, Guards, authorized post office or custom employees, or members of the Armed Forces of the United States and Massachusetts National Guard on official duty, shall carry any firearms or explosives on the Port Properties without permission. All persons, other than those in the excepted classes, shall while on the Port Properties surrender all such objects in their possession to the Police.

(7) Accidents. All persons involved in any accident occurring on the Port Properties shall make a full report thereof to the Police or Guard as soon after the accident as possible and before leaving the Port Properties. Such reports shall be made available to the Police upon request.

(8) Preservation of Property.

- (a) No person shall destroy, injure, deface or disturb, tamper with, or attempt to destroy, injure, deface or disturb any building, sign, equipment fixture, marker or any other structure or the property on the Port Properties.
- (b) No person shall injure, or deface, destroy or disturb the trees, flowers, shrubs or other vegetation or trespass on lawns or seeded areas on the Port Properties.

(9) Identification. Any and all persons entering on any of the Port Properties or any portion thereof shall upon entrance thereon identify himself upon request to the Police or any authorized representative of the Authority, such identification to include but in no way be limited to name, address, current employer, union affiliation, if any, and under what right said person seeks admittance to the Port Properties or portion thereof.

3.03: Vehicular Operations

(1) No motor vehicle shall be permitted upon the Port Properties unless it shall be in sound mechanical order, shall have adequate headlights, horn and brakes and clear vision from the driver's seat. Trailers and semi-trailers shall not be permitted upon the Port Properties unless they are equipped with reflector buttons placed upon the rear of such vehicles and unless they shall be equipped with proper brakes so that when disengaged from a towing vehicle they cannot become free-rolling. Positive locking couplings will be required for all towed equipment.

(2) No vehicle shall be operated on the Port Properties if such vehicle is so constructed, equipped, or loaded as to endanger or to be likely to endanger persons or property.

(3) No person shall operate a motor vehicle on areas of the Port Properties to which the public have access unless said vehicle is properly registered in accordance with the laws of the Commonwealth of Massachusetts.

(4) No vehicle shall be permitted to operate upon any area of the Port Properties to which the public does not have a right of access unless and until such vehicle has been inspected by the Authority, and a permit with assigned number issued to the operator thereof. The inspection of the vehicle shall not relieve the operator thereof of the duty to comply with any requirements imposed by law or by 740 CMR 3.00.

(5) No person shall drive a motor vehicle anywhere upon the Port Properties without a regular motor vehicles operator's or chauffeur's license issued by a State Registry of Motor Vehicles permitting the driving by such person of the particular type of vehicle driven.

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- (6) No person shall operate a vehicle on the Port Properties in a careless or negligent manner or in disregard of the rights and safety of others, or without due caution for circumstances or at a speed or in a manner which endangers or is likely to endanger persons or property or while the operator thereof is under the influence of intoxicating liquor, or any narcotic or habit-forming drug.
- (7) No vehicle which, in the opinion of the Authority, is dangerous to persons or property, or is likely to obstruct traffic, shall be permitted upon the Port Properties.
- (8) No person shall park a vehicle or leave same standing on any Port Property, except at such places and for such periods of time as may be prescribed or permitted by the Authority.
- (9) Motor vehicles on the Port Properties shall be operated in strict compliance with speed limits prescribed by the Authority as indicated by posted traffic signs, and in no case in excess of 30 miles per hour, except fire, police and other emergency vehicles in case of emergency.
- (10) The Police or any authorized representative of the Authority may remove from any area of the Port Properties any vehicle which is disabled, abandoned, parked in violation of 740 CMR 3.00, or which presents an operational problem to any other area on the Port Properties and store said vehicle at the operator's and/or owner's expense and without liability for damage which may result in the course of such moving.
- (11) The operator of any vehicle involved in an accident on the Port Properties which results in injury or death to any person or damage to any property shall immediately stop such vehicle at the scene of the accident, and give his name, address and operator's license and registration number to the person injured or to any officer or witness to the accident. The operator of such vehicle shall before leaving the Port Properties give a full report of the accident to the Police or Guard.

3.99: Penalties for Violations

- (1) For violations of 740 CMR 3.02:
 - (a) First offense - warning or fine not to exceed \$50.00.
 - (b) Second offense within 12 months of the first offense - fine not less than \$50.00 and not more than \$150.00.
 - (c) Third or any subsequent offense within 12 months of the first offense - fine not less than \$150.00 and not more than \$250.00.
- (2) For violations of 740 CMR 3.03:
 - (a) Parking Violations.

<u>Code No.</u>	<u>Violation</u>	<u>Fine</u>
40	Hydrant	\$75.00
41	Fire Lane	50.00
42	Safety Lane	50.00
43	Crosswalk	25.00
44	Obstructing Public Transportation	25.00
45	Double Parking	25.00
46	Weather Emergency	20.00
47	Street Cleaning	20.00
48	Within Intersection	25.00
49	Restricted - No Parking	25.00
50	Over 1 ft. From Curb	20.00
51	Wrong Direction	20.00
52	Center Strip or Island	20.00
53	Within 20 ft. of Intersection	20.00
54	Bus Stop	25.00

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<u>Code No.</u>	<u>Violation</u>	<u>Fine</u> (continued)
55	No Angle Parking	20.00
56	Angle Parking Only	25.00
57	Taxi Cab Stand	25.00
58	Loading Zone	25.00
59	Bridge or Viaduct	25.00
60	Sidewalk	25.00
61	Driveway	20.00
62	Meter Unpaid	25.00
63	Not In Metered Space	25.00
64	Meter Overtime	20.00
65	Posted Restriction/Special Event	25.00
66	No Stopping	25.00
67	Limousine Stand	25.00
68	P & D Permit Stand	25.00
69	Courtesy Vehicle Stand	25.00
70	HP-DV Space	200.00
71	Emergency Vehicle Access	50.00
72	No Standing	25.00
73	Permit Parking Only	25.00
74	Night Parking	25.00
75	Obstructing HP Ramp/Curb Cut	100.00
76	No Parking Posted Construct/Zone	25.00
77	Not Parking w/in Marked Spaces	25.00
78	Interfering w/Free Flow of Traffic	25.00
79	Other	20.00

(b) The fines established in 740 CMR 3.99(2)(a) shall be due and payable as prescribed by M.G.L. c. 90, § 20A, including the provisions therein for late payment and failure to pay such fines. Payment of parking violation fines and penalties as well as parking violation appeals will be made to the Massport Parking Violations Clerk. Unpaid parking violations will be reported to the Registrar of Motor Vehicles by the Parking Violations Clerk.

(c) Non-Parking Violations:

1. First offense – warning or fine not to exceed \$25.00.
2. Second offense within 12 months of first offense – fine not less than \$25.00 and not more than \$50.00.
3. Third offense within 12 months of first offense – fine not less than \$50.00 and not more than \$100.00.
4. Fourth or any subsequent offense within 12 months of first offense – fine not less than \$100.00 and not more than \$250.00.

REGULATORY AUTHORITY

740 CMR 3.00: St. 1956, c. 465.

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