

Summaries of Massachusetts Session Laws Relative to Bicycling

Document prepared by John S. Allen, December 8, 2014

This document is a resource for a paper which I presented at the International Cycle History Conference in August 2014 in Baltimore, Maryland.

Some of the excerpts from the records of the session laws were collected by Paul Schimek.

This document includes all legislative acts which could be found searching on the term “bicycl”, so as also to find “bicycling”, “bicyclist” etc. in the Massachusetts State Archive of legislation, with the exception of routine, generic funding legislation. Legislation funding specific projects is included.

It remains to coordinate the review of bicycle-specific laws with one of Massachusetts traffic law more generally and with the Uniform Vehicle Code. I presently have copies of a 1914 and a 1955 Massachusetts driver’s manual, but I need to review the Acts which shaped the traffic law.

Research into magazines from the first bicycle boom of the 1890s, as well as newspaper articles and other sources, would reveal the tenor of discussion of bicycle law in each of the major periods of bicycling.

If possible, I would like to locate records of testimony on bills which became law, particularly the 1973 and more recent laws. I do have scans of Dr. David Gordon Wilson’s archive from Dr. Paul Dudley White’s Committee for Bicycle Safety, which provides documentation of the process which led to the 1973 law, and [I have placed this material online](#).

[Chapter 65 of the Acts of 1821](#)

(Massachusetts General Court, 1821) the first law of the road found through a search of Massachusetts State Archives. This established that vehicles would keep to the right side of the road in the face of oncoming traffic; also that a sleigh or sled must have three or more bells attached to the horse or horses drawing it – both provisions still extant as of 2014.

[Chapter 301 of the Acts of 1869](#)

(Massachusetts General Court, 1869) allowed cities and towns to establish their own traffic laws -- and to regulate itinerant musicians.

[Chapter 137 of the Acts of 1875](#)

(Massachusetts General Court, 1875) added regulation of coasting (downhill sledding) to the provisions of Chapter 201 of the Acts of 1869.

[Chapter 134 of the Acts of 1880](#)

(Massachusetts General Court, 1880) was a home rule law specific to the City of Boston, permitting the city to make ordinances in relation to the shape and size of vehicles.

Chapter 479 of the Act of 1894

(Massachusetts General Court, 1894) set a speed limit of 10 miles per hour, prohibited riding on sidewalks, and required the bicycle to be equipped with a bell, subject to a penalty of \$20, which was a substantial amount of money then. Permission to ride faster could be granted through the issuance of a special permit by the mayor or selectmen of a city or town. This law also stripped the power from cities and towns to establish their own rules for bicyclists.

Chapter 409 of the Acts of 1897

(Massachusetts General Court, 1897) imposed a maximum five-year prison sentence, minimum three-months in a county jail, or a fine of not less than \$100, for theft of a bicycle valued at more than \$10.

Chapter 121 of the Acts of 1898

(Massachusetts General Court, 1898) extended the 10-mile-per-hour speed limit and bell requirement to parks, lands and driveways on reservoir property.

Chapter 351 of the Acts of 1898

(Massachusetts General Court, 1898) authorized cities and towns to fund, construct and maintain bicycle paths. The same provisions were to apply as to highways.

Chapter 474 of the Acts of 1899

(Massachusetts General Court, 1899) imposed a penalty of twenty dollars maximum for trespassing upon a bicycle path, as had been defined in the previous year, with a horse or other animal. Aldermen of cities and selectmen of towns had the authority to determine where this law would not apply.

Chapter 312 of the Acts of 1900

(Massachusetts General Court, 1900) removed the authorization of commissioners, boards or departments to make regulations requiring the display of a lamp or lantern on a bicycle. That authorization had not been specifically stated in the 1894 law. Evidently there was now no requirement for a bicyclist to use a lamp.

Chapter 318 of the Acts of 1900

(Massachusetts General Court, 1900) required any railway company operating a standard-gauge railroad in Massachusetts to check and transport bicycles between stations in Massachusetts subject to the same rules as for other baggage, if not paying by a season ticket, and when the fare was not less than 10 cents (therefore, not applicable to local travel). The bicycle was not required to be crated or covered. As far as I can determine, this law is still in effect, though it is not enforced, and policies of railroads (primarily, Amtrak and the Massachusetts Bay Transportation Authority) contradict it.

The word "bicycle" does not appear in a search of the state library's legislative archive again till 1921.

Chapter 578 of the Acts of 1911

(Massachusetts General Court, 1911) required vehicles, with the exception of wagons transporting hay or straw, or as exempted by the Massachusetts Highway Commission, to carry some kind of light – not

specified – on streets or highways without streetlights spaced 500 feet or less apart; also required an individual stopped by a police officer to give a correct name and address – but only between the hours from one hour after sunset to one hour before sunrise!

Chapter 182 of the Acts of 1914

(Massachusetts General Court, 1914) This strengthened the lighting law by deleting the exception for streets with streetlights.

Chapter 99 of the Acts of 1915

This established the definition: "‘Motor cycle’ shall apply only to motor vehicles having but two wheels in contact with the ground, and a saddle on which the driver sits astride, and to bicycles having a motor attached thereto and a driving wheel or wheels in contact with the ground in addition to the wheels of the bicycle itself."

Chapter 187 of the Acts of 1917

This allowed the definition of "Motor Cycle" to include three-wheelers.

Chapter 344 of the Acts of 1917

This was a huge (61-page) act codifying traffic laws. Part 7 is the (rudimentary) Law of the Road.

Chapter 377 of the Acts of 1921

(Massachusetts General Court, 1921) amended Chapter 85 section 13 of the General Laws – which was the 1894 law as further amended in 1900 not to allow state officials to require lamps. Now a lamp visible from the front and rear would be required. There was no description in the law of the type, location or color of light required. A technical factor could be cited as important in making this change: that battery-powered electrical lighting was now practical, if not very convenient. A social factor as well: bicyclists already posed and incurred risks riding at night without lights, but the issue became more pressing with the advent of motor vehicles. The requirement for a light also was important in establishing when bicyclists were to be held at fault in nighttime collisions.

There was another gap of 20 years before bicycle legislation was enacted.

Chapter 464 of the Acts of 1923

This revised the definitions in Section 1 of Chapter 90 of the General Laws, including a definition of a "Motor Cycle" as in Chapter 187 of the Acts of 1917.

