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Good afternoon,

I am respectfully submitting the following questions, suggestions, and recommendations on two regulations proposed to be amended: 700 CMR 7 and 700 CMR 9. The comments are based on 'redline' versions of the regulations that were posted on MassDOT's website. Although I work for MassDOT Highway Division in the position of District 6 Traffic Engineer, and these comments are based on my experience working in the Highway Division, I am submitting these comments as a private citizen.

My first comment is to suggest that in light of the transportation reform policies enacted in 2009, that MassDOT Highway Division unify regulations for roadways currently under its jurisdiction, whether originally from MassHighway, DCR, MTA, or Massport. If needed, the other regulations could be amended to simply have references to the relevant portion of the primary Highway Division regulations. I raise this point because even the proposed amendments to the regulations contain inconsistencies between them, and in some cases even contradictions with other regulations or laws, and in my opinion no member of the general public could be expected to know all the differences. After all, one of the centerpieces of the transportation reform was to "[create] ONE transportation agency" [emphasis in original].

The 'redline' versions of the regulations were accessed at this website:
<http://www.massdot.state.ma.us/InformationCenter/RegulatoryReview/RegulationsHighwayDivision.aspx>

700 CMR 7 - Use of the Massachusetts Turnpike and MHS

1. General - Replace 'amber' with 'yellow' when in reference to signal lights, for consistency with 700 CMR 9.
2. 7.01(1) - This regulation pertains only to certain ways under the jurisdiction of MassDOT. Therefore, recommend capitalizing "Ways" and adding the appropriate reference in the second line: "...with respect to the use of Ways as defined in 700 CMR 7.02..."
3. 7.02 - Definitions
 - a. Boston Extension Tunnel - Interchanges may be renumbered at some point in the future, therefore recommend replacing "Interchange 22" with "the Copley Square Interchange, currently numbered as Interchange 22" or similar.
 - b. Car Pool Vehicle - Does Massachusetts currently issue "car pool identification cards"?

- c. High-Occupancy Vehicle - Capitalize the "O". Do buses count as HOVs when occupied only by the driver?
 - d. Parked Vehicle - Remove clause referencing toll booths: "it is waiting to enter or leave a toll booth lane"
 - e. Recreational Vehicle - Remove last clause: "by an individual or the individual's family". It shouldn't matter who is using the vehicle.
 - f. Roadway - Remove clause referencing toll plazas: "or approaches to toll plazas"
 - g. Transponder - Fix typo, should be "electronic device"
4. 7.03(8) - EZ Pass Requirement - Add "Callahan Tunnel" between "Sumner Tunnel" and "and/or the Ted Williams Tunnel" in the second row.
 5. 7.04(2)(a) & 7.04(3)(f) - Does this mean that out-of-state cars can't drive on I-90? The term RMV/DMV isn't defined in this regulation.
 6. 7.04(6) - Certain sections of the Turnpike will not have a toll. What if a driver travels on the Turnpike *or* on the MHS? Should this be revised to "A motor vehicle that travels on the Massachusetts Turnpike and/or the MHS may incur a toll"?
 7. 7.07 - Table 7 - Note 4(b) & 4(c)(1) - Update CMR section references from 7.06 to 7.07
 8. 7.09(1)(a) & (b) - Remove references to "toll collector".
 9. 7.09(2) - Table 8 is in 700 CMR 7.09(2), not (1).
 10. 7.09(2) - Table 8 - Remove reference to "toll collector". Update meanings for consistency with 7.00 CMR 9.06(10-12); or simply reference this section without copying the meanings.
 11. 7.09(6)(c) - Add exclusion for low speeds when traffic conditions/congestion require: "...when weather, traffic conditions, or roadway conditions require traveling at a lesser speed..."
 12. 7.09(6) - Table 10 - Simplify table and/or revise for consistency with existing regulatory speed signage as follows:

Turnpike between the New York State border and the I-95 Interchange in Weston	65 mph	40 mph
Turnpike between the I-95 Interchange in Weston and the Prudential Tunnel [Note: Turnpike between Prudential Tunnel and TWT Connector Tunnel is now signed at 45, current CMR says 55]	55 mph	40 mph
Turnpike between the Prudential Tunnel and Route 1A in East Boston	45 mph	20 mph
Callahan Tunnel and Sumner Tunnel	35 mph	20 mph
Any other tunnel	45 mph	20 mph
Any other way, entry, exit, or ramp	As posted by regulatory sign *	As posted by regulatory sign *

[* Note: Recommend some fashion of explicitly excluding advisory/warning speed signs from being enforced as regulatory limits.]

