



Maura Healey, Governor
Kimberley Driscoll, Lieutenant Governor
Monica Tibbitts-Nutt, Acting Secretary & CEO



Department of Highways

Notice of Public Comment Period and Hearing

Notice is hereby given pursuant to M.G.L. c. 30A, § 2-3, that the Massachusetts Department of Transportation, (“MassDOT”) will hold a virtual public hearing on **Monday, December 4, 2023 at 10:00 a.m.** and accept public comment concerning the following regulatory action:

Rescind 720 CMR 9.00 – Driving on State Highways Enact 700 CMR 9.00 – Driving on State Highways

The proposed changes will repeal and re-codify an obsolete regulation that was promulgated by the former Massachusetts Highway Department (720 CMR 9.00) and replace it with a MassDOT regulation (700 CMR 9.00) that has updated terminology and processes relating to traffic signalization and highway signage making the language consistent with the Manual on Traffic Control Devices (MUTCD) and 23 CFR 655.603, which will enhance safety for the traveling public on State Highways. The proposed changes also remove redundant sections relating to the transport of hazardous materials in MassDOT tunnels, as this language is already addressed in 700 CMR 7.00. Finally, the amendments also clarify MassDOT’s authority to issue an order suspending the use of a special permit, and / or limiting the time and hours of travel of any vehicle, motor vehicle, including semi-trailers, and tandem units from travel on any of its roadways and routes when required for the purpose of promoting public safety and convenience during periods of commuter and holiday traffic, inclement weather conditions or construction activity, or for other good cause.

MassDOT will hold this hearing remotely on the date and time specified above. To join the hearing, go to: <https://us02web.zoom.us/j/86725068657>

Individuals who notify MassDOT of their intent to testify during the hearing will be afforded an earlier opportunity to speak. Speakers are strongly encouraged to notify MassDOT of their intention to testify at the hearing by emailing the address below with the subject line “Regulation Hearing Comment – Driving on State Highways.” Written comments will be accepted until **5:00 p.m. on January 4, 2024**. A public hearing will be held on December 4, 2023 at 10:00 a.m. Written comments must be submitted by email or postal mail to the following address:

Email: Eileen.Fenton@dot.state.ma.us

Postal Mail: Eileen Fenton
Managing Counsel
MassDOT
10 Park Plaza, Suite 3510
Boston, Massachusetts 02116

A copy of the above-listed regulations may be obtained by contacting Eileen Fenton at the above address or email address.

MassDOT may adopt a revised version of the proposed action taking into account relevant comments received and any other practical alternatives that come to its attention.

For accommodation or language assistance requests, please contact MassDOT's Chief Diversity & Civil Rights Officer by phone at (857) 368-8580, TTD/TTY at (857) 266 0603, fax (857) 368 0602 or by email to MassDOT.CivilRights@dot.state.ma.us. Requests should be made as soon as possible, ideally at least five business days before the close of the public hearing.

Small Business Impact Statement

(As required by M.G.L. c. 30A §§ 2, 3 & 5)

CMR No: 720 CMR 9.00

Estimate of the Number of Small Businesses Impacted by the Regulation: 0

Select Yes or No and Briefly Explain

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? The repeal of 720 CMR 9.00 will not impact small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? The repeal of 720 CMR 9.00 will not impact small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? The repeal of 720 CMR 9.00 will not impact small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation? The repeal of 720 CMR 9.00 will not impact small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? The repeal of 720 CMR 9.00 will not impact small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? The repeal of 720 CMR 9.00 will not impact small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are performance standards more appropriate than design or operational standards to accomplish the regulatory objective? (Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.) Neither.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? None.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? The repeal of 720 CMR 9.00 will not impact small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? The repeal of 720 CMR 9.00 will not impact small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? The repeal of 720 CMR 9.00 will not impact small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? The repeal of 720 CMR 9.00 will not impact small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? The repeal of 720 CMR 9.00 will not impact small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? The repeal of 720 CMR 9.00 will not impact small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? The repeal of 720 CMR 9.00 will not impact small businesses.

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? The repeal of 720 CMR 9.00 will not impact small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? The repeal of 720 CMR 9.00 will not impact small businesses.