

THE COMMONWEALTH OF MASSACHUSETTS

By His Excellency

LEVERETT SALTONSTALL
GOVERNOR

EXECUTIVE ORDER NO. 40

WHEREAS, the protection of ships, cargoes and crews of the United Nations, the prevention of enemy action against our shores, and the reduction of danger from hostile air operations are matters vital to the prosecution of the War and to the safety of the inhabitants of this Commonwealth; and

WHEREAS, lights in coastal and certain other areas render our shores more vulnerable to enemy action and endanger both the ships, cargoes and crews of the United Nations and the civilian population by contributing to the skyglow and thereby giving substantial assistance to enemy submarines and aircraft; and

WHEREAS, the Government of the United States, acting through the War Department, has taken measures to control, reduce or eliminate such lights; and

WHEREAS, the Government of the United States, acting through the War Department, has requested that similar measures be taken immediately by this Commonwealth to make more effective the action heretofore taken by the Government of the United States to control, reduce or eliminate such lights:

NOW, THEREFORE, I, Leverett Saltonstall, Governor of the Commonwealth of Massachusetts, acting under the provisions of Acts of 1941, chapter 719, sections 7 and 8 (a), Acts of 1942, chapter 13, sections 2 and 3, and all other authority vested in me, do hereby issue this order as a measure necessary and expedient for meeting the supreme emergency of the existing state of war between the United States and certain foreign countries.

1. During the period between one-half hour after sunset each day and one-half hour before sunrise the next day, the provisions of this order shall apply to:

(1) All that part of Massachusetts, including islands, lying east of the following highways, inclusive:

- (a) Unnumbered road joining N. H. Route 128 at the Massachusetts-New Hampshire border, thence running through Collinsville to Lowell by way of Mammouth Road.
- (b) Massachusetts Route 110 from Lowell to Chelmsford.
- (c) Massachusetts Route 27 from Chelmsford to Sudbury.
- (d) Unnumbered road from Sudbury through Nobscot and Framingham to South Framingham.
- (e) Massachusetts Route 126 from South Framingham to the Massachusetts-Rhode Island border.

(2) That part of all settled communities bordering on either side of said highways, which is provided with street or highway lights.

(3) All territory which is within a radius of five miles of the City Hall of Worcester.

2. The following words as used in this order shall have the following meanings unless the context otherwise requires.

(a) "Light source," the filament in an incandescent lamp; the mantle in a gas lamp; the flame in an oil lamp, arc lamp or candle; the tube in a fluorescent lamp; or the luminous

arc in a mercury vapor lamp.

(b) "Visible from any point on the seacoast," visible by any person facing inland from any point on the natural shores of the mainland and the islands of the Commonwealth, including all bays, harbors, coves, estuaries and indentations, except where there is a bridge located nearest the sea, whether or not said bridge is located within the Commonwealth of Massachusetts.

3. All lights of every nature and from whatever source, except those lights referred to in paragraphs 14, 15, 18 and 21, shall be permanently shielded, obscured or reduced in intensity so that no gleam or reflection thereof shall be visible from any point on the seacoast. Any such light which cannot be so shielded or controlled shall be extinguished.

4. All lights used for illuminating outdoor advertising and display signs, stationary or mobile, shall be extinguished.

5. All exterior lights used for the illumination of streets and highways shall be reduced in size and number as specified from time to time in writing by the First Service Command, United States Army, to the Massachusetts Committee on Public Safety, and those retained in use shall be permanently shielded in such a manner that the light source shall not be visible above a horizontal plane through the lower extremity of that source.

6. (a) Essential traffic signals shall be shielded in accordance with methods approved and designated by the Department of Public Works of the Commonwealth of Massachusetts.

(b) Non-essential traffic signals shall be extinguished. A "non-essential traffic signal" is defined to be a signal located where traffic needs as certified by said Department of Public Works do not equal or exceed the conditions described in Article A II, page 56, et seq., "Manual of Uniform Traffic Control Devices for Streets and Highways" (American Association of State Highway Officials, Edition November, 1935).

7. All exterior lights used for outdoor manufacturing, in railroad yards, for repair work, shipbuilding, necessary handling or storage of raw or finished materials, harvesting of crops or raising of poultry, or for any type of construction work, shall be reduced in size and number as specified from time to time in writing by the First Service Command, United States Army, to the Massachusetts Committee on Public Safety. Those retained in use shall be permanently shielded so that the light is thrown directly downward and is included within a ninety degree cone.

8. With the exception of those lights referred to in paragraphs 5 and 6 above, all exterior lights used for protective purposes, as specified from time to time in writing by the First Service Command, United States Army, to the Massachusetts Committee on Public Safety, shall be shielded so as to throw the light only where it is necessary to insure protection, and in no case shall the light source be visible above a horizontal plane through the lower extremity of that source.

9. The illumination caused by fires, flashes or glows from industrial processes shall be shielded, obscured, reduced in size or otherwise treated to as great an extent as may be practicable in order to eliminate or reduce to a minimum the amount of light which is emitted upward.

10. The outdoor illumination of areas such as parking lots, gasoline filling stations, public playgrounds and places of amusement or entertainment shall be limited by the following provisions:

(a) No single light shall be used which exceeds the light output of a 40 watt incandescent

lamp.

(b) No light shall be located nearer than twenty feet to any other light within such an area.