Chapter 309 of the Acts of 1935

"Section 34. If the city council of a city, or a town, accepts this section or has accepted the corresponding provisions of earlier laws, the board or officers authorized to lay out highways or town ways may reserve spaces between the side lines thereof for the use of horseback riders, for bicycle paths or for street railways, except such as may be operated by steam, for drains, sewers and electric wires, for trees and grass, and for planting."

Chapter 286 of the Acts of 1937

This relaxed Massachusetts's "Blue Laws" to allow, among other things, renting of bicycles on Sundays. See also Chapter 256 of the Acts of 1950.

Chapter 533 of the Acts of 1941

This, among other things, included the wording, same as in Chapter 309 of the Acts of 1935: "[i]f the city council of a city, or a town, accepts this section or has accepted the corresponding provisions of earlier laws, the board or officers authorized to lay out highways or town ways may reserve spaces between the side lines thereof for the use of horseback riders, for bicycle paths or for street railways, except such as may be operated by steam, for drains, sewers and electric wires, for trees and grass, and for planting."

Chapter 710 of the Acts of 1941

(Massachusetts General Court, 1941) repealed sections 12, 13 and 14 of Chapter 85, and inserted a new Section 11A in Chapter 85 of the General Laws, requiring bicycles to be registered in cities whose city council voted, and in towns which voted (evidently at a town meeting) to adopt this provision, but this law required only bicycles ridden by residents of the city or town to be registered. Paperwork was to be provided by the Commissioner of Public Safety, but there was no description of how registration plates were to be provided. A fee of no more than 25 cents was to be collected for each registration.

This law included a very tepid endorsement of operation according to the traffic law, applicable only in cities and towns where bicycles were registered.

In such cities and towns, operators of bicycles shall conform to traffic rules and regulations so far as they are obviously and reasonably applicable for their own safety. No operator of a bicycle shall permit any person in excess of the number for which such bicycle is designed and equipped, to ride thereon with him, and no operator of a bicycle shall permit it to be drawn by any other moving vehicle.

[Additional comment, February 2, 2018: This did not increase bicyclists' responsibilities under the law, but rather decreased them. Bicycles had always been described as vehicles, and so bicyclists had been subject to the rules of the road for vehicle operators. This law reflected the transition of bicycling to be largely a children's activity and recognition that children were unable to understand those rules.]

The "lamp visible from the front and rear of the bicycle" introduced in 1921 was no longer required – that had been in the repealed Section 13. The new law did not specify any front-facing lamp or reflector, but required a red rear reflector at least two inches in diameter – the first mention of retroreflectors in Massachusetts bicycle law. Retroreflectors of the time used relatively large glass spheres. (Wikipedia, Retroreflector).

Punishment for infractions would be a fine of not more than \$1 – much lower than the \$20 in the earlier law – but also optionally by suspension of registration – which would derive a violator of a means of transportation; or with consent of a parent or guardian, by impoundment of the bicycle of a minor. The law applied only to bicycles with wheels twenty inches or larger in diameter, a common, though faulty

way of excluding small children's bicycles from the provisions of laws. (Bicycles for adults may also have small wheels, though such bicycles were probably rare in the USA in 1941.)

Japan attacked Pearl Harbor and the USA entered Second World War, little more than a month after the law was enacted. It would be interesting to see how this law played out during a time when more people were dependent on bicycling for transportation due to rationing of motor fuel and tires.

[Chapter 256 of the Acts of 1950](#)

This revised wording relaxing Massachusetts's "Blue Laws" to allow, among other things, renting of bicycles on Sundays. See also Chapter 286 of the Acts of 1937.

[Chapter 321 of the Acts of 1950](#)

This included "any bicycle with a motor or driving wheel attached" in the definition of "motor cycle" in Section 1 of Chapter 90 of the General Laws, amending the Tercentenary Edition.

[1955 Massachusetts Driver's Handbook](#)

(Commonwealth of Massachusetts Registry of Motor Vehicles, 1955) – 278 pages! Excerpt here includes the wording of the 1941 law, with one minor change. The 1941 wording is:

The application for registration shall contain the name, address and age of the owner, the make of the bicycle, and serial number, if any, affixed by the maker, or any other identifying marks.

while the 1955 Driver's Handbook wording is:

The application for registration shall contain the name, address and age of the owner, a description of the bicycle and a register number.

It is not clear to me how this change came about. I do not have a record of legislation which would have effected this change.

[Chapter 645 of the Acts of 1957](#)

This authorized the Department of Public Works to construct bicycle paths alongside the state highway in Nantucket.

[Chapter 771 of the Acts of 1957](#)

The funded the path on Nantucket, to the tune of \$5000. See page 7 of the PDF, page 951 of the Acts.

[Chapter 656 of the Acts of 1958](#)

This among other things, authorized development of bicycling and hiking trails in state parks.

[Chapter 541 of the Acts of 1959](#)

(Massachusetts General Court, 1959) added a Section 2B to Chapter 85 of the General Laws, authorizing the Department of Public Works (later, the Massachusetts Highway Department) to exclude bicyclists, horse-drawn vehicles and pedestrians from limited-access and express state highways. These provisions are set out in the Code of Massachusetts Regulations, Section 720. The statute describes this as an

“emergency law, necessary for the immediate preservation of the public safety and convenience.” Route 128, the first limited-access circumferential highway in the USA, had opened fully eight years earlier, in 1951. (Wikipedia) and the Massachusetts Turnpike had opened in 1957. (Wikipedia)

With the density of the road network in Massachusetts, there is no “you can’t get there from here” problem for trip endpoints connected only by limited-access highways, as in some western states. The definition of an express state highway, however, does not require it to have full control of access, and so bicyclists may be denied access to trip endpoints along express state highways, aside from the inconvenience of having to take longer routes between some points. Note that as of 2014, at least 19 states, mostly western, though also Missouri, New Jersey and Pennsylvania, do allow bicycles on the shoulders of some segments of limited-access highways. In some western states, bicycles are allowed on shoulders of all rural limited-access highways.

Chapter 318 of the Acts of 1961

(Massachusetts General Court, 1961), enacted on April 3 of that year, amended Section 14 of Chapter 90 of the General Laws by adding the following language:

Every person operating a motor vehicle shall reduce the speed of said vehicle to fifteen miles per hour and sound his horn when approaching a child on a bicycle and if said child shall signal for him to stop shall do so.

