

HOUSE No. 4641

By Mr. Lambert of Fall River, petition of Edward M. Lambert, Jr., for legislation to further regulate the use of traffic signs or devices in cities and towns. Transportation.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR THE FURTHER REGULATION OF TRAFFIC SIGNS OR DEVICES BY CITIES AND TOWNS.

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 2 of chapter 85 of the General Laws, as appearing in
2 the 1988 Official Edition, is hereby amended by adding the
3 following paragraph: —

4 Notwithstanding any provision to the contrary contained in this
5 section, a city or town may make a request to the department
6 concerning traffic signs or devices or a deviation from the
7 department's manual on uniform traffic control devices and the
8 department's sample regulation for a standard municipal traffic
9 code relative to any way within its control or a state highway. The
10 department shall approve or deny every such request within ninety
11 days after receipt thereof; provided, however that any failure of
12 the department to so act within such period shall be deemed an
13 approval of the request. If any such request is denied the city or
14 town may appeal such denial to the appeal review board,
15 established in this section, within twenty days of receipt of such
16 denial. The appeal review board after notice and an opportunity
17 for a hearing shall affirm, vacate or modify the department's
18 determination. Said board shall promulgate rules consistent with
19 the provisions of this section. Any determination of said board
20 shall be final and binding.

21 The appeal review board shall consist of three members to be
22 appointed by the Governor, two of whom shall be registered

23 engineers knowledgeable concerning traffic devices and
 24 employees of the commonwealth. The members shall serve terms
 25 of three years and shall serve without compensation. Any vacancy
 26 may be filled in like manner for the remainder of the unexpired
 27 term. Two members shall constitute a quorum for the purpose
 28 of conducting the business of the board.