

350 CMR 5.00: PARKING AND PENALTIES THEREFORE

Section

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5.01: Definitions

The following words and phrases when used in 350 CMR 5.00 shall for the purpose of 350 CMR 5.00 have the meanings respectively ascribed to them except in those instances where the context clearly indicates a different meaning.

Whenever any words and phrases used herein are not defined herein but are defined in the State laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used herein.

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

Bus Stop. An area in the roadway adjacent to the curb or edge of the roadway set aside for the boarding of or alighting from buses.

Commercial Vehicles. Any vehicle registered for commercial purposes, bearing commercial vehicle number plates, including trailer or semi-trailer, and designed and used primarily for the transportation or delivery of goods, wares, merchandise or equipment, or designed and used for the delivery of utility services or for field services related to maintenance/repair of buildings. The vehicle must display permanently painted or sealed/adhered and plainly marked on both sides of the vehicle's body, exclusive of the windows, and on at least three separate lines, the name of the business entity owning or utilizing the vehicle, the full business address, and the telephone number. The name of the business entity must be displayed in letters or numbers a minimum of three inches in height and the full business address and telephone number must be displayed in letters or numbers a minimum of two inches in height. The business entity may substitute its e-mail address or its web site address for the full business address provided that at least three separate lines are used to display the required information. All lettering and numbers shall have a stroke width of at least $\frac{1}{8}$ of an inch and shall be in a color clearly contrasting with the background color of the vehicle's body and shall be placed on the upper portion of the door panels or the body panels of the vehicle.

Crosswalk. the portion of a roadway ordinarily included within the prolongation or continuation of curb lines and property lines at intersections or at any portion of the roadway clearly indicated for pedestrian crossing by lines on the road surface, other markings, signs or cobblestones.

Curb Loading Zone. A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of materials.

Curb Marking. that portion of a curbing, the painting of which has been authorized by the Commissioner or his designee, and which serves as a supplementary warning of a parking restriction. Curb markings alone shall not be construed to be adequate warning for the purpose of enforcement.

Driveway. A private road serving as a means of a vehicular access to a parcel of land abutting a highway or street.

Government Vehicles. Those vehicles registered to any City or Town, the Commonwealth of Massachusetts, any Official Agency thereof, or to the Government of the United States are all defined as Government Vehicles. These vehicles must bear distinctive license plates so indicating to be so considered for the purposes of the MDC parking regulations and any exemptions therefrom referred to hereinafter.

5.01: continued

Intersection. 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.

Metropolitan Way. A public way in which the fee or an easement of travel is owned by the Commonwealth and the establishment, maintenance and use of which are subject to the control of the Metropolitan District Commission except as otherwise provided by law.

Official Traffic Control Devices. All signs, signals, markings and devices not inconsistent with the 350 CMR and which are placed or erected by authority of the Metropolitan District Commission for the purpose of guiding, directing, warning or regulating traffic.

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

Parkland. All areas within MDC reservations dedicated to park purposes by the Commission including, but not limited to, grass, dirt, or other unpaved areas unless specifically designated for the purpose of vehicle parking or vehicle access by the Commission.

Parkway, Street or Highway. The entire width between the boundary lines of every way under the care and control of the Metropolitan District Commission when any part thereof is open to the use of the public for the purposes of vehicular traffic.

Person. Every natural person, firm, co-partnership, association or corporation.

Railroad Crossing Including Street Railways. Any intersection of ways with a railroad right of way.

Roadway. That portion of a highway between the regularly established curb lines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.

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

Sidewalk. That portion of a roadway or parkway under the care and control of the Metropolitan District Commission 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. When prohibited 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 an Authorized Police officer or traffic control sign or signal.

Traffic. Pedestrians, ridden or herded animals, vehicles, street cars and other conveyances either singularly or together while using any highway for purpose of travel.

Traffic Control Signal. Any device using colored lights, whether manually, electrically or mechanically operated, by which the traffic may be alternately directed to stop and to proceed.

Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway including bicycles, when the provisions of 350 CMR 5.00 is applicable to them, except other devices moved by human power or used exclusively upon stationary rails or tracks.

5.02: Violations

Violations of the following parking provisions shall be considered a violation of 350 CMR 5.00.