This proved impractical, and was quickly repealed.

Chapter 518 of the Acts of 1961

was approved not even two months later, on May 25, 1961 and was described in the Session Laws as “an emergency law, necessary for the immediate preservation of the public safety and convenience.”

The language cited above was replaced with:

In approaching or passing a person on a bicycle the person operating the motor vehicle shall slow down and in passing such person shall do so at a reasonable and proper speed.

There is no requirement to pass at a safe distance.

This Act struck out the second paragraph of Chapter 85, Section 11A , which had contained the provisions about bicycle equipment and operation; however, the provisions of the first paragraph for fines and suspension of the registration certificate remained. Most of the other contents of the former version of Section 11A were moved to a new Section 11B, and other provisions were added.

Section 11B extended the scope of the requirement for bicyclists to “conform to traffic rules and regulations so far as they are obviously and reasonably applicable for their own safety” from “any city which accepts this section by vote of its city council, or of any town which accepts this section by vote of the town,” now to apply everywhere in the Commonwealth. Other provisions were

- shall not ride other than upon or astride a permanent and regular seat attached thereto, (new)
- and in groups of two or more shall always ride in single file except on paths or sections of the highway set aside for the exclusive use of bicycles. (also new, and the first Massachusetts law restricting bicyclists' use of the roadway other than on limited-access or express state highways).
- No operator of a bicycle upon any way as defined in section one of chapter ninety shall permit any person in excess of the number for which such bicycle is designed and equipped to ride thereon with him, and no operator of a bicycle shall permit it to be drawn by any other moving vehicle. (moved from Section 11A)
- Every bicycle shall be equipped with a red reflector visible from the rear and at least two inches in diameter (also moved from Section 11A.)

Note that there is no mention of a headlamp or taillamp in this section. Also, this section induced the wording:

This section shall apply only to a bicycle at least one wheel of which exceeds twenty inches in diameter.

As some provisions of this section prescribe bicycle equipment and others, actions of the operator, the application of this wording is unclear. Would a person riding a bicycle with small wheels, for example, be permitted to ride on a limited-access highway?

Chapter 346 of the Acts of 1962

(Massachusetts General Court, 1962) This struck out the third sentence of Chapter 85, Section 11B, which had been enacted less than a year earlier,

Every bicycle shall be equipped with a red reflector visible from the rear and at least two inches in diameter.

and replaced it with language requiring, from ½ hour after sunset to ½ hour before sunrise, a white headlight visible not less than 500 feet to the front, a red reflector visible not less than 300 feet to the rear when in the high beams of a motor vehicle, and on the lower part of the rear fender and upper part of the front fork, an area of about five square inches on each case of white or reflectorized paint or reflectorized tape.

So, for the first time since 1941, Massachusetts bicyclists were required to use a headlight at night.

This law also required a bell, horn or other sounding device, and “an adequate brake which will enable the operator to stop the bicycle quickly and evenly.” This was declared an emergency law by Governor John A. Volpe (who later served as Secretary of Transportation!), to be enacted immediately.

The law had serious practical problems though: many bicycles don't have fenders. The requirement for a sounding device failed to recognize that a bicyclist may use the voice. The white or reflectorized paint

provision would require bicycle owners to modify their own bicycles and would reach back into the supply chain and be a headache for manufacturers and dealers. There was no mention of a taillamp is an acceptable alternative to a rear retroreflector. In any case, a patch of white paint on a rear fender would be ineffective in comparison with either a retroreflector or an adequate taillamp. Millions of bicycles, in use and in the pipeline for sale, immediately became illegal to ride at night even if equipped with a headlight and rear reflector.

Other states also enacted laws with divergent equipment requirements which posed problems for the bicycle industry and for individual bicyclists: for example, New York State enacted a provision requiring tires with reflectorized sidewalls. This issue motivated bicycle manufacturers to develop their own equipment requirements, the BMA/6 requirement [need reference], and later to support the Federal Government's promulgation of its Consumer Product safety Commission regulations for bicycle equipment. Both the BMA and the CPSC required only reflectors, not lights, in keeping with the interests of the bicycle industry (Forester).

[Chapter 409 of the Acts of 1962](#)

This established the authority to regulate pedestrian traffic. "As used in this paragraph, the word 'pedestrian' shall include a person in or on any conveyance, other than a bicycle, constructed and designed for propulsion by human muscular power, as well as including a person on foot."

[Chapter 298 of the Acts of 1963](#)

This, again, established the authority to regulate pedestrian traffic. "As used in this paragraph, the word 'pedestrian' shall include a person in or on any conveyance, other than a bicycle, constructed and designed for propulsion by human muscular power, as well as including a person on foot."

[Chapter 553 of the Acts of 1964](#)

This authorized the Department of Public Works to construct a bicycle path from the town of Nantucket to the Village of Siasconset, at the east end of the island of Nantucket. This path was and is alongside Milestone Road.

[Chapter 665 of the Acts of 1964](#)

This allocated \$25,000 to the Metropolitan District Commission for the construction of bicycle paths. See page 19 of PDF, page 610 of the Acts.

[Chapter 85 of the Acts of 1965](#)

This defined a motorized bicycle as a motorcycle.

[Chapter 360 of the Acts of 1965](#)

"[T]he board of selectmen of the town of Nantucket may from time to time adopt, amend or revoke regulations prohibiting, during certain hours, the use of motorcycles, motor scooters or motor bicycles [sic] upon ways or parts of ways within the Old and Historic Nantucket District..."

Chapter 138 of the Acts of 1970

This defined a motorized bicycle as a motorcycle. Wording concerning motorized bicycles is the same as in Chapter 85 of the acts of 1965, above, but the definition of motorcycle is more detailed.

Chapter 484 of the Acts of 1971

This law decreased the wheel size at which the provisions of Chapter 85, Section 11B would not apply, to “less than 16 inches,” probably reflecting the appearance of small-wheel folding bicycles in the American market.

Chapter 216 of the Acts of 1972

This authorized the Massachusetts Department of Public Works to construct a sidepath along the road between Oak Bluffs and Edgartown on Martha’s Vineyard.

