

## 304 CMR: DIVISION OF FORESTS AND PARKS

### 304 CMR 12.00: FORESTS AND PARKS RULES

#### Section

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#### 12.01: General Provisions

(1) Authority. The Division of State Parks and Recreation promulgates 304 CMR 12.00 pursuant to the authority granted under M.G.L. 1, M.G.L. c. 90, §18, c. 132A, §7, .

(2) Construction.

(a) 304 CMR 12.00 shall be liberally construed to permit the Division of State Parks and Recreation and the Department of Conservation and Recreation to discharge their statutory functions.

(b) The Director of the Division of State Parks and Recreation or the Commissioner of the Department of Conservation and Recreation may, in the public interest, or in an emergency, suspend the application of 304 CMR 12.00.

(c) No provision of 304 CMR 12.00 shall make unlawful any act necessarily performed by any officer or employee of the Department of Conservation and Recreation in the line of duty or work as such, or by any person, his agents or employees in the proper and necessary execution of the terms of any agreement with the Department of Conservation and Recreation.

(4) Severability. If any chapter, section, subsection, division or subdivision, of 304 CMR 12.00 shall be determined to be invalid, such determination shall apply to the particular chapter, section, subsection, division or subdivision, and all other provisions of 304 CMR 12.00 shall remain valid and in effect.

#### 12.02: Definitions

Bus means a vehicle designed for carrying more than eight passengers or more than two special needs persons and used primarily for the transportation of persons either for compensation, as a service, or as an adjunct to a school program.

Commissioner means the Commissioner of the Department of Conservation and Recreation.

Department means the Commonwealth of Massachusetts, Department of Conservation and Recreation.

Department property means property in which the Department has a legal interest including property under the care, custody or control of the Division.

Director means the Director of State Parks and Recreation within the Department of Conservation and Recreation or his/her designated agent.

Division means the Division of State Parks and Recreation within the Department of Conservation and Recreation.

Division Property means property under the care, custody or control of the Division of State Parks and Recreation.

Forest Road means any paved way constructed and maintained for use by wheeled vehicles registered under M.G.L c. 90, whether or not such a corridor is normally open for such use.

Intersection means the area embraced within the extensions of the lateral curb lines, or, if none, then the lateral boundary lines of intersecting ways, as defined in M.G.L. c. 90, § 1, including divided ways.

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

Parking means the standing of a vehicle whether occupied or not, other than temporarily, for the purpose of and while actually engaged in loading or unloading or in obedience to an office or traffic signs or signals or while making emergency repairs, or if disabled, while arrangements are being made to move such vehicle.

Parking Area means any designated part of any forest road, driveway, or special area contiguous thereto, set apart for the standing or stationing of any vehicles and marked as such.

Parking citation means a notice upon which a park ranger or other authorized officer shall record an occurrence involving one or more parking rule or regulation violations by the person cited.

Person means any individual, firm, partnership, corporation, company, association, or body politic, or any combination of individuals, except the United States and the Commonwealth of Massachusetts and includes any agent, trustee, executor, receiver, assignee, or other representative thereof.

Service Way means a way in which the fee or an easement of travel is owned by the Commonwealth from which the public may be excluded.

Sidewalk means that portion of a roadway or parkway under the care and control of the Department of Conservation and Recreation set aside for pedestrian travel.

Stand or Standing means the halting of a vehicle whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

Stop or Stopping means any halting even momentarily of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

Traffic means pedestrians, ridden or herded animals, bicycles, vehicles, buses and other conveyances either singularly or together while using any way for purpose of travel.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a way.

### 12.23: Traffic Rules and Parking

- (1) The operator of a vehicle shall obey the instructions of any official traffic control sign, signal, device, marking or legend unless otherwise directed by Department Personnel.
- (2) A person shall operate a vehicle on any land, forest road, driveway or parking area, under the care and control of the Department, in conformance with all applicable M.G.L. c. 90 issued rules and regulations.
- (3) Department employees may divert vehicular traffic or pedestrians, when necessary, to avoid congestion or promote safety and convenience. No person having charge of a motor vehicle shall refuse or neglect to stop or position the vehicle when directed by a Division employee, or when indicated by signed markings or barriers.
- (4) No person shall operate a motor vehicle on roads or streets on Department property for any purpose other than direct access into or egress out of the area.

