



Policy on Amending the Traffic Rules and Regulations

Policy Number XIV

Issue date: January 27, 2004

Type of policy: New Amendment

Effective date: August 13, 2010

Level: Department Division Town Wide

Policy Statement

This policy codifies as part of the Administrative Code the methods and procedures for adding Traffic Rules and Regulations or amending those already adopted by the Town (Board of Selectmen). For a comprehensive list of the Traffic Rules and Regulations, please contact the Executive Office. A copy of this policy will be provided to all inquiring traffic concern form applicants.

References

None.

Special Terms

None.

Policy Description

I. General

The Board shall endeavor to ensure that the Traffic Rules and Regulations are kept updated and modernized on an as-needed basis to best serve an interest in public safety. The Board shall endeavor to balance both public safety concerns and to allow for the improvement of traffic efficiency, and the improvement of Town roads relating to it.

II. Procedure

All requests or petitions to add or amend the existing Traffic Rules and Regulations should be addressed to the Department of Public Works at 801 Washington Street, Canton, MA, 02021. Upon the receipt of a written request or petition for an addition or amendment to the existing Traffic Rules and Regulations, including, but not limited to the placement of additional signage and traffic control devices, the Department of Public Works will send a letter of acknowledgement to the applicant, copied to the Executive Office within three (3) business days.

Traffic Concern Forms upon review of the Department of Public Works, will be placed within one (1) of the two (2) procedural paths to be determined by estimated project cost. Traffic Concern Forms with an estimated project cost of one thousand (1,000) dollars and under, regarding signage, replacement, maintenance and other related materials, will be placed within path one (1) to provide an expedited process and will be approved directly by the Superintendent of Public Works. Traffic Concern Forms with an estimated project cost of one thousand (1,000) dollars and one (1) cent and above, will be placed in path two (2) and will require the Traffic Study Committee (recommendation) and the Board of Selectmen review and approval.

Traffic Concern Form Path 1: The Department of Public Works, will make a full investigation into the request, using information documented in Appendix A and review all pertinent regulations as it pertains to MassHighway's 2003 Manual on Uniform Traffic Control Devices and the Standard Municipal Traffic Code, October 2006, within ten (10) business days. If the Department of Public Works, finds the request to be practicable, the Department of Public Works will endeavor to schedule and complete required work to fulfill the request within ten (10) business days.

Traffic Concern Form Path 2: The Department of Public Works, will make a full investigation into the request, using information documented in Appendix A and review all pertinent regulations as it pertains to MassHighway's 2003 Manual on Uniform Traffic Control Devices and the Standard Municipal Traffic Code, October 2006, in addition determine whether an engineering study and/or consultation services are needed. The Department of Public Works, upon investigation will create a letter report and determine whether or not to send it to the Traffic Study Committee, within ten (10) business days. The Traffic Study Committee, who meets as needed, has up to ten (10) business days to do a full review of all pertinent information and alternatives, given to them by the Department of Public Works. Within such time, the Traffic Study Committee will make a recommendation to the Board for decision-making.

It shall be the policy of the Board to defer to the Traffic Study Committee for their opinion and guidance concerning any matter relating to an addition, amendment or change to the existing Traffic Rules and Regulations prior to making a final decision if practicable. In all such policy matters, the Police Chief, the Fire Chief (if applicable), the Superintendent of Public Works, and any other designated elected or appointed officials that the Board feels should be consulted prior to any final decision shall submit their advice and professional guidance concerning any request.

It shall be the policy of the Board to require an advertised public hearing when discussing the adoption of the amendment of or addition to the Traffic Rules and Regulations. Upon the receipt of the written opinion of the Traffic Study Committee, the Executive Office shall schedule the requisite public hearing for the next scheduled Board meeting that meets the advertisement requirements. The Executive Office may advertise the hearing in a local newspaper prior to the public hearing. Public hearings shall be held in conformance with the procedures for hearings before the Board outlined in Policy II, Section XXV.

The Board will receive all pertinent information and reports from the Traffic Study Committee and the Department of Public Works. Upon the decision of the Board, the Department of Public Works, will endeavor to schedule and complete required work to fulfill the request for non-engineering study inquiries no latter then two (2) month from the decision date of the Board.

Department of Public Works, upon Board approval for engineering study required projects will schedule all necessary engineering consultations, review and planning assessments and complete such work no latter then two (2) month from the decision date of the Board. Once completed Department of Public Works, will provide full report to the Board for project final decision. Upon the decision of the Board, the Department of Public Works, will endeavor to schedule and complete inquiries no latter then two (2) month from the decision date of the Board.