Chapter 737 of the Acts of 1972

This restricted access to the area around the Quabbin reservoir. “Public entry to the Quabbin reservoir area shall be limited to foot passage only, except that motor vehicles and manually operated bicycles may be admitted to such roads and ways within the Quabbin reservoir area as shall be designated by the [Metropolitan District] commission.”

Chapter 183 of the Acts of 1973

This Act amended Section 22A, B and C of Chapter 40 of the General Laws – the sections which authorized parking meters -- to authorize cities and towns to purchase coin-operated locking devices for bicycle parking.

Chapter 596 of the Acts of 1973

(Massachusetts General Court, 1973) This added a new section 11C after Section 11B, requiring cities and towns to provide a non-criminal ticketing procedure for violations of section 11A and B, or of city or town rules, regulations, ordinances and bylaws concerning bicycles and bicycling.

There was an additional penalty, and an option for arrest if a person failed to state a correct name or address to a police officer. There is a ticketing procedure, and the offender had the right to resolve the case by paying a fine, or to appear in court to defend against the citation. Failure to pay, or to appear in court, was basis for a criminal charge. All fines collected were to be used by cities and towns for the development and implementation of bicycle programs.

This law was very rarely enforced. One problem was that it did not pay for its implementation; rather, it paid for something different. The requirement for a form different from that for motorist violations discouraged cities and towns from preparing the forms. There was no program to instruct police officers as to correct and safe bicycling, or to what violations were risky and worth enforcing against. Police officers did not trouble themselves to enforce this law.

This law was, however, occasionally used when an officer incorrectly believed that a bicyclist was riding on a road where bicycling was illegal, or the bicyclist was in danger (Fischer, 2013). I myself was subject to such an incident; I defended myself in court, and the judge dismissed the case (Allen, 1984).

Chapter 806 of the Acts of 1973

(Massachusetts General Court, 1973) This Act had many effects. It remains in effect with minor amendments as of 2014.

It enabled the designation of bicycle lanes under Section 21 of Chapter 40 of the General Laws.

It completely replaced Chapter 85, Section 11B, which had had its most recent major revision in 1961. Provisions were:

Specific permission of cyclists to ride on all public ways (that is, all ways open to the public) except limited-access and express state highways where signs are posted;

For the first time, a specific requirement that bicyclists obey the traffic laws of the Commonwealth – as well as special regulations in this section, but with exceptions:

The bicyclist may keep to the right of a motor vehicle which is moving in the travel lane of the way (a troublesome provision, as most states only allow overtaking on the right when safe). The rule for overtaking on the right by motorists, on the other hand, is more stringent than in many other states; a motorist may only overtake on the right of a vehicle which is preparing to turn left, on a one-way street or upon a roadway where traffic is restricted to one direction of movement (Massachusetts General Court, 2014).

The bicyclist may signal a turn or stop with either hand. There are good reasons to signal either with the right hand at times – excellent provision.

Bicycles may be ridden on sidewalks outside business districts ‘when necessary in the interest of safety’ unless otherwise directed by local ordinance, must yield the right of way to pedestrians and give an audible signal before overtaking a pedestrian, also “whenever necessary to ensure safe operation of the bicycle.” There is no requirement to carry a sounding device. This is a generally reasonable provision, though the assumption it makes about safety of riding on sidewalks is very much dependent on the specific situation.

The law says that the operator shall ride single file except when passing – carried over from the earlier law, and restrictive.

The rider must be astride a permanent and regular seat [should be “saddle”] and may carry another person only on a baby seat with a harness and foot protection. This provision is rather narrowly worded. Is the second rider on a tandem – a recumbent tandem – a half-recumbent tandem with a disabled person in the stoker seat – a passenger? The conventional baby seat is rather hazardous, particularly as it raises the bicycle’s center of mass.

There is for the first time a specific braking requirement – “to enable the operator to bring the bicycle traveling at a speed of fifteen miles per hour to a smooth, safe stop within thirty feet on a dry, clean, hard, level surface.” There are the usual requirements not to have the bicycle drawn by “any other moving vehicle” – implying that the bicycle itself is a vehicle, though this definition did not and still does

not exist in Massachusetts law. The bicycle may tow a trailer, but the bicyclist must not carry a package except in a device designed for such purposes – good – and shall keep at least one hand on the handlebars [sic] at all times – though on handlebars which allow multiple hand positions, it is necessary to let go of the handlebars to shift the hands rapidly to the brake levers. More to the point though, skilled bicyclists will sometimes ride a considerable distance with neither hand on the handlebar to adjust clothing. Handlebars must not be above shoulder height, or with an extended front fork – a reaction to fads for “wheelie bikes” among youths at the time.

The nighttime equipment provisions followed the example of the BMA/6 standard and made a headlight optional again:

During the period from one half hour after sunset and [sic] one half hour before sunrise the operator shall display toward the front a white light which shall be visible for not less than one hundred feet in the direction in which the bicycle is proceeding or facing or a front-facing colorless reflector, and toward the rear a red light or red reflex reflector visible for not less than one hundred feet to the rear when in the lower beams of the headlamps of a motor vehicle.

Note that there is no allowance for generator lights which go out when the bicycle stops, though these were a very common type of light at the time, and the reflector requirements in the next section address the issue of bicyclists’ visibility when stopped. The one-hundred-foot requirement is woefully inadequate; measuring the performance of nighttime equipment in this way is pragmatic, though unscientific. This type of measurement is intended to allow a police officer to render judgment without the use of special equipment. Better would be a national performance standard for allowed equipment, but the closest thing that the USA had to that was BMA/6 and later, the CPSC regulations.

For the same hours of darkness, the law also required

a reflex reflector or reflective material on the pedals visible from the front and rear from a distance of two hundred feet when in the lower beams of the headlamps of a motor vehicle and additional reflective material visible from each side of the bicycle, either on said bicycle or on the person of the operator, for a distance of two hundred feet.

Requirements for pedal reflectors and side reflectors have been criticized in particular by John Forester (Forester, *The Consumer Product Safety Commission's Bicycle Safety Standard*, 2013). There are two arguments: one is that the law should require only equipment which is truly necessary; supplementary equipment would add inconvenience and cost out of proportion to its utility, and strengthen claims of negligence against bicyclists in crashes. The other argument is that equipment may be specified too narrowly. My opinion is that the requirement for reflective material visible from each side of the bicycle is stated flexibly enough – and it can be useful if a bicyclist has generator lights that go out when the bicycle is stopped. -- but the requirement for reflectors on the pedals is too narrowly worded. Some pedals cannot accept reflectors, but reflective legbands can serve the same purpose.

Any Federal safety standards more stringent than the ones in this Act would supersede them. This suggests that the framers of this law were aware of the impending US Consumer Product Safety Commission regulations.

There was for the first time a formal provision for competitive bicycle races by cooperation between the organizers and police. Provisions for enforcement were similar to those of the 1941 law, including impoundment of a child's bicycle, but the maximum fine was raised to \$20 – same as it was in 1897, not accounting for inflation.

The 1961 wording in Chapter 90, Section 14,

In approaching or passing a person on a bicycle the person operating the motor vehicle shall slow down and in passing such person shall do so at a reasonable and proper speed.

was changed to

In approaching or passing a person on a bicycle the operator of a motor vehicle shall slow down and pass at a safe distance and at a reasonable and proper speed.

adding a requirement for a safe passing distance.

Bicyclists were defined in Chapter 90. Section 34 as pedestrians or insurance purposes:

The term "pedestrian" shall include persons operating bicycles, tricycles and similar vehicles and persons upon horseback or in vehicles drawn by horses or other draft animals.

Note that bicycles are once again described as vehicles.

A representative of a bicyclists' organization was added to the Governor's Highway Safety Committee (Chapter 90A, Section 1).

The law required bicycles for rent or sale to meet safety requirements of the new law, "with the exception of the front white light requirement." However, there was no such requirement. I suspect that a representative of the bicycle industry was instrumental in eliminating this requirement twice over.

[Chapter 317 of the Acts of 1974](#)

This established a Department of Transportation in the Town of Brookline, with a Director, and a Board which may "adopt, alter or repeal rules and regulations, not inconsistent with general law as modified by this act, relative to pedestrian movement, vehicular and bicycle traffic in the streets and in the town-controlled public off-street parking areas in the town, and to the movement, stopping, standing or parking of vehicles and bicycles on, and their exclusion from, all or any streets, ways, highways, roads, parkways and public off-street parking areas under the control of the town..."

[Chapter 321 of the Acts of 1974](#)

(Massachusetts General Court, 1974) This law allowed the use of decals instead of number plates for bicycle registration.

[Chapter 424 of the Acts of 1974](#)

(Massachusetts General Court, 1974) This was declared as an emergency law. It established a noncriminal ticketing figure and a schedule of fines. It now required every city and town to provide such a procedure and to print notices of violations (traffic tickets) “in the same manner as notices [of motorist infractions] are printed *for* cities and towns.”

Amendments to section 4A of Chapter 90C apparently granted powers to police officers to enforce bicycle laws, however, there is no longer a Chapter 4A, and so I can't tell just what was intended. Need to review – this is Chapter 331 of the Acts of 1973. [Update, February 4, 2018: Wording about parking here includes “vehicle or bicycles” – once again reflecting the lack of a definition of “bicycle” in the General Laws.]

The law was to take effect on November 7, 1973, though it was not approved until June 27, 1974.

[Chapter 429 of the Acts of 1974](#)

This designated the hiking and bicycling trails in the Stony Brook Reservation in Boston the Edward U. Howley trails.

[Chapter 431 of the Acts of 1974](#)

This allocated the princely sum of \$50,000 “for maintenance and care of trees, planting and the clearing and cleaning of forests and reservations and the development of bicycle paths on reservations; provided, that federal funds may be expended in addition to amount appropriated; prior appropriation continued.”

[Chapter 645 of the Acts of 1974](#)

This established the position of Director of Physical Education within the Department of Education, charged among other things with “the development and implementation of a bicycle safety education program for use in all public elementary and high schools in the commonwealth.”

[Chapter 161 of the Acts of 1976](#)

This established the position of Traffic Commissioner in the city of Waltham, charged among other things with coordination of pedestrian and bicycle safety.

[Chapter 261 of the Acts of 1976](#)

This established the definition of “motorized bicycle” as distinct from that of “motorcycle” and established rules for the operation of motorized bicycles, largely copied from the rules for bicycles, except that motorized bicycles were not permitted on “off-street recreational bicycle paths”.

[Chapter 419 of the Acts of 1977](#)

This authorized the Town of Provincetown to establish its own rules for bicycle traffic on Commercial Street. See also Chapter 264 of the Acts of 1991.

Chapter 463 of the Acts of 1978

This designated the Boston to Cape Cod Bikeway as the Claire Saltonstall Bikeway and required markers to be installed along the bikeway.

Chapter 478 of the Acts of 1978

This included a procedure for resolving traffic citations. See Section 44, on page 22 of the PDF and page 607 of the Acts.

Chapter 636 of the Acts of 1979

This established a Traffic Safety Week in the public schools, to include instruction in bicycling.

Chapter 684 of the Acts of 1979

This granted an easement from the Metropolitan District Commission to the Town of Weston for “a sidewalk, footpath and bicycle path on land held by said commission and located on the easterly side of Ash street in said town. Said easement shall be ten feet wide, shall directly abut the present easterly sideline of said Ash Street, and shall extend for the length of said Ash street abutting said commission land.”

Chapter 798 of the Acts of 1979

In addition to the usual general statements, this provided for “development of park and recreation facilities on the banks of the Neponset River; and for construction of bicycle paths and boat and canoe launching facilities along the Neponset River.” However, no funding amount is attached to this section. See page 17 of the PDF, page 899 of the Acts.

Chapter 351 of the Acts of 1981

This revised the procedure for resolution of citations, including those for bicyclists. See Section 4A, page 445 of the Acts, page 113 of PDF

Chapter 746 of the Acts of 1981

This revised the procedure for resolution of traffic citations including those for bicyclists. See Section 9A, page 7 of PDF, page 1210 of the Acts. Compare with Chapter 351 of the Acts of 1981.

Chapter 313 of the Acts of 1982

This set aside funding for bicycle paths and hiking trails through the Department of Environmental Management.

