

**HOUSE . . . . . No. 3670**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Peter Capano*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act regarding municipal truck routes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Peter Capano</i>	<i>11th Essex</i>	<i>1/18/2019</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>	<i>3/26/2019</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>3/27/2019</i>
<i>Lenny Mirra</i>	<i>2nd Essex</i>	<i>3/26/2019</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>	<i>3/26/2019</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>	<i>3/27/2019</i>

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By Mr. Capano of Lynn, a petition (accompanied by bill, House, No. 3670) of Peter Capano and others relative to truck exclusions from municipal ways. Transportation.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act regarding municipal truck routes.

*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 85 the General Laws, as appearing in the 2016 Official Edition, is hereby  
2 amended by inserting after section 2F the following section: –

3 Section 2G. (a) Notwithstanding section 2 or any other general or special law, or rule or  
4 regulation to the contrary, a city or town accepting the provisions of this section may provide for  
5 a truck exclusion from a municipal way; provided that an alternate route is available. For the  
6 purposes of this section the term “truck” shall mean a heavy commercial vehicle having a  
7 carrying capacity of more than 2½ tons. The alternate route shall have an effective width and  
8 pavement structure which can safely accommodate the additional truck traffic. In addition the  
9 alternate route shall meet 1 of the following conditions:

- 10 (i) lie wholly within the community making such truck exclusion;
- 11 (ii) lie partially in an adjacent community but only on state highway, or

12 (iii) lie partially in an adjacent community but have the adjacent community's written  
13 approval.

14 (b) For the purposes of determining the exclusion in subsection (a), a city or town may  
15 take into account the following factors:

16 (i) the volume of heavy commercial vehicles;

17 (ii) the condition of the pavement structure of the route to be excluded;

18 (iii) where land use is primarily residential in nature;

19 (iv) a 24 hour consecutive count of all vehicles using the subject street;

20 (v) physical characteristics of excluded and alternate streets in question, for example:  
21 length, width, type and condition of surface and sidewalk;

22 (vi) types of buildings or property abutting street, for example: residential, business,  
23 school or playground.

24 (vii) zoning of the street;

25 (viii) proximity of an alternate route to the excluded route and the additional distance to  
26 be traveled using the alternate route; and

27 (ix) types of traffic control existing on street.

28 (c) Upon declaration by the city or town of the exclusion in subsection (a), the  
29 municipality shall erect a sign or marker excluding trucks from that route.

30           (d) Subsection (a) shall not apply to a truck going to or coming from places upon the  
31 excluded route for the sole purpose of making deliveries of goods, materials, or merchandise to,  
32 or similar collections from, abutting land or buildings or adjacent streets or ways to which access  
33 cannot otherwise be gained; or to trucks used in connection with the construction, maintenance  
34 and repair of said streets or public utilities therein; or to federal, state, municipal or public  
35 service corporation owned vehicles.

36           (e) Whoever violates subsection (a) by operating a truck on an excluded route shall be  
37 punished by a fine of not more than \$100.