At any time during this process, as define in Appendix B and C, the Department of Public Works, the Traffic Study Committee and/or the Board may find the request is not practicable and a letter of explanation from the Department of Public Works, as to why the request could not be met will be mailed to the applicant, copied to the Executive Office and the Board. The applicant can appeal the decision directly to the Executive Office, with the Board reserving the authority of appellate review.

Upon a vote of the Board to amend or add to the Traffic Rules and Regulations, the Executive Office shall publish their decision, if favorable, in one more local newspaper and Town website for two consecutive weeks indicating the effective date of any amendment or addition.

III. The County of Norfolk

The Town of Canton will seek approval from the County of Norfolk via The County Commissioners as required by law, when necessary.

IV. Projected Timetable

All listed timeframes found within are projected timeframes to establish an estimated range of decision-making and approved project completion. Traffic Concern Form projects that require an engineering study, consultation services and/or MassDOT approval will take significant time to complete. Projects requiring MassDOT, after the Town submits all required documentation, it is understood that the decision, is MassDOT to make on the final determination of the requested approval, in accordance to MassDOT internal scheduling.

V. Emergency Clause

The Board has the sole discretion to waive the provisions of this policy should an emergency or situation of urgency warrant immediate action.

APPENDIX A

REGULATION AND BY-LAWS RELATIVE TO WAYS AND BRIDGES AND
MOTOR VEHICLES SPEED AND USE

ARTICLE I

AUTHORITY TO ACT

Section 1-1. In accordance to the laws and regulations of the M.G.L. c. 85, section 2, the MassDOT will erect and maintain on state highways and ways leading thereto and therefrom and on all main highways between cities and towns such direction signs, warning signs or lights, curb, street or other traffic markings, mechanical traffic signal systems, traffic devices, or parking meters as it may deem necessary for promoting the public safety and convenience and to make rules and regulations relative thereto.

Section 1-2. Any rule, regulation, order, ordinance or by-law, by the Town of Canton, hereafter made or promulgated relative to or in connection with the erection or maintenance of signs, traffic control signals, traffic devices, school zones, parking meters or markings on any way within its control shall take effect without MassDOT's written approval provided such signs, traffic control signals, traffic devices, parking meters, school zones or markings in conformance with MassDOT's current manual on uniform traffic control devices and MassDOT's sample regulation for a standard municipal traffic code.

Section 1-3. The Town of Canton must seek written approval from MassDOT for:

- (1) any way at its intersection or junction with a state highway;
- (2) any project which is or was federally aided, in whole or in part;
- (3) any traffic signal or flasher in any city or town which does not employ a registered professional engineer in the commonwealth to design, redesign or change the timing and sequence of signal or flasher;
- (4) any sign excluding heavy commercial vehicles;
- (5) any school zone establishment or signing in relation to which the city or town intends to seek reimbursement from the commonwealth;
- (6) any one-way street sign which would prohibit the free flow of two-way traffic between adjoining cities or towns on a through way or main way, as determined by the department, or any one-way street signs which would not be placed at an intersection of public ways.
- (7) any rule, regulation, order, ordinance or by-law of a city or town which when made or promulgated would exclude motor vehicle travel on any existing way which connects one city or town with another.
- (8) Notwithstanding the foregoing, speed control signs may be established only in accordance with the provisions of section eighteen of chapter ninety.

Section 1-4. The Town of Canton has the authority to act via the Board to investigate all traffic concern requests, and act upon the recommendation of the Department of Public Works and/or the Traffic Study Committee, as it is deemed, to best serve public safety.

ARTICLE II

SPEED CONTROL

Section 2-1. Of the special regulations adopted by municipalities under the provisions of the M.G.L. c. 90, Section 18, the most commonly used is the special regulation of the speed of motor vehicles. Municipal officials, usually the Police Department, must obtain considerable data including speed observations and trial runs. The final determination is based upon the 85- percentile method, which is that speed at or below which 85% of the vehicles observed were actually traveling. MassDOT representatives are available to demonstrate the proper method for conducting the necessary studies and drafting the covering regulation, upon written request of local officials.

Section 2-2. Procedure for Establishment of Legal Speed Zones:

- (1) Municipality to make proper studies and submit data to MassDOT.
(Municipalities usually accept the available services of MassDOT in conducting studies and assembling the data).
- (2) After MassDOT reviews the speed zones, proposed by the local authorities, they are returned to the municipality for formal adoption by the rule-making body.
- (3) Upon receipt of notice of formal adoption by municipality, MassDOT, acting jointly with the Registry, will certify and approve.
- (4) Certified regulation is returned to municipality.
- (5) Official Speed Limit signs may then be installed in accordance with the specific provisions of the approved speed regulation.
- (6) The Speed Regulation is then enforceable against violators.