Chapter 274 of the Acts of 1983

(Massachusetts General Court, 1983) This act restored the requirement for a headlamp, and broadened the reflector requirement so that reflectorized ankle bands were acceptable as a substitute for pedal reflectors – they would also satisfy the requirement for reflective material visible to the sides; also explicitly permitting lights and reflectors required by law.

I was a member of the League of American Wheelmen State Legislative Committee (Chair; David Brahmer), which suggested these changes and lobbied for the law. We were present in the corner office when Governor Dukakis signed the law. A photo was shot and is probably in the archives somewhere.

[Chapter 636 of the Acts of 1983](#)

This revised the procedure for resolution of traffic citations including those for bicyclists. See Section 23 on page 8. Compare with Chapter 351 of the Acts of 1981.

[Chapter 77 of the Acts of 1984](#)

Among other provisions, includes the wording, “[t]he definition of "Motor vehicles" shall not include motorized bicycles.”

[Chapter 115 of the Acts of 1984](#)

This defined a motorcycle as “any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including any bicycle with a motor or driving wheel attached...”

[Chapter 794 of the Acts of 1985](#)

Motorized bicycles were defined as motor vehicles for the purposes of this law, which established police procedures for motor vehicle offenses.

[Chapter 707 of the Acts of 1986](#)

This created a Bicycle Advisory Board, see [Bicycle Advisory Board report](#) on the Massbike Web site.

[Chapter 399 of the Acts of 1987](#)

This law defined a motorized bicycle as a motor vehicle for the purposes of law enforcement.

[Chapter 501 of the Acts of 1987](#)

This Law prohibited bicyclists, among others, from trespassing on railroad property

[Chapter 202 of the Acts of 1988](#)

Among many other provisions, this law required an operator or passenger on a motorized bicycle to wear a helmet.

[Chapter 221 of the Acts of 1989](#)

Among other requirements for motor vehicle licensing, exempted the operator of a motorized bicycle with a learner’s permit from having to carry a passenger.

[Chapter 476 of the Acts of 1990](#)

This law, reflecting the lobbying of the child carrier seat industry, required a child on a bicycle to be carried in a child carrier seat and to wear a helmet. Carrying a child under one year of age on a bicycle was prohibited, reflecting only that the child carrier industry did not construct appropriate carriers for that purpose.

Chapter 33 of the Laws of 1991

This was the Transportation Improvement Plan and included three new provisions: establishing (or re-establishing) a bicycle program advisory committee and designating a bicycle program coordinator (see Section 3 (f)); also amending the definition of “motorized bicycle” (See Section 87), which now read: "Motorized bicycle", a pedal bicycle which has a helper motor, or a non-pedal bicycle which has a motor, rated not more than 1.5 brake horsepower, a cylinder capacity not exceeding fifty cubic centimeters, an automatic transmission, and which is capable of a maximum design speed of no more than thirty miles an hour.

Chapter 138 of the Acts of 1991

This removed the 1.5 brake horsepower and design speed wording in Chapter 33, which had been enacted in the same session. The working was now: "Motorized bicycle", a pedal bicycle which has a helper motor, or a non-pedal bicycle which has a motor, with a cylinder capacity not exceeding fifty cubic centimeters, an automatic transmission, and which is capable of a maximum speed of no more than thirty miles per hour.

Chapter 263 of the Acts of 1991

This gave the City of Boston the right to license bicycle messengers, but left the licensing procedure up to the city. See also Chapter 302 of the Acts of 1998, which spelled out licensing requirements.

Chapter 264 of the Acts of 1991

This granted the town of Provincetown the right to set up any traffic rules it liked on Commercial Street, regardless of the rules in Chapter 85, Section 11B of the General Laws. See also Chapter 419 of the Acts of 1977.

Chapter 286 of the Acts of 1992

See Section 153. This amended the definition of “motorized bicycle” in Chapter 90, section 1 of the General Laws. The definitions now read "Motorized bicycle", a pedal bicycle which has a helper motor, or a non-pedal bicycle which has a motor, with a cylinder capacity not exceeding fifty cubic centimeters, an automatic transmission, and which is capable of a maximum speed of no more than thirty miles per hour. Though this claimed to revise the wording as in Chapter 138 of the Acts of 1991, the wording is identical.

Chapter 182 of the Acts of 1993

Revised the ticketing procedure for bicyclists.

Chapter 102 of the Acts of 1994

Authorized funding for bicycle paths (so-called: actually, shared-use paths).

Chapter 278 of the Acts of 1993

This required bicyclists 12 years of age or under to wear a helmet. The law was flawed in not requiring a liability exclusion.

[Chapter 273 of the Acts of 1994](#)

This was a Transportation Improvement plan with major bicycling-related provisions. It authorized some funding for the Chatham branch of the Cape Cod Rail Trail, bicycle and pedestrian bridge in Orleans, secure parking at Alewife station and numerous other path and trail projects, bicycles on commuter rail. Search in the document.

[Chapter 87 of the Acts of 1996](#)

(Massachusetts General Court, 1996) The Act amended Chapter 90E of the General Laws to require the commissioner to make all reasonable provisions for the accommodation of bicycle and pedestrian traffic in projects of the Department of Transportation. Unreasonable provisions would include those contrary to acceptable standards of public safety, which would degrade environmental quality or conflict with existing rights of way.

[Chapter 302 of the Acts of 1998](#)

This law established licensing for commercial bicycle messengers in the City of Boston, and set requirements for messenger services including insurance.

[Chapter 280 of the Acts of 2000](#)

This amended the 1996 law, requiring bicycle messengers in Boston to be licensed and carry a license number on the back or pack.

[Chapter 40 of the Acts of 2003](#)

This included the “to the extent feasible” language as in other transportation Bond Bills. See Section 11.

[Chapter 46 of the Acts of 2003](#)

This provided for rail-trail development. See Section 8B. There were similar provisions in other bills which I have not included here

[Chapter 149 of the Acts of 2004](#)

This Act required the Massachusetts Bicycle and Pedestrian Advisory Board to publish a report; see section 294. This section was vetoed by the Governor but passed over his veto.

[Chapter 291 of the Acts of 2004](#)

This established a Bicycle and Pedestrian Advisory Board; see Section 26; and also called for the designation of long-distance bicycle touring routes on public ways: see section 76. A provision to mark and designate the route of the Pan-Mass Challenge, a large charity ride, was stricken by the Governor. At least one town (Franklin, as I recall) had objected to this provision.