(c) Every light shall be permanently shielded so that the light is thrown directly downward and is included within a ninety degree cone.

11. Lights in display or show windows of stores, restaurants, bars, and places of commerce and industry shall be limited to one 15 watt incandescent lamp or its equivalent for each eight feet of horizontal linear opening or fraction thereof. All such lights shall be separated from each other by a distance of at least eight feet. All such windows, including transoms, shall be screened from the main part of the establishment by a lightproof backdrop or partition, except that in places which are required by state law to have the interior of the establishment visible from the street, an opening not in excess of one foot in height and at a height above the sidewalk of between four and six feet may be left open for the entire horizontal width of the window. In all cases where such openings are left as aforesaid, no lights shall be placed in windows and the interior lights in the establishment shall be so shaded or screened that no direct rays of light therefrom shall shine on the area adjacent to the establishment. In no case shall the source of light be visible out of doors above a horizontal plane through the lower extremity of that source.

12. In buildings of any type whatever, all windows, doors or similar openings from which light shines outward and which are not specifically covered by the provisions of paragraph 11 above shall be screened by curtains, shades, blinds or paint for not less than the upper three-fourths of their open area, and in no case shall a light source be visible out of doors above a horizontal plane through the lower extremity of that source.

13. All skylights which have any light under them shall be shielded, painted or otherwise covered so as to be completely opaque or all lights thereunder shall be regarded as exterior lights and conform to the provisions of paragraph 7 above.

14. Every motor vehicle, including busses and trackless trolleys, shall conform to the following requirements:

(a) The upper half, but not more than the upper half, of each headlight lens shall be completely obscured by black paint, tape, opaque material, or by such other device as may be approved by the Registrar of Motor Vehicles.

(b) Such motor vehicles shall be operated at a speed not in excess of thirty miles per hour.

(c) In thickly settled communities the lowest beam in the headlight shall be used; the "lowest beam" as herein used shall not be construed to mean parking lights.

15. Motor vehicles which are parked in any public way shall have all lights extinguished, except parking lights and tail lights. Motor vehicles parked off any such way shall have all lights extinguished.

16. Motor vehicles with headlights obscured in the manner provided by paragraph 14 (a) of this order may be operated anywhere within the Commonwealth of Massachusetts, provided that the speed of operation of such motor vehicles does not exceed thirty miles per hour during the period between one-half hour after sunset and one-half hour before sunrise.

17. Refuse dumps, outdoor incinerators, bonfires, brush fires, burning fields and outdoor fireplaces shall be extinguished completely by one-half hour after sunset, and no such fire shall be ignited prior to one-half hour before sunrise.

18. Every locomotive, railroad train, street car, bus or trackless trolley, whether stand-

ing or moving where it would be visible from any point on the seacoast, shall have all interior lights so sheilded that the light source is not visible above a horizontal plane through the lower extremity of such source; the headlights of any such locomotive, railroad train or street car shall be dimmed.

19. All other exterior lights of whatever nature and from whatever source not specifically covered by any of the foregoing provisions and not exempted by pararaph 21 below shall not exceed the light output of a 15 watt incandescent lamp, and shall be permanently sheilded so that the light is thrown directly downward and is included within a ninety degree cone. The lights referred to in this paragraph shall not be nearer than twnty feet to each other.

20. Any light or reflection thereof visible from out of doors, except those specifically exempted in paragraph 21 below, which cannot be extinguished, completely obscured or reduced in intensity in accordance with Standard War Department Specifications within five minutes of the sounding of a signal for a blackout shall be permanently extinguished.

21. This order shall not apply--
- (a) To official maritime or aerial navigation and obstruction lights.
 - (b) To railroad signal lights.

22. The Massachusetts Committee on Public Safety is authorized to make any variation in the foregoing order, except as to paragraphs 14, 15, and 16 hereof, to conform to any future changes in the "Dimout Regulations for New England" as issued by the Headquarters, First Service Command, effective November 30, 1942.

23. The provisions of this order shall not apply to any real or personal property owned by and under the control of the United States Government or any agency thereof. Violations of this order on said premises should be reported to the Massachusetts Committee on Public Safety.

24. The operation anywhere within the Commonwealth of Massachusetts of any motor vehicle equipped as provided in paragraph 14 (a) of this order, at any time subsequent to November 17, 1942, and prior to the effective date hereof, shall not be deemed unlawful, notwithstanding any statute, ordinance, by-law or departmental rule or regulation to the contrary.

25. Executive Order No. 31, issued on July 17, 1942, is repealed, revoked and annulled as of November 30, 1942, but such repeal, revocation and annulment shall not affect any prosecution thereunder pending on said date. The provisions of this order shall become effective November 30, 1942.

26. The provisions of any law, ordinance, by-law or departmental rule or regulation to the extent that such provisions are inconsistent with this order shall be inoperative during the effective period hereof.

27. Any person who violates any provision of this order or any rule or regulation issued hereunder shall be punished therefor as provided by Acts of 1942, chapter 13, section 3.

GIVEN at the Executive Chamber in Boston, this twenty-seventh day of November, in the year of our Lord one thousand nine hundred and forty-two, and of the Independence of the United States of America, the one hundred and sixty-seventh.

By His Excellency the Governor,
LEVERETT SALTONSTALL.

PAUL D. HOWARD,
Deputy Secretary of the Commonwealth.

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS