

# HOUSE . . . . No. 156

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Accompanying the tenth recommendation of the Department of Public Works (House, No. 146). Highways and Motor Vehicles.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Forty-One.

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### AN ACT RELATING TO THE SPEED OF MOTOR VEHICLES AND THE OPERATION THEREOF ON STATE HIGHWAYS.

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

1 SECTION 1. Chapter ninety of the General Laws,  
2 as amended, is hereby further amended by striking  
3 out section eighteen and inserting in place thereof the  
4 following: —

5 *Section 18.* The city council, the traffic commission  
6 of the city of Boston, the selectmen, park commis-  
7 sioners, or the department, on ways within their con-  
8 trol, may make special regulations as to the speed of  
9 motor vehicles and as to the use of such vehicles upon  
10 particular ways, and may prohibit the use of such  
11 vehicles altogether on certain ways; provided, that no  
12 such special regulation shall be effective unless it  
13 shall have been published in one or more newspapers,  
14 if there be any, published in the town in which the  
15 way is situated, otherwise in one or more newspapers  
16 published in the county in which the town is situated;  
17 nor until after the department shall have certified in

18 writing, after a public hearing, that such regulation  
19 is consistent with the public interests; and no regula-  
20 tion shall be valid which excludes motor vehicles from  
21 any state highway or from any main highway leading  
22 from any town to another; provided, that nothing  
23 herein contained shall be construed as affecting the  
24 right of the metropolitan district commission to make  
25 rules and regulations governing the use and operation  
26 of motor vehicles on lands, roadways and parkways  
27 under its care and control. No such regulation shall  
28 be effective until the city council, the traffic commis-  
29 sion of the city of Boston, the selectmen, park com-  
30 missioners, or department as the case may be, shall  
31 have erected, upon the ways affected thereby and at  
32 such points as the department may designate, signs,  
33 conforming to standards adopted by the department,  
34 setting forth the speed or other restrictions established  
35 by the regulation, and then only during the time such  
36 signs are in place; and any speed in excess of that  
37 shown on any such sign shall be prima facie evidence  
38 that such speed is greater than is reasonable and  
39 proper, having regard to traffic, the use of the way  
40 and the safety of the public; but, notwithstanding  
41 the establishment of a speed limit, every person operat-  
42 ing a motor vehicle shall decrease the speed of such  
43 vehicle when a special hazard exists with respect to  
44 pedestrians or other traffic, or by reason of weather  
45 or highway conditions. Any sign, purporting to  
46 establish a speed limit upon any way, not erected in  
47 accordance with the foregoing provisions, may be  
48 removed by or under the direction of the department.

1 SECTION 2. Section two of chapter eighty-five  
2 of the General Laws, as amended, is hereby further

3 amended by striking out section two and inserting in  
4 place thereof the following: —

5 *Section 2.* The department of public works, in  
6 this chapter called the department, shall erect and  
7 maintain on state highways and on ways leading  
8 thereto, and on all main highways between cities  
9 and towns, such direction signs, warning signs or  
10 lights, curb, street or other traffic markings, mechani-  
11 cal traffic signal systems and similar devices as it  
12 may deem necessary for promoting the public safety  
13 and convenience. No such signs, lights, markings,  
14 signal systems or devices shall be erected or main-  
15 tained on any highway by any authority other than  
16 said department except with its written approval as  
17 to location, shape, size and color thereof and except  
18 during such times as said approval is in effect. No  
19 rule, regulation, order, ordinance or by-law of a city  
20 or town hereafter made or promulgated relative to  
21 or in connection with such signs, lights, markings,  
22 signal systems or devices on any way within its control  
23 shall take effect until approved in writing by said  
24 department or be effective after said approval is  
25 revoked. Said department, after a public hearing  
26 and with the approval of the governor and council  
27 may from time to time make, alter, rescind or add to  
28 rules and regulations to direct, govern and restrict  
29 the movement of vehicles on all state highways and  
30 to carry out the purposes of section nine of chapter  
31 eighty-nine on highways, including state highways,  
32 which are designated thereunder by said department  
33 as through ways, with penalties for the violation  
34 thereof not exceeding twenty dollars for each offence.  
35 The superior court shall have jurisdiction in equity  
36 to enforce the provisions of this and the preceding

37 section and any rules or regulation made thereunder  
38 or to enjoin the violation thereof. Said department  
39 may, after notice, revoke any approval granted under  
40 this section.

1 SECTION 3. Chapter ninety of the General Laws,  
2 as amended, is hereby further amended by striking  
3 out section seventeen and inserting in place thereof the  
4 following:—

5 *Section 17.* No person operating a motor vehicle  
6 on any way shall run it at a rate of speed greater than  
7 is reasonable and proper, having regard to traffic  
8 and the use of the way and the safety of the public.  
9 Unless a way is otherwise posted in accordance with  
10 the provisions of section eighteen of this chapter, it  
11 shall be prima facie evidence of a rate of speed greater  
12 than is reasonable and proper as aforesaid if a motor  
13 vehicle is operated on any way outside of a thickly  
14 settled or business district at a rate of speed exceeding  
15 thirty-five miles per hour for the distance of a quarter  
16 of a mile, or inside a thickly settled or business district  
17 at a rate of speed exceeding twenty-five miles per hour  
18 for the distance of one-eighth of a mile, or in any  
19 place where the operator's view of the road traffic is  
20 obstructed either upon approaching an intersecting  
21 way or in traversing a crossing or intersection of ways,  
22 or in going around a corner or a curve in a way, at a  
23 rate of speed exceeding fifteen miles per hour. No  
24 person shall operate a school bus at a rate of speed  
25 exceeding thirty miles per hour, while actually engaged  
26 in carrying school children.