[Chapter 330 of the Acts of 2004](#)

This raised the age requirement for a helmet to 16 years of age or younger (that is, up to 17 years) and extended it to skateboards and scooters. The helmet requirement was still ANSI Z 90.4 or Snell 1984.

Chapter 396 of the Acts of 2004

This bizarre law conflates electrically-assisted bicycles with gasoline-powered ones, requires overtaking on the right and prohibits riding them at night. See [my blog post](#) giving details.

Chapter 45 of the Acts of 2005

This transportation funding bill appropriated \$25,000 “for the safe use of the Neponset river bike path in Milton.”

Chapter 122 of the Acts of 2006

This provided official designation and funded signage of the Pan-Mass Challenge charity ride route. See page 19 of the PDF, page 269 of the Acts.

Chapter 243 of the Acts of 2006

This established easements for the Blackstone River Bikeway in Uxbridge

Chapter 312 of the Acts of 2008

This makes four specific funding allocations:

- that no less than \$270,000 shall be expended to permanently close to vehicular traffic a section of River Road in the town of Merrimac and to assist in the creation of pedestrian and bicycle trails in said road section;
- not less than \$50,000 shall be expended for a design study for bicycle accommodations on Hammond Pond Parkway in the city of Newton, and all areas appurtenant thereto;
- not less than \$75,000 shall be expended for a design study for bicycle/walking accommodations on a former railway right-of-way that connects the villages of Auburndale and Newton Lower Falls in the city of Newton, from the Auburndale Commuter Rail Station to the Riverside MBTA station along a rail trail to Wellesley Lower Falls and including the feasibility of reusing existing railroad bridges crossing route 128 and the Charles River...”
- funds may be expended for pedestrian and bicycle safety, traffic calming, landscape improvements, street lighting, and safety equipment ... provided further that not less than \$4,000,000 shall be expended for the design and construction of a pedestrian bridge spanning the tracks at North Station along the southerly bank of the lower Charles River Basin in Boston...”

Chapter 523 of the Acts of 2008

This authorized the Department of Transportation to prohibit low-speed motor vehicles as defined in Section 1 of Chapter 90 “on state highways regardless of posted speeds, in the interest of public safety and convenience where it finds that use of the state highway or a particular portion of the state highway by a low-speed motor vehicle would represent an unreasonable risk of death or serious injury to occupants of low-speed vehicles because of general traffic conditions which shall include, but not be limited to, excessive speed of other vehicles, traffic volumes, use of the state highway by heavy trucks or other large vehicles or if the established speed limit on the way increases above 30 miles per hour

beyond the point where a low-speed vehicle could safely exit the state highway.” To put it succinctly, this was a blaming-the-victim law.

Chapter 525 of the Acts of 2008

(Massachusetts General Court, 2008) This was a wide-ranging update to bicycle law. Much of the language was drafted by Paul Schimek for the Massachusetts Bicycle Coalition.

One major addition was for a training curriculum for police officers on bicycle law, crash types and enforcement.

Chapter 85, Section 11A of the General Laws, the section which had included the option of bicycle registration, was repealed.

Section 11B was modified,

- now indicating that bicyclists need not make turn signals continuously or if both hands must be on the handlebars for control of the bicycle. (In practice, this is not a problem, because the need for bicyclists to signal occurs *before* they turn, and the bicyclist’s stopping pedaling serves as a substitute for a slow signal.)
- Riding two abreast was legalized overturning the restriction which had been established in 1961, but bicyclists must still facilitate overtaking when it is safe.
- The helmet standard was updated to that of the U.S. Consumer Product Safety Commission.

Enforcement was revamped with a new section 11C, establishing the same ticketing procedure as for motorists, relieving the burden of carrying a separate ticket book. The maximum fine was raised from \$20 to \$50.

Motorists were required to take more care in overtaking.

The unusual Massachusetts rule giving bicyclists’ *laissez-faire* to overtake on the right was strengthened, by requiring motorists to yield to bicyclists overtaking on the right (and who might, for that reason, be vulnerable to right-hook and left-cross collisions with vehicles whose drivers did not see them). Schimek opposed this provision, which was championed by Andrew Fischer, and attorney who represented bicyclists in lawsuits.

A law against opening a car door carelessly was added.

Chapter 25 of the Acts of 2009

This established a “healthy transportation compact”, see especially page 20 of the document; page 122 of the Acts.

Chapter 26 of the Acts of 2009

This amended the wording established by Chapter 525 of the Acts of 2008, regarding a training program for police in bicycle law enforcement (see Section 3, pages 4 and 7 of PDF; pages 202 and 205 of the Acts.

Chapter 65 of the Acts of 2009

This repeated the wording on page 7 in Chapter 26, repealing Chapter 85, Section 11C and moving the text to a new Chapter 85, Section 11E.

Chapter 202 of the Acts of 2009

“The bicycle path to be built on the new bridge on state highway route 6, spanning the Taunton River and connecting the city of Fall River and the town of Somerset, shall be designated and known as the Army Private Michael E. Bouthot Bicycle Path. The Massachusetts department of transportation shall erect and maintain suitable markers bearing that designation in compliance with the standards of the department.”

This points to the fact that construction of bicycle infrastructure often is included in projects which are not specifically related to bicycling. Question, though: is the path in question a shared-use path or a bicycle path?

Chapter 225 of the Acts of 2010

This granted an easement “for a bicycle path” in the town of Athol.

Chapter 269 of the Acts of 2010

This granted an easement for a path between the Fresh Pond Reservation in Cambridge and the Charles River Reservation in Watertown.

Chapter 52 of the Acts of 2012

This amended the wording about the Town of Brookline transportation board. See Section 2.

Chapter 242 of the Acts of 2012

- “...\$350,000 shall be expended for the planning and construction of 2 physically separate and segregated bicycle and pedestrian pathways along Memorial drive and the Cambridge parkway from the Eliot bridge to the Craigie Dam bridge and the Craigie drawbridge in the city of Cambridge...” This apparently would separate bicycle and pedestrian flows on the existing Paul Dudley White paths.
- “...not less than \$500,000 shall be expended for the planning, engineering, design, or construction of intersection and signalization improvements and the integration of pedestrian and bicycle safety upgrades conforming to the “complete streets” concepts following the newly completed reconstruction of underground utilities to route 126 in the town of Framingham;”
- “...not less than \$800,000 shall be expended for construction for a bicycle path with lighting and related streetscape amenities for the Slade’s Ferry Landing Redevelopment Project located within the town of Somerset”

Chapter 417 of the Acts of 2012

This amended Chapter 40, section 22C of the General laws, which includes wording about coin-operated parking devices for bicycles.

