

D **EXCERPTS OF MASSACHUSETTS GENERAL LAW AND CODE OF MASSACHUSETTS REGULATIONS**

The following pages are excerpts of Massachusetts General Law (MGL) and the Code of Massachusetts Regulations (CMR) that are referenced in the proceeding chapters.

- MGL Chapter 40, Section 21: By-laws of Towns;
Purposes
- MGL Chapter 85, Section 11B: Bicycles
- MGL Chapter 89, Section 11: Marked
Crosswalks
- House Bill 1940, Chapter 87: Public Ways -
Bicycle, Pedestrian Access
- Transportation Bond Bill 1994, Section 96
(MBTA)
- CMR Title 720, Chapter 9.09: Pedestrian
Regulations

MASSACHUSETTS GENERAL LAWS. PART 1. ADMINISTRATION OF THE GOVERNMENT.

TITLE V11. CITIES, TOWNS AND DISTRICTS

CHAPTER 40. POWERS AND DUTIES OF CITIES AND TOWNS ORDINANCES, BY-LAWS AND REGULATIONS. Sec. 21. By-Laws of Towns; Purposes

Clause (3). For providing for the removal of snow and ice from sidewalks, within the limits of the public way therein to such extent as they deem expedient. The penalty for the violation of such by-laws shall apply to the owner of abutting property or his agent having charge thereof.

TITLE XIV. PUBLIC WAYS AND WORKS

CHAPTER 85. REGULATIONS AND BY-LAWS RELATIVE TO WAYS AND BRIDGES. Sec. 11B. Bicycles; operation and equipment; regulations; federal product safety standards effect; races; violations; penalties.

Every person operating a bicycle upon a way, as defined in section one of chapter ninety, shall have the right to use all public ways in the commonwealth except limited access or express state highways where signs specifically prohibiting bicycles have been posted, And shall be subject to the traffic laws and regulations of the commonwealth and the special regulations of the commonwealth and the special regulations contained in this section, except that: (1) the bicycle operator may keep to the right when passing a motor vehicle which is moving in the travel lane of the way, (2) the bicycle operator shall signal by either hand his intention to stop or turn, and (3) bicycles may be ridden on sidewalks outside business districts when necessary in the interest of safety, unless otherwise directed by local ordinance. A person operating a bicycle on the sidewalk shall yield the right of way to pedestrians and give an audible signal before overtaking and passing any pedestrian.

CHAPTER 89. LAW OF THE ROAD. SEC. 11. Marked crosswalks; yielding right of way to pedestrians; penalty.

When traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be so to yield to a pedestrian crossing the roadway within a crosswalk marked in accordance with standards established by the department of highways, if the pedestrian is 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 five feet of that half of the traveled part of the way on which said vehicle is traveling.

No driver of a vehicle shall pass any vehicle which has stopped at a marked crosswalk to permit a pedestrian to cross, nor shall any such operator enter a marked crosswalk until there is a sufficient space beyond the crosswalk to accommodate the vehicle he is operating, notwithstanding that a traffic control signal may indicate that vehicles may proceed.

Whoever violates any provision of this section shall be punished by a fine of not more than one hundred dollars.

CHAPTER 87. H.B. NO. 1940. PUBLIC WAYS-BICYCLE, PEDESTRIAN ACCESS

An ACT relative to bicycle and pedestrian access in construction of public ways.

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

Chapter 90E of the General Laws is hereby amended by inserting after section 2, as appearing in the 1994 Official Edition, the following section:

<< MA ST 90E Sec. 2A >>

Section 2A. The commissioner shall make all reasonable provisions for the accommodation of bicycle and pedestrian traffic in the planning, design, and construction, reconstruction or maintenance of any project undertaken by the department. Such provisions that are reasonable shall include, but not be limited to, those which the commissioner, after appropriate review by the bicycle program coordinator, determines would be contrary to acceptable standards of public safety, degrade environmental quality or conflict with existing rights of way.

Approved May 20, 1996

Transportation Bond Bill 1994, Section 96 (MBTA)

The general manager of the Massachusetts Bay Transportation Authority, or a designee of the general manager, is hereby authorized and directed to provide for the accommodation of bicycle patrons and pedestrians in the planning, design, reconstruction and construction of any project undertaken by the authority unless the general manager, or a designee of the general manager, determines that the inclusion of such accommodation in such project would be contrary to acceptable standards of public safety, would degrade environmental quality, or would conflict with existing rights of way.