- (1) Parking Rules During Snow Accumulation. Notwithstanding any provisions of 350 CMR 5.00 permitting the parking of vehicles, whenever snow or ice accumulates to a depth of two inches or more, no person shall allow, permit or suffer any vehicle registered in their name to stand or to remain upon a Metropolitan way or service way until the Metropolitan 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.
- (2) Double Parking is prohibited on the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (3) Parking within ten feet of a fire hydrant is prohibited.
- (4) Parking within an intersection is prohibited as defined in 350 CMR 5.01.
- (5) Parking in any Metropolitan way or service way of the Metropolitan District Commission or part thereof where signs have been placed for the purpose of facilitating the plowing or removal of snow, the cleaning of streets or the maintenance of streets is prohibited.
- (6) Obstructing Public Transportation is Prohibited. Parking in such a manner as to obstruct the movement of any street car, trackless trolley, bus or railroad train is prohibited.
- (7) 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 Metropolitan way opposite the entrance or exit of any fire station, within 75 feet of said entrance or exit as posted is prohibited.
- (8) Railroad or Street Railway Crossing. Parking within 20 feet of the nearest rail of any grade crossing is prohibited.
- (9) Crosswalk or Sidewalk. Stop, stand or park a vehicle, whether occupied or not, on any crosswalk, except momentarily to pick up or discharge a passenger or passengers, nor upon any sidewalk is prohibited.
- (10) Bus or Trackless Trolley Stop. Stop, stand or park a vehicle, other than a bus or trackless trolley, in a bus or trackless trolley 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 is prohibited.
- (11) Parking in the Wrong Direction is Prohibited. Persons shall park in the direction of the flow of traffic pertaining to that side of the street on which the vehicle is parked.
- (12) Emergency Areas. The Commissioner or the Commissioner's designee is hereby directed to designate by signs places in which the stopping, standing or parking of vehicles would create an emergency condition or would cause unusual delay to traffic.
- (13) Bridge, Viaduct, Underpass, Tunnel. No person shall stop, stand or park a vehicle upon any bridge or viaduct or in any underpass or tunnel or the approaches thereto or exists therefrom unless signs permitting parking have been installed.
- (14) Restricted Area. No person shall allow, permit or suffer any vehicle registered in their name to stand, stop or park at any place where official traffic signs have been placed or erected prohibiting stopping, standing or parking.

5.02: continued

(15) Obstructing Driveways is Prohibited. No person shall stop, stand or park 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 owner of the driveway.

(16) Obstructing Traffic Control Signals is Prohibited. No person shall stop, stand or park a vehicle so as to obstruct or hide from view a traffic control signal except in compliance with a traffic signal indication.

(17) Parking in a No Passing Zone is Prohibited. No person shall stop, stand or park a vehicle upon any Metropolitan way in a rural or sparsely settled district within any area designated either by signs or pavement markings as a "No Passing Zone".

(18) Parking on Metropolitan Way with less than ten feet passing clearance is prohibited.

(19) Angle Parking is permitted only upon Metropolitan ways or service ways of the Metropolitan District Commission or parts thereof which have been marked and signed for angle parking, persons parking shall park with one wheel within 12 inches from the curb or edge of the road and within the markings provided.

(20) Parking outside of the marked lines for areas designated angle parking only is prohibited on Metropolitan ways or service ways of the Metropolitan District Commission.

(21) Parking More Than One Foot Away from the Curb is Prohibited. Except as otherwise provided in 350 CMR 5.00, every person stopping or parking upon a Metropolitan way or service way of the Metropolitan District Commission shall so stop or park with both wheels on the side of the vehicle adjacent to the curb or edge of the roadway within 12 inches of the curb or edge of the roadway.

Upon any parkway or boulevard 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 350 CMR 5.00.

(22) Parking in a Loading Zone is Prohibited. No person shall stop, stand or park a vehicle for any purpose or length of time except as provided below, other than for the expeditious unloading and delivery or pick-up and loading of materials in any place marked as a curb loading zone during the hours when the provisions applicable to such zones are in effect.

In no case shall the stop for loading and unloading of materials exceed 30 minutes. The driver of a passenger vehicle may stop temporarily at a place marked as a curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any motor vehicle used for transportation of materials which is waiting to enter or about to enter such zone.

(23) Angle Loading or Unloading Rules. The Commissioner and or the Commissioner's designee is hereby authorized to issue special permits to allow the backing of a vehicle to a curb for the purpose of loading or unloading merchandise or materials subject to the terms, conditions, times and dates of such permits. Such permits may be issued either to the owner or lessee of real property or the owner of the vehicle, and shall grant to such person the privilege as therein stated and authorized herein. It shall be unlawful for any permittee or other person to violate any of the special terms or condition of any such permit.

(24) Snow Emergency Rules. If it is the judgment of the Commissioner or the Commissioner's designee that threatening weather conditions may impair the free flow of vehicular traffic or that parked vehicles may impede the clearance of snow, then the Commissioner or the Commissioner's designee may declare a state of emergency under the powers vested in him by statutory law.

Whenever such an emergency is declared by the Commissioner or the Commissioner's designee, and he shall have caused announcement thereof by the use of available news and other media, the following parking prohibitions shall become effective:

5.02: continued

No driver shall stop, stand or park any vehicle within the limits of any designated and posted "Emergency Artery" or upon the odd-numbered side of all other public ways, excepting such public ways which have already been or may be designated as "one side parking only" whether odd or even numbered, provided, however, that 350 CMR 5.00 shall not apply to passenger vehicles stopped temporarily during the actual receiving or discharging of passengers nor to commercial vehicles stopped temporarily during the actual loading or unloading of materials.