Chapter 79 of the Acts of 2014

This made specific funding allocations for a number of bicycle-related projects including

- \$5,000,000 shall be expended for design, construction, repair or improvements to pedestrian, bicycle, and public parking areas, and multi-use pathways in Chelmsford Center in the town of Chelmsford
- \$900,000 shall be expended to design, reconstruct, restore, resurface and make improvements to roadways and sidewalks, to improve pedestrian, bicycle and school traffic, including, the replacement and repair of manhole frames and covers, catch basins and covers, fire hydrants, street lights and landscaping, from Maple avenue through the Rutland Heights Hospital property and past Central Tree Middle School and Naquag Elementary School, in the town of Rutland
- \$3,000,000 shall be expended to design, reconstruct, restore, resurface, widen and make safety and other improvements to roadways and sidewalks, to improve pedestrian and bicycle safety including guard rails, crosswalks, retaining walls, street lighting and the replacement and repair of appurtenances, culverts and related improvements and landscaping, from the intersection of Main street and Pommogussett road to a point approximately 1 mile north on Pommogussett road, in the town of Rutland
- \$2,000,000 shall be expended for the purchase, planning, design and construction of a scenic pedestrian river walk and bicycle pathway from South Main street in the town of Athol to West River street in the town of Orange
- \$500,000 shall be expended for beautification and streetscape improvements to Mattapan square in the Mattapan section of the city of Boston including, but not limited to, the planting of trees in the median of Blue Hill avenue from Mattapan square to Woodhaven street, the repainting of traffic lines and bicycle lanes on Blue Hill avenue from Mattapan square to Walk Hill street and the repainting of Mattapan square business district parking spaces in the Mattapan section of the city of Boston
- not less than \$500,000 shall be expended to create a scenic pedestrian and bicycle pathway from Main street in the town of Winthrop at Belle Isle marsh to Short Beach in the city of Revere
- \$175,000 shall be expended to upgrade and create a scenic pedestrian river walk and bicycle lane along Riverside avenue from the Buffinton street intersection to the South street intersection in the town of Somerset
- \$985,000 shall be expended for traffic mitigation and construction of pedestrian-oriented street layouts, center island, bicycle pathways, lighting and sidewalk improvements to Main street in the town of Wakefield
- \$75,000,000 shall be expended for road relocation and other transportation-related improvements, including bicycle and pedestrian paths and the repair and rehabilitation of the Harbor Walk, on the campus of the University of Massachusetts at Boston
- not less than \$6,925,000 shall be expended for safety, drainage and traffic flow improvements on state highway route 3A, Summer street, and Rockland street, including consideration of pedestrian and bicycle traffic, in the towns of Hingham and Hull

- \$500,000 shall be expended for the design and engineering of the Norton rail trail bicycle path within the town of Norton
- \$820,000 shall be expended for construction of improvements to Princeton road which shall include bicycle and pedestrian accommodations and paving in conjunction with the Wachusett station project in the city of Fitchburg
- \$16,000,000 shall be expended for the design and reconstruction of and improvements to roadways and sidewalks, to enhance traffic flow, vehicle parking, traffic safety and public access to a regional commercial tourist district, including traffic signals, construction of a vehicle rotary, lighting, pedestrian and bicycle-related amenities and landscaping to Main street, United States highway route 20, from the intersection of New Boston road to Brookfield road, state highway route 148, in the town of Sturbridge
- \$500,000 shall be expended for the design of a bicycle and pedestrian bridge linking the Alewife quadrangle to the Alewife triangle and the Massachusetts Bay Transportation Association Alewife station in the city of Cambridge
- \$500,000 shall be expended for signage, bicycle and pedestrian accommodations, beautification and other roadway enhancements for the square in the town of Auburn

This also established a Complete Streets programs, under a new Chapter 90I of the General Laws. See Section 9.

There is wording about requirements for bridges, exempting bridges to be reconstructed within the exiting footprint (see Section 24). There are other provisions regarding transportation projects which affect bicycling.

This Act funded a study of the North Station-South Station rail link, a proposal which was floated but not included in mitigation of the Central Artery-Tunnel project in 2003 and has important implications for multimodal travel (see Section 32)

Chapter 262 of the Acts of 2014

This provided for restoration of the historic Speedway administration building at Western Avenue and Soldiers Field Road (near Birmingham Parkway) in Boston, and establishment of a bicycle rental outlet here.

Chapter 286 of the Acts of 2014

- \$1,000,000 shall be expended to restore the Recreation road footbridge in Auburndale section of the city of Newton, connecting the city of Newton to the town of Weston across the Charles river
- \$2,000,000 shall be provided to extend the existing Charles River Pathway pedestrian and bicycle trail to the Newton Lower Falls Rail Trail in the city of Newton;
- \$3,210,000 shall be expended for the purchase, planning, design and construction of a scenic pedestrian river walk and bicycle pathway from South Main street in the town of Athol to West River street in the town of Orange

- \$1,000,000 shall be expended for bicycle and pedestrian safety, signal improvements and traffic calming measures on Alewife Brook parkway and Fresh Pond parkway between Rindge Avenue and the Elliott [sic] Bridge in the city of Cambridge
- \$1,200,000 shall be expended for the planning, acquisition, design, and construction of an extension of the Upper Charles Trail in the town of Holliston
- \$1,500,000 shall be expended for the planning, acquisition, design, and construction of an extension of the Upper Charles Trail from the town of Milford into the town of Hopkinton
- not less than \$1,500,000 shall be expended to complete the Concord River Greenway in the city of Lowell and connect it to the statewide Bay Circuit Trail and Greenway
- \$250,000 shall be expended for the design and construction of a pedestrian, bicycle and multi-use pathway along the Charles river between state highway route 9 and state highway route 16 in the city of Newton and the improvement of such path to make it an official connector trail between Hemlock Gorge and the Leo J. Martin Golf Course