13. 7.09(7) - Revise language to allow for left-side entrance and exit ramps.
14. 7.09(8) - Remove reference to toll collector. Revise to only prohibit driving across double solid pavement markings. The MUTCD does not define single solid pavement markings as having any prohibition on crossing.
15. 7.09(10)(b) - Fix typo, "a Department"
16. 7.09(11)(b) - Interchanges may be renumbered at some point in the future, therefore recommend replacing:

- a. "Interchange 14 in Weston" and "Interchange 15 in Weston" with "the I-95 Interchange in Weston"
- b. "Interchange 9 in Sturbridge" with "the I-84 Interchange in Sturbridge"
17. 7.09(12) - The department typically does not post work zone speed limits, therefore recommend either removing this clause, or replacing "indicating the speed limit within the zone" with "and may post signs indicating the advisory speed or speed limit within the zone".
18. 7.09(12)(a) As with the comment for 7.09(6) Table 10, last row (see above), suggest adding something explicitly excluding advisory/warning speed signs from being enforced as regulatory limits. Also, does the double fines apply when the appropriate sign is not installed? If so, recommend revising the language to add "when so posted" after "reasonable and proper"
19. 7.09(13)(1) - Remove reference to toll collector.
20. 7.09(14) - Last sentence. Should this read "An operator of a motor vehicle may not..."?
21. 7.09(15) - At the end, revise to "regard for the speed of the vehicle, traffic conditions, and roadway conditions." See similar at 700 CMR 9.06(7).
22. 7.09(17)(a) - Remove "when paying a toll" and "of a toll collector or".
23. 7.09(17)(b) - Revise end to "creeper lane, or ramp."
24. 7.09(19) - Revise to include various other forms of visual signal, such as flashing yellow lights, electronic variable-message signs, etc.
25. 7.09(22)(a) - Revise to require low-beam headlight and taillight use in all tunnels at all times.
26. 7.09(22)(b) - Revise to require low-beam headlight and taillight use during inclement weather, such as rain, fog, and snow.
27. 7.13(1) - Remove references to "toll collector".
28. 7.13(2) - Revise "can not" to "cannot".
29. 7.13 - Table 11 - Revise as needed to reflect the above changes to 7.09(8), (11), (12); Add penalty for Failure to use headlights 7.09(22)
30. 7.14(1)(f) - The department should accept appeals if they were postmarked by the due date, rather than received by the due date. Otherwise appellants would potentially be deprived of their appeal because of factors outside their control, such as USPS delays.

700 CMR 9 - Use of State Highways

1. 9.01 - Definitions
 - a. Bus Stop - Bus stops are often located partially or entirely on shoulders or sidewalks; the definition should be broadened to incorporate these possibilities.
 - b. Limited Access Highway - Not all limited-access highways are divided arterials (e.g. US-44 near Plymouth, South Boston Bypass Road). Note that section 9.08 lists "limit access state highways" and "express state highways" separately.
 - c. Rotary Traffic - revise "island" to "Traffic Island" for consistency with definitions.
 - d. Traffic Control Signal - Does this definition include PHB (aka HAWK signals)?
2. 9.04(2)(o) - 700 CMR 7 allows parking up to 2 hours at rest areas. Consider revising this section from 30 minutes to 2 hrs for consistency.
3. 9.04(6) - Possibly typo "...Commonwealth of Massachusetts ~~ef~~ or a political sub-division..."
4. 9.06(2) - Does this require drivers to travel in a right-turn lane or right-hand deceleration lane? Perhaps revise to "travel lane" or "through lane"?
5. 9.06(3-4) - These appear only to apply to two-way undivided roads. Should this be specified? Otherwise it would be illegal to pass on the right on a divided highway.

6. 9.06(6) - Add section (c) requiring that slow vehicles with 5 or more following vehicles must move to the right or pull over into a turn-out to allow the vehicles following them to pass. See MUTCD sign R4-12, and State of Washington law RCW 46.61.427 for examples.
7. 9.06(10) - Add language in each section regarding applicability to U-turning vehicles as needed.
8. 9.06(10)(a) - Drivers entering on green should yield to any vehicles or pedestrians within the intersection (lawful or not). Drivers making a turn should also yield to oncoming vehicles.
9. 9.06(10)(b) - Fourth sentence: A green arrow should never have the meaning described in this sentence, except possibly to U-turns when a green left arrow is illuminated. Consider removing.
10. 9.06(10)(e-f) - The last two sentences of (f), regarding turns on red, also apply to paragraph (e) and should be copied thereto.
11. 9.06(12) - Three terms are used interchangeably in this section: "Lane Control Signals", "Traffic Control Signals", "Lane Traffic Control Signals" - revise to be consistent.
12. 9.06(20) - Add "alley" between "driveway" and "or garage".
13. 9.06(27) - 89 MGL 11 requires a driver to yield to a pedestrian "on that half of the traveled part of the way on which the vehicle is traveling or if the pedestrian approaches from the opposite half of the traveled part of the way to within 10 feet of that half of the traveled part of the way on which said vehicle is traveling." Revise for consistency.
14. 9.07(1) - The clause "or to drivers of emergency vehicles while operating in an emergency and in performance of public duties which necessitate a departure from any part of 7020 CMR 9.00" appears twice in a row.
15. 9.08(1) - Recommend allowing pedestrians to cross a roadway at any point. At a signal, marked crosswalk, or unmarked crosswalk the pedestrian should have the right-of-way. At any other location, the pedestrian should have to yield right-of-way to a vehicle or bicycle as stated in 9.08(5).
16. 9.08(5) - Remove requirement to use the pedestrian tunnel or overpass.