

By Mr. White of Boston, petition of W. Paul White relative to the establishment of bicycle paths. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR THE ESTABLISHMENT OF BICYCLE PATHS IN THE COMMONWEALTH.

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. The General Laws are hereby amended by
2 adding after chapter 90D the following chapter:—

3 CHAPTER 90E. — BIKEWAYS.

4 Section 1. Wherever used in this chapter, unless the context
5 otherwise requires, the following words or terms shall have the
6 following meanings:—

7 "Bicycle", a two-wheel nonmotor-powered vehicle.

8 "Bike path", a route for the exclusive use of bicycles separated
9 by grade or other physical barrier from motor traffic.

10 "Bike lane", a lane on a street restricted to bicycles and so
11 designated by means of painted lines, pavement coloring or other
12 appropriate markings.

13 "Bikeway", bike paths and bike lanes.

14 "Bicycle parking facility", any facility for the temporary
15 storage of bicycles which allows the frame and both wheels of the
16 bicycle to be locked so as to minimize the risk of theft and
17 vandalism.

18 "Department", the department of public works.

19 "Secretary", the secretary of the executive office of transporta-
20 tion and construction.

21 Section 2. The secretary shall promulgate such rules,
22 regulations, plans, proposals, and procedures as are necessary
23 and appropriate to the construction and maintenance of bikeways

24 and bicycle parking facilities, and shall determine highways to be
25 designated primary and secondary commuting routes.

26 Such rules, regulations, plans, proposals and procedures shall
27 take into consideration potential users in high density employ-
28 ment areas, bicycle accident locations, connections to other
29 modes of transportation, special signs, markings necessary for the
30 benefit of cyclists and motorists, bicycle parking facilities at
31 points of public interest, and provisions to insure safe, smooth,
32 direct continuous bikeways.

33 The secretary shall designate the bureau of transportation
34 planning and development in the department as the principal
35 source for the planning of bikeways in the commonwealth.

36 The secretary shall promulgate such rules, regulations and
37 procedures, including public hearings, as are necessary and
38 appropriate to provide the following parties the timely opportu-
39 nity to participate in the development of bikeway proposals,
40 plans, programs, and projects of the department, as defined by
41 the secretary, and to review comment thereon:

42 (a) state, regional and local agencies and authorities, including
43 without limitation, regional planning agencies, affected by said
44 proposals, plans, programs and projects;

45 (b) elected officials from cities and towns affected by said
46 proposals, plans, programs and projects;

47 (c) other public and private organizations, groups and persons
48 who are affected by, and who have provided the secretary with
49 reasonable notice in writing of their desire to participate in the
50 development of said proposals, plans, programs and projects.

51 In this section, the words "timely opportunity" shall mean
52 sufficiently early in the planning process to permit comments to
53 be considered prior to the final development of or commitment to
54 any such proposal, plan, program or project, at each stage of
55 development.

56 *Section 3.* Monies received by the commonwealth from
57 registration fees under section eleven A of chapter eighty-five and
58 under clause (d) of section thirteen of chapter sixty-four A, or
59 under any existing state or federal laws shall be credited on the
60 books of the commonwealth to a fund to be known as the
61 Bikeway Fund. Said fund, subject to the conditions of
62 appropriation, shall be used solely for the construction and
63 maintenance of bikeways and bicycle parking facilities.

64 Monies credited to the Bikeway Fund for the construction and

65 maintenance of bikeways and bicycle parking facilities as defined
66 in section one shall, subject to the request of the commissioner of
67 public works, be appropriated and expended as follows:—

68 (a) one hundred per cent of the costs for bikeways along
69 primary commuting routes as determined by the secretary.

70 (b) fifty per cent of the costs for bikeways constructed along
71 secondary commuting routes as determined by the secretary, the
72 balance of the costs to be borne by the city or town in which said
73 bikeways are located.

74 (c) fifty per cent for the cost of constructing a bicycle parking
75 facility at or adjacent to a mass transit facility, the balance of the
76 costs to be borne by the city or town where said bicycle parking is
77 to be constructed.

78 The department is hereby authorized and directed to take all
79 steps necessary to obtain federal matching funds that may be
80 available for the construction of bikeways and said funds shall be
81 credited to the Highway Fund to be allocated to the Bikeways
82 Fund.

1 SECTION 2. The first paragraph of section 13 of chapter 64A
2 of the General Laws is hereby amended by striking out clause (d)
3 and inserting in place thereof the following two clauses:—

4 (d) One per cent of the excise imposed by section four shall be
5 credited to the Bikeway Fund established by section three of
6 chapter ninety E.

7 (e) The balance of the excise imposed by section four and all
8 sums received as penalties, forfeiture, interest, costs of suits and
9 fines, less all amounts allowed for reimbursement under sections
10 seven and seven A, except as hereinbefore provided, shall be
11 credited to the Highway Fund and used for highway
12 maintenance.

1 SECTION 3. The first paragraph of section 11A of chapter 85
2 of the General Laws, as most recently amended by chapter 321 of
3 the acts of 1974, is hereby further amended by striking out the
4 eleventh sentence and inserting in place thereof the following two
5 sentences:—

6 A fee of one dollar shall be collected for bicycles having a wheel
7 diameter greater than twenty-four inches for each registration

8 plate or decal and certificate issued under this section, twenty-five
9 cents of which shall be retained by the city or town to pay for the
10 cost of registration. The balance of the monies collected shall be
11 forwarded to the state treasurer to be credited to the Bikeway
12 Fund as established by section three of chapter ninety E.

1 SECTION 4. This act shall take effect on January first,
2 nineteen hundred and seventy-six.