

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-six

AN ACT FURTHER REGULATING THE PLACEMENT AND MAINTENANCE OF CERTAIN TRAFFIC CONTROL DEVICES BY CITIES AND TOWNS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 2 of chapter 85 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "thereto", in line 3, the words:- and therefrom,- and by striking out, in lines 7 and 8, the words "accepted standards of engineering practice" and inserting in place thereof the words:- the department's current manual on uniform traffic control devices.

SECTION 2. Said section 2 of said chapter 85, as so appearing, is hereby further amended by striking out the sixth sentence and inserting in place thereof the following five sentences:- Except as hereinafter provided, any rule, regulation, order, ordinance or by-law of a city or town hereafter made or promulgated relative to or in connection with the erection or maintenance of signs, traffic control signals, traffic devices, school zones, parking meters or markings on any way within its control shall take effect without department approval provided such signs, traffic control signals, traffic devices, parking meters, school zones or markings are in conformance with the department's current manual on uniform traffic control devices and the department's sample regulation for a standard municipal traffic code; provided, however, that such rule, regulation, order, ordinance or by-law shall not take effect until approved in writing by the department, or be effective after such approval is revoked, if made or promulgated relative to or in connection with the following: (1) any way at its intersection or junction with a state highway; (2) any project which is or was federally aided, in whole or in part; (3) any traffic control signal or flasher in any city or town which does not employ a registered professional engineer in the commonwealth to design, redesign or change the timing and sequence of signal or flasher; (4) any sign excluding heavy commercial vehicles; (5) any school zone establishment or

signing in relation to which the city or town intends to seek reimbursement from the commonwealth; (6) any one-way street sign which would prohibit the free flow of two-way traffic between adjoining cities or towns on a through way or main way, as determined by the department, or any one-way street sign which would not be placed at an intersection of public ways. Notwithstanding the foregoing, speed control signs may be established only in accordance with the provisions of section eighteen of chapter ninety. If any city or town installs and maintains any of the aforesaid traffic control devices without either requesting or obtaining the required approval or after being notified of such disapproval, or in noncompliance with said manual, the department shall withhold or withdraw the unexpended balance of any funds assigned to the said city or town under the provisions of section thirty-four of chapter ninety or sections twenty-five and twenty-six of chapter eighty-one. Any traffic control device which has not been erected or maintained in accordance with the foregoing provisions may be removed by or under the direction of the department and be stored by the department until claimed by the owner or, if not claimed within sixty days after written notice to said owner, may be disposed of at the discretion of the department. Color and arrow indications of traffic control signals shall have the commands ascribed to them in said manual.

SECTION 3. The first paragraph of section 8 of chapter 89 of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The foregoing provisions of this section shall not apply when an operator is otherwise directed by a police officer, or by a traffic regulating sign, device or signal lawfully erected and maintained in accordance with the provisions of section two of chapter eighty-five and, where so required with the written approval of the department of public works and while such approval is in effect.

SECTION 4. Said section 8 of said chapter 89 is hereby further amended by striking out the second paragraph, as amended by section 2 of chapter 232 of the acts of 1986, and inserting in place thereof the following paragraph:-

At any intersection on ways, as defined in section one of chapter ninety, in which vehicular traffic is facing a steady red indication in a traffic control signal, the driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk or the near side of the intersections or, if none, then at the entrance to the intersection in obedience to such red or stop signal, may make either (1) a right turn or (2) if on a one-way street

may make a left turn to another one-way street, but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at said intersection, except that a city or town, subject to section two of chapter eighty-five, by rules, orders, ordinances, or by-laws, and the department of public works on state highways or on ways at their intersections with a state highway, may prohibit any such turns against a red or stop signal at any such intersection, and such prohibition shall be effective when a sign is erected at such intersection giving notice thereof. Any person who violates the provisions of this paragraph shall be punished by a fine of not less than twenty dollars.

SECTION 5. Section 9 of said chapter 89, as appearing in the 1984 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The department of public works may designate any state highway or part thereof as a through way and may designate intersections or other roadway junctions with state highways at which vehicular traffic on one or more roadways should stop or yield and stop before entering the intersection or junction, and the department may, after notice, revoke any such designation. The department of public works on any state highway or part thereof so designated as a through way, or on any way where the department has designated such way as intersecting or joining with a state highway, shall erect and maintain stop signs, yield signs and other traffic control devices.

