

Accompanying the fifth recommendation of the Department of Public Works (House, No. 148). Transportation.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Seventy-Four.

**AN ACT PROVIDING FOR THE INSTALLATION OF TRAFFIC SAFETY DEVICES AT ROADSIDE DEVELOPMENT LOCATIONS ADJACENT TO 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 Chapter 81 of the General Laws is hereby amended by adding  
2 after section 21 the following section:

3 *Section 21A.* No person or other legal entity shall build,  
4 expand, establish or operate any open air theater, shopping  
5 center or other development generating large volumes of traffic,  
6 having an exit or entrance on, or abutting or adjoining, any state  
7 highway unless the person building, establishing or operating  
8 such open air theater, shopping center or other development  
9 generating large volumes of traffic has procured from the  
10 department a certificate that the operation thereof will not  
11 imperil the safety of the public. In determining the advisability  
12 of such certification, the department shall include in its  
13 consideration, highway safety, the width and character of the  
14 highway affected, the density of traffic thereon and the character  
15 of such traffic. If the department determines that traffic signals,  
16 pavement markings, channelization, or traffic control devices are  
17 required on the state highway to handle the traffic safely and  
18 efficiently, seventy-five percent of the cost thereof shall be borne  
19 by the person or other legal entity building establishing or  
20 operating such open air theater, shopping center or other  
21 development generating large volumes of traffic. The department

22 may issue a permit to said person or other legal entity to  
 23 construct or install the changes required by the department and  
 24 may require a bond sufficient to cover the estimated cost of the  
 25 faithful and satisfactory performance of the work. The provisions  
 26 of this section, except insofar as such provisions relate to  
 27 expansion, shall not apply to any open air theater, shopping  
 28 center or other development generating large volumes of traffic  
 29 presently in operation.

30 *Section 21B.* No person or other legal entity installing any  
 31 open air theater, shopping center or other development generat-  
 32 ing large volumes of traffic for which a certificate of operating  
 33 has been issued under section 21A by the department, nor shall  
 34 any person or legal entity operating an existing open air theater,  
 35 shopping center or other development increase its parking  
 36 facilities by fifty or more parking spaces without first procuring a  
 37 new certificate of operation from the department under section  
 38 21A. Whoever fails to comply with the provisions of this section  
 39 or section 21A shall be punished by a fine of not less than one  
 40 hundred nor more than five hundred dollars.

41 *Section 21C.* The department is authorized and directed to  
 42 make such rules and regulations and establish such standards as  
 43 may be necessary from time to time to carry out the provisions  
 44 of the preceding section for the safety and convenience of the  
 45 motoring public on state highways.