Section 2-3. In accordance with M.G.L. c. 90, Section 18, any changes to the Town of Canton's Speed Limit signs, will be published in one or more newspapers in the town or county, in which the town is situated, before the change in the Speed Limit sign, can take affect.

ARTICLE III

HEAVY COMMERCIAL VEHICLE EXCLUSION

Section 3-1. In accordance with M.G.L. c. 85, Section 30, a commercial vehicle exclusion, (for commercial vehicles or objects weighing more than ten (10) thousand pounds) from a municipal way may be authorized provided a suitable alternate route is available. The alternate route shall have an effective width and pavement structure, which can safely accommodate the additional truck traffic. In addition, the alternate route must meet one of the following conditions:

- (1) Lie wholly within the community making application,
- (2) Lie partially in an adjacent community but only on State Highway, or
- (3) Lie partially in an adjacent community but have the adjacent community's written approval.

Section 3-2. An engineering study, as outlined in the Data requested below, must be made. In addition, one or more of the following may be sufficient justification for truck exclusion:

1. Warrants

- A. A volume of heavy commercial vehicles, which usually is in the range of five (5) to eight (8) percent, reduces the utilization of the facility and is cause for a substantial reduction in capacity or safety.
- B. The condition of the pavement structure of the route to be excluded indicates that further repeated heavy wheel loads will result in severe deterioration of the roadway. (Subject to MassDOT review)
- C. Notwithstanding the foregoing, in certain instances where land use is primarily residential in nature and a municipality has requested exclusion only during hours of darkness, a specific night exclusion may be granted.

2. Data

Before MassDOT can consider a heavy commercial vehicles exclusion proposal, the municipality or another authorized entity as determined by the Town of Canton must submit the following data:

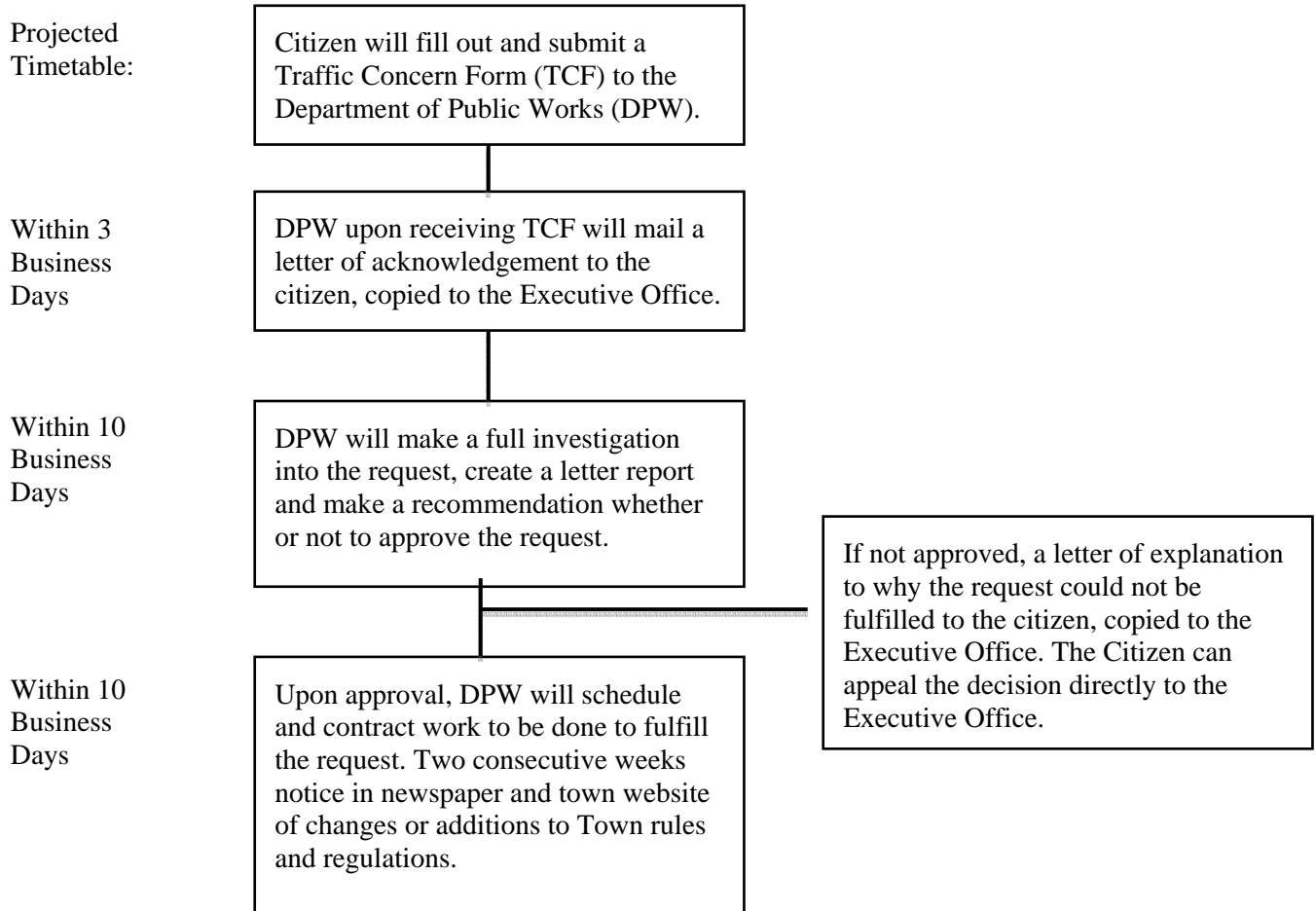
- A. A twenty-four hour consecutive count of all vehicles using the subject street. (If the exclusion is requested for only twelve hours, a twelve-hour count will suffice.) The count shall be broken into one-half hour intervals showing:
 - (1) Commercial vehicles with a carrying capacity over 2½ tons
 - (2) Other vehicles
- B. Map of the area, with the excluded street marked in red, the alternate route in green.
- C. Physical characteristics of excluded and alternate streets in question, i.e, length, width, type and condition of surface and sidewalk.
- D. Types of buildings or property abutting street (Residential, Business, School, Playground, etc).
- E. Zoning of Street (Residential, Industrial, etc.).
- F. Proximity of probable alternate route to the proposed excluded route and the additional distance to be traveled using the alternate route.
- G. Types of traffic control existing on street.
- H. Hours during which exclusion is to be in effect.
- I. A written statement from the municipality as to the need for the exclusion.