SECTION 6. Said section 9 of said chapter 89, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The local authorities of a city or town authorized to enact ordinances or by-laws, or make rules, orders or regulations under the provisions of section twenty-two of chapter forty may in accordance with the provisions of section ~~two~~ of chapter eighty-five of the General Laws, including department approval ~~when~~ required, designate any way or part thereof under the control of such city or town as a through way and may designate intersections or other roadway junctions at which vehicular traffic on one or more roadways shall stop or yield and stop before entering the intersection or junction, and may, after notice and like department approval, when required, revoke any such designation. Such local authorities of a city or town having control of any way or part thereof so designated as a through way shall erect and maintain stop

signs, yield signs and other traffic control devices at such designated intersections or junctions.

SECTION 7. Section 17 of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Unless a way is otherwise posted in accordance with the provisions of section eighteen, it shall be prima facie evidence of a rate of speed greater than is reasonable and proper as aforesaid (1) if a motor vehicle is operated on a divided highway outside a thickly settled or business district at a rate of speed exceeding fifty miles per hour for a distance of a quarter of a mile, or (2) on any other way outside a thickly settled or business district at a rate of speed exceeding forty miles per hour for a distance of a quarter of a mile, or (3) inside a thickly settled or business district at a rate of speed exceeding thirty miles per hour for a distance of one-eighth of a mile, or (4) within a school zone which may be established by a city or town as provided in section two of chapter eighty-five at a rate of speed exceeding twenty miles per hour.

SECTION 8. Section 18 of said chapter 90, as amended by section 18 of chapter 608 of the acts of 1986, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The city council, the transportation commission of the city of Boston, the board of selectmen, park commissioners, a traffic commission or traffic director, or the department, on ways within their control, may make special regulations as to the speed of motor vehicles and may prohibit the use of such vehicles altogether on such ways; provided, however, that except in the case of a speed regulation no such special regulation shall be effective unless it shall have been published in one or more newspapers, if there be any, published in the town in which the way is situated, otherwise in one or more newspapers published in the county in which the town is situated; nor until after the department, and in the case of a speed regulation the department and the registrar, acting jointly, shall have certified in writing that such regulation is consistent with the public interests; provided, however, that nothing herein contained shall be construed as affecting the right of the metropolitan district commission or of the department of environmental management to make rules and regulations governing the use and operation of motor vehicles on lands, roadways and parkways under its care and control.

SECTION 9. Said section 18 of said chapter 90, as amended by said section 18 of said chapter 608, is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Any person, corporation, firm or trust owning a private parking area or owning land on or abutting a private way, or any person, corporation, firm or trust controlling such land or parking area, with the written consent of the owner, may apply in writing to the city council, the traffic commission of a city or town having a traffic commission, the transportation commission of the city of Boston or the board of selectmen in any town in which the private way or parking area lies, to make special regulations as to the speed of motor vehicles and as to the use of such vehicles upon the particular private way or parking area, and the city council with the approval of the mayor, the traffic commission of a city or town, the transportation commission of the city of Boston or the board of selectmen, as the case may be, may make such special regulations with respect to said private way or parking area to the same extent as to ways within their control and such special regulations shall not be subject to approval by the department or the registrar; provided, however, that any traffic signs, signals, markings or devices used to implement such special regulations shall conform in size, shape and color to the most current manual on uniform traffic control devices.

SECTION 10. Any rule, regulation, order, ordinance or by-law of a city or town presently in effect on the effective date of this act which the department of public works has given prior approval, under the provisions of section two of chapter eighty-five of the General Laws, shall continue in effect. Any rule, regulation, order, ordinance or by-law which would require approval of the department under the provisions of said section two of said chapter eighty-five shall continue in effect; and all those which have prior approval of the department shall remain in effect without further approval.

House of Representatives, December 24, 1986.
Passed to be enacted, *William F. Galvin*, Acting Speaker.

In Senate, December 24, 1986.
Passed to be enacted, *Walter J. Baer*, Acting President.

January 7, 1987.
Approved, *Richard S. Coakley*, Governor.