(5) No person shall stop, stand or park any vehicle in any way or service way of the Department in violation of any rules of the Department, and in particular in any of the following places or under any of the following conditions except when necessary to avoid conflict with other traffic or in compliance with the direction of a park supervisor or his/her designee, a park ranger or traffic sign or signal.

(6) Parking Violations. No person shall park on Department property in the following circumstances or locations:

- (a) Snow Accumulation. Notwithstanding any provisions of 304 CMR 12.00 permitting the parking of vehicles on Department ways or service ways, whenever snow or ice accumulates to a depth of two inches or more on a Department way or service way, no person shall allow, permit or suffer any vehicle registered in his name to stand in a section thereof until the Department way or service way or section thereof used for vehicular travel has been cleared of snow or ice to within 12 inches of the curb or edge of the roadway within the Department way or service way or section thereof.
- (b) Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (c) Fire Hydrant. Parking within ten feet of a fire hydrant.
- (d) Within Intersection. Parking within an intersection.
- (e) Obstructing Public Transportation. Upon any Department way or service way, parking in such a manner as to obstruct the movement of any bus.
- (f) Fire Station Exit or Entrance. Parking within 20 feet of the driveway entrance or exit of any fire station or on the side of the Department way opposite the entrance or exit of any fire station, within 75 feet of the entrance or exit as posted.
- (g) Crosswalk or Sidewalk. Stopping, standing or parking a vehicle, whether occupied or not, on any crosswalk, except momentarily to pick up or discharge a passenger or passengers, nor upon any sidewalk.
- (h) Bus Stop. Stopping, standing or parking a vehicle, other than a bus in a bus stand or stop when such stand or stop has been officially designated by signs, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus waiting to enter or about to enter such zone.
- (i) Wrong Direction. Parking in the opposite direction of the flow of traffic pertaining to that side of the street on which the vehicle is parked.
- (j) Emergency Areas. Stopping, standing or parking of vehicles in a manner which would create an emergency condition or would cause unusual delay to traffic.
- (k) Restricted Areas. Stopping, standing or parking at any place where official traffic signs have been placed or erected prohibiting stopping, standing or parking.
- (l) Obstructing Driveway. Stopping, standing or parking a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers, in front of a public driveway or private driveway or road without the consent of the appropriate park personnel.
- (m) No Passing Zone. Stopping, standing or parking a vehicle upon any Department way within any area designated either by signs or pavement markings as a "No Passing Zone."
- (n) Less Than Ten Feet. Parking a vehicle in a manner which will not leave a clear and unobstructed lane ten feet wide for passing traffic.
- (o) One Foot From Curb. Stopping, standing or parking upon a Department way or service way with both wheels on the side of the vehicle adjacent to the curb or edge of the roadway greater than 12 inches from the curb or edge of the roadway. Where snow, ice, debris or other obstruction prevents the parking of a vehicle as specified above, any vehicle parked so as to obstruct the free flow of traffic shall be considered in violation of 304 CMR 12.23.
- (p) Handicapped parking. Parking an unauthorized vehicle in any space at any of the Department's parking lots that is designated for parking only by vehicles displaying an HP, DAV, HP Placard or wheelchair symbol license plate.
- (q) Access Area. Stopping, standing or parking in front of Department access gates or areas.

(7) Violations of 304 CMR 12.23 shall be punished by a fine of \$10.00, except for violations of 304 CMR 12.23(6)(p) which shall be punishable by a fine of \$25.00. The Department may have any vehicle parked in violation of 304 CMR 12.23 towed at the owner's expense.

304 CMR: DIVISION OF FORESTS AND PARKS

REGULATORY AUTHORITY

304 CMR 12.00: M.G.L. c. 132A, §7; c. 90, § 18.