(25) Handicap Parking. No person shall stop, stand or park in any area designated by official sign as reserved for disabled persons, unless such vehicle bears HP (handicap parking) plates or a HP placard issued by any state. Placards shall be displayed on the dashboards of vehicles without HP plates, or in certain instances hung from the rear view mirror. There are no exemptions to 350 CMR 5.02(27).

(26) Handicap Ramp. No driver shall stop, stand, or park in front of any pedestrian sidewalk ramp (handicap ramp). No Exemptions (not even HP or DV (Disabled Veteran) plates or placards). For ramps located within 20 feet of an intersection, no signs are required. For ramps located well beyond an intersection, signage is required, unless roadway markings for a crosswalk are present.

(27) Resident Permit Only (Boston and Cambridge). No driver shall stop, stand, or park in an area signed "Resident Permit Parking Only" unless that vehicle bears the appropriate resident parking sticker as issued by the Boston Transportation Department or the City of Cambridge.

An expired sticker is invalid. On each sticker is recorded the plate number of the vehicle to which the sticker was issued. The plate number on the sticker must match the plate number of the vehicle. Any discrepancies between the two or changes to the plate number on the sticker make the sticker invalid.

In Resident Parking Permit areas, an HP/DV reserved spot is available to any vehicle with the appropriate license plate. There is no such thing as a "Resident HP or DV" space.

Government vehicles and commercial vehicles, while doing work in the area, will be exempt from Resident Permit Parking restrictions.

(28) Parkland. No person shall stop, stand or park a vehicle upon MDC parkland. (see 350 CMR 4.01(4)) (see 350 CMR 5.01: Parkland). No sign is needed to enforce 350 CMR 5.02(28).

(29) Travel Lane. No person shall stop, stand or park a vehicle within any portion of any MDC parkway, street, or highway. No sign is needed to enforce 350 CMR 5.02(29).

5.03: Penalties

(1) Any person violating any of 350 CMR 5.02 shall be punished in accordance with the following Schedule of Penalties:

(2) The following schedule of penalties shall apply to violations of 350 CMR 5.00, M.G.L. c. 90, §§ 20C and D:

5.03: continued

Table 1

SCHEDULE A
(Fine--\$50.00 each)

VIOLATION CODE

- 03. Fire Hydrant
- 28. Handicap Ramp

SCHEDULE B
(Fine--\$30.00 each)

- 01. Snow Accumulation
- 04. Within Intersection
- 26. Snow Emergency Regulation
- 09. Crosswalk or Sidewalk
- 29. Resident Permit Only (Boston and Cambridge)
- 30. Parkland

SCHEDULE C
(Fine --\$25,00)

- 02. Double Parking
- 05. Snow Removal, Cleaning, Maintenance
- 06. Obstructing Public Transportation
- 07. Fire Station Exit or Entrance
- 08. Railroad or Street Railway Crossing
- 10. Bus or Trackless Trolley Stop
- 11. Wrong Direction
- 12. Emergency Areas
- 13. Bridge, Viaduct, Underpass, Tunnel
- 14. Restricted Area
- 31. Travel Lane

SCHEDULE D
(Fine--\$15.00)

- 15. Obstructing Driveway.
- 16. Obstructing Traffic Control Signal.
- 17. No Passing Zone.
- 18. Less than Ten Feet.
- 19. Angle Parking.
- 20. Angle Parking Only.
- 21. One Foot from Curb.
- 22. Loading Zone.
- 23. Angle Loading or Unloading.

SCHEDULE E
(Fine \$100.00 each)

- 27. Handicap Parking

5.04: Violation Towing

- (1) A vehicle may be towed as long as the restriction is clearly posted on the MDC sign and that the sign bears "Tow Zone" in the legend.

5.04: continued

(2) Towing can occur without need of signage for the following violations:

(Violation Code Number; Title)

- 01. Snow Accumulation
- 02. Double Parking
- 03. Fire Hydrant
- 04. Within Intersection
- 09. Crosswalk or Sidewalk
- 21. One Foot from Curb
- 26. Snow Emergency Regulation
- 28. Handicap Ramp
- 30. Parkland
- 31. Travel Lane

5.05: Payment or Appeal of Parking Violation

(1) The offender shall make full payment to the MDC Office of the Parking Clerk, 20 Somerset Street, Boston, Massachusetts 02108. Payment may be made by mail, or by hand delivery, by money order or check. If payment is made after 21 days, the fine is increased by \$5.00.

(2) In lieu of payment, a hearing may be obtained upon the written request of the registered owner. Failure to obey this notice within 21 days after the date of violation may result in the non-renewal of the license to drive and the registration of the registered owner.

REGULATORY AUTHORITY

350 CMR 5.00: M.G.L. c. 90, §§ 20C and 20D; c. 92, § 37.

(PAGES 23 THROUGH 26 ARE RESERVED FOR FUTURE USE.)