**32293 CODE OF MASSACHUSETTS REGULATIONS. TITLE 720:
DEPARTMENT OF HIGHWAYS. CHAPTER 9.00: DRIVING ON STATE
HIGHWAYS**

Current with Amendments received through Register Number 778

9.09: Pedestrian Regulations

(1) Pedestrians Crossing Ways or Roadways.

Pedestrians shall obey the directions of police officers directing traffic whenever there is an officer directing traffic, a traffic control signal or a marked crosswalk within 300 feet of a pedestrian, no such pedestrian shall cross a way or roadway except within the limits of a marked crosswalk and as hereinafter provided in 720 CMR 9.00.

(2) Pedestrian Actuation.

(a) At a traffic control signal location where pedestrian indications are provided but which are shown only upon actuation by means of a pedestrian push button, no pedestrian shall cross a roadway unless or until the pedestrian control signal push button has been actuated and then cross only on proper pedestrian signal indication. At traffic control signal locations where no pedestrian indication is provided, pedestrians shall cross only on the green indication. If necessary, the green indication shall be actuated by the pedestrian by means of a push button.

(b) At a traffic control signal location, pedestrians shall yield the right of way to vehicles of a funeral or other procession or authorized emergency vehicle while in performance of emergency duties, regardless of the signal indication given, and they shall not attempt to cross the roadway until such vehicles or procession has passed, at which time pedestrians shall then cross the roadway only as provided in 720 CMR 9.00.

(3) Pedestrian Obedience to Traffic Control Signals.

Traffic control signal color indications and legends shall have the pedestrian commands ascribed to them in 540 CMR 3.09(3) and no other meanings and every pedestrian shall comply therewith, except when otherwise directed by an officer.

(a) Red and Yellow or the Word "Walk". Whenever the red and yellow lenses are illuminated together or the single word "walk" is illuminated, pedestrians facing such indication may proceed across the roadway and in the direction of such signal only.

(b) Red Alone or "Don't Walk". Whenever the words "Don't Walk" or any indication other than red and yellow shown together are illuminated in a traffic control signal where pedestrian indications are provided, pedestrians approaching or facing such indication shall wait on the sidewalk, edge of roadway or in the pedestrian refuge area of a traffic island until the proper indication is illuminated in the traffic control signal, but any pedestrian who has partially completed his crossing on the walk indication shall proceed or return to the nearest sidewalk or safety island on the yellow indication,

the red indication or when the words “Don’t Walk” are illuminated by rapid intermittent flashes.

*32294 (c) Green Alone. At traffic control signal locations where no pedestrian indication is given or provided, pedestrians facing the signal may proceed across the roadway within any marked crosswalk in the direction of the green indication.

(d) Yellow Alone, Red Alone or Flashing “Don’t Walk”. Pedestrians approaching or facing a yellow, red or flashing “Don’t Walk” illuminated indication shall not start to cross a roadway.

(e) Flashing Red, Yellow or Green. At any traffic control signal location where a flashing red, flashing yellow or flashing green indication is being given facing a crosswalk, pedestrians shall actuate, where provided, the pedestrian signal indication and cross the roadway when such indication is in operation. If no pedestrian signal is provided, pedestrians shall cross within crosswalks with due care.

(4) Pedestrian Crossings and Use of Roadways.

(a) No pedestrian shall suddenly leave a sidewalk or safety island and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield the right of way.

(b) Pedestrians shall at all times attempt to cross a roadway using the right half of crosswalks.

(c) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway whenever the sidewalk is open to pedestrian use.

(d) Where sidewalks are not provided, any pedestrian walking along and upon an undivided highway shall, when practicable, walk only on the left side of the roadway on its unfinished shoulder facing traffic which may approach from the opposite direction. On any divided highway, pedestrians, not in violation of 540 CMR 3.08(2)(c), shall walk only on the right side of the roadway on the unfinished shoulder.

(e) Persons alighting from the roadway side of any vehicle parked at the curb or edge of roadway in urban areas within 300 feet of a marked crosswalk, shall proceed immediately to the sidewalk or edge of roadway adjacent to vehicle, and shall cross the roadway only as authorized by 720 CMR 9.00.

(f) It shall be unlawful for any person to actuate a pedestrian control signal or to enter a marked crosswalk unless a crossing of the roadway is intended.

(5) Crossing at Non-Signalized Locations.

Every pedestrian crossing a roadway in an urban area at any point other than within a marked crosswalk shall yield the right of way to all vehicles upon the roadway. At a point where a pedestrian tunnel or overpass has been provided, pedestrians shall cross the roadway only by the proper use of the tunnel or overpass.