Section 3-3. Once the Town submits all required documentation and data, it is solely the decision of MassDOT to make the final determination on the requested approval. If

approved the Town will publish such new regulations and post proper signage in a conspicuous place at both ends of the part of said way from which traffic is prohibited, in accordance with MassDOT regulations and M.G.L. c. 85, Section 30.

APPENDIX B

TCF Procedural Path 1 Flow Chart
(TCF Projects \$1000 and Below)



APPENDIX C

TCF Procedural Path 2 Flow Chart
(TCF Projects \$1000.01 and Above)

Projected
Timetable:

Citizen will fill out and submit a Traffic Concern Form (TCF) to the Department of Public Works (DPW).

Within 3
Business
Days

DPW upon receiving TCF will mail a letter of acknowledgement to the citizen, copied to the Executive Office.

Within 10
Business
Days

DPW will make a full investigation into the request, review pertinent regulations, procedures and determine whether an engineering study will have to be completed and to what extent. Create a letter report and make a recommendation whether or not to send it to the Traffic Study Committee (TSC) for review.

Within 10
Business
Days

TSC with the help of DPW will review pertinent information and alternatives. Upon TSC approval, DPW will provide a letter report to the Board of Selectmen (BOS) for decision-making.

Possible end point. Letter of explanation from DPW to citizen, copied to the Executive Office. The Citizen can appeal the decision directly to the Executive Office.

At Next
Suitable
Public
Meeting

BOS will receive all pertinent information and reports from DPW, hold public hearings if necessary, and make a final decision

Possible end point. Letter of explanation from DPW to citizen, copied to the Executive Office. The Citizen can appeal the decision directly to the Executive Office.

No Letter
Then 2 Months
From The Date
Of The Board
Approval

1. Non-engineering study: Upon BOS approval, DPW will schedule and contract work to be done to fulfill the request. Two consecutive weeks notice in newspaper and Town website of changes or additions to Town rules and regulations.
2. Engineering study: Upon BOS approval DPW will schedule all necessary engineering consultations, review and planning assessments. Once completed DPW will provide full report to BOS for project decision.

(Flow Chart Continued)

At Next Suitable Public Meeting

BOS will receive all pertinent information, reports from DPW and engineering reports. Hold public hearing if necessary, and make final decision.

No Letter Then 2 Months From The Date Of The Board Approval

Upon BOS approval, DPW will schedule and contract, work to be done to fulfill the request. Two consecutive weeks notice in newspaper and Town website of changes or additions to Town rules and regulations.

Possible end point. Letter of explanation from DPW to citizen, copied to the Executive Office. The Citizen can appeal the decision directly to the Executive Office.