

Appalachian Trail (AT). A designated route on DCR property and non-DCR property which is a primitive way supporting the continuous Appalachian National Scenic Trail.

Aquatic Invasive Species. An aquatic plant, animal or other non-native species that threatens the diversity or abundance of native species and that adversely impacts the ecological stability of or uses by native species of infested waters. These species cause economic or environmental harm by developing self-sustaining populations that dominate or disrupt native ecosystems.

Backcountry Camping. Camping at remote, hike-in locations in designated areas, with no organized access to water, staff, or emergency services.

Ban. The prohibition, resulting from violations of rules and regulations applicable to conduct on DCR property, of a person from DCR property, for a period of time longer than that associated with an eviction.

Bicycle. A two wheel non-motorized vehicle designed to be used both on and off paved surfaces and over unimproved terrain.

Boating. The use of watercraft, personal watercraft, or vessels.

Boulevard. Any roadway, parkway, way or any portion thereof, under the jurisdictional care, custody or control of DCR, between regularly established curb lines or that part, exclusive of shoulders, improved and intended to be open and used for vehicular traffic by the public on a public way, including vehicular and/or pedestrian, bicycle, electric bicycle, or other DCR approved traffic.

Bridge. A structural passage over water or land for pedestrian and/or vehicular traffic.

Camping. The utilization of any piece of equipment for sleeping in or upon, for the purpose of occupying a portion of DCR property, land or water for transient and temporary outdoor living.

Camping structure. A yurt, cabin, lean-to or other structure intended as shelter while camping.

Campsite. An area designated and managed by DCR or a duly permitted licensee, for public camping in Massachusetts.

Car Top Boats. Those non-motorized vessels which can be carried on top of a motor vehicle's roof, and also by hand including, but not limited to, canoes, kayaks, sailboats and row boats.

DCR Property. Property, real or personal, in which the DCR has a legal interest, including property under the care, custody, or control of the DCR. Such property may include, but is not limited to, grassland, reservations, parks, forests, beaches, tidelands, pools, skating rinks, golf courses, campgrounds, rail trails, bike trails, forest roads, forest ways, ponds, lakes, parking areas, trailheads, parkways, boulevards, roadways, facilities, and structures.

DCR Ranger or Ranger. Any person duly appointed by the Department to perform the duties of a DCR ranger pursuant to M.G.L. c. 92 § 34B and M.G.L. c.132A § 7A.

Designated Campsite. An area designated and managed by DCR or a duly permitted licensee, for public camping in Massachusetts.

Designated Swimming Area. That area within a body of water and/or the portion of shoreline which is managed by DCR for the purposes of providing access to recreation, swimming or similar aquatic activities. Such an area may include beaches with or without lifeguard coverage.

District Forest Fire Patrolman. Any person duly appointed by the Department to perform the duties of a DCR District Forest Fire Warden pursuant to M.G.L. c. 48, §§15, 19, 22, 24, 27, 28, 28B and 28C.

District Forest Fire Warden. Any person duly appointed by the Department to perform the duties of a DCR District Forest Fire Warden pursuant to M.G.L. c. 48, §§15, 19, 22, 24, 27, 28, 28B and 28C.

Division Director. The Director of State Parks and Recreation within the Department of Conservation and Recreation.

Domicile. A permanent legal residence.

Electric Bicycle. A two- or three-wheeled vehicle that: (i) is equipped with fully operable pedals, a seat or saddle for the rider and an electric motor of no more than 750 watts; and (ii) is a Class 1, Class 2 or Class 3 electric bicycle:

- (1) Class 1 electric bicycle. An electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches or exceeds 20 miles per hour.
- (2) Class 2 electric bicycle. An electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches or exceeds 20 miles per hour.
- (3) Class 3 electric bicycle. An electric bicycle, other than a Class 1 electric bicycle, equipped with a motor that provides assistance only when the rider



302 CMR: DEPARTMENT OF CONSERVATION AND RECREATION

Kite-powered apparatus. A wheeled vehicle, board or other equipment which is powered or towed by a kite.

Law Enforcement Officer/Official. Any government law enforcement official or officer, including, but not limited to, the following: DCR ranger, district forest fire warden, district forest fire patrolman, environmental police officer, Massachusetts state police officer, municipal police officer, other municipal law enforcement official, U.S. government law enforcement officer or official, Massachusetts county law enforcement officer or official, or any other qualified individual to whom the Department may designate authority and duties that are the same or similar to those positions listed in 302 CMR 12.02: Law Enforcement Officer/Official.

Moor. To secure a watercraft to a floating or fixed structure or to secure to a pier, float, buoy or watercraft secured thereto.

Motorized Conveyance. Any conveyance powered by a motor, other than a “motor vehicle” as defined in M.G.L. c. 90, § 1. For purposes of 302 CMR 12.00, an Electric Bicycle, as defined in 302 CMR 12.02: Electric Bicycle, is not a Motorized Conveyance.

Non-Motorized. Powered by anything other than a motor or engine.

Off Highway Vehicle (*see* 302 CMR 12.02: Recreation Vehicle).

Operator. An individual who operates, drives, controls or otherwise has charge of or is in actual physical control of a mechanical mode of transportation, or any other mechanical equipment or vehicle.

Parking. The stopping or standing of a vehicle, whether occupied or not, except a vehicle is not parked if it has stopped temporarily because its movement is obstructed, or the operator is lawfully engaged in loading or unloading passengers or materials, or the operator is following the direction of an law enforcement officer, DCR ranger, DCR personnel, traffic signs, traffic signals, is making emergency repairs, or it is a disabled vehicle and arrangements are being made to remove such vehicle.

Parking Area or Parking Lot. Any DCR property or part thereof, designated, and/or posted, marked, or directed by DCR personnel, DCR ranger or other law enforcement official, to be used for the stopping, standing or stationing of parked vehicles, in accordance with all applicable Massachusetts laws and regulations.

Parkway. Any boulevard, roadway, way or any portion thereof, under the jurisdictional care, custody or control of DCR, between regularly established curb lines or that part, exclusive of shoulders, improved and intended to be open and used

for vehicular traffic by the public on a public way, including vehicular and/or pedestrian, bicycle, electric bicycle, or other DCR approved traffic.

Pedestrian. Any person afoot or riding on a human-powered conveyance other than a bicycle or tricycle.

Permit. A duly issued, written, fully revocable license from DCR authorizing a permittee to engage in uses or activities on DCR property that are otherwise prohibited, restricted, or regulated.

Person. Any individual, corporation, firm, partnership, company, association, trust, or other business or non-profit organization; any agency, department, board, commission, quasi-public agency or authority of the Commonwealth; and any Federal, municipal, or regional governmental or intergovernmental agency, department, board, commission, authority, or other entity, or any combination of individuals or entities including but not limited to those listed above, their agent, trustee, executor, receiver, assignee, or other representative thereof.

Personal Flotation Device. Any lifesaving device classified and approved by the regulations of the commandant of the U.S. Coast Guard pursuant to 46 C.F.R. Part 160.

Personal Watercraft. A vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by persons sitting, standing or kneeling on the vessel. (See also 302 CMR 12.02: Watercraft.)

Pet. A dog, cat, or a caged pet. A caged pet is an animal that typically is confined to a cage at all times.

Post or Posting. To display in a place of public view in electronic or printed form.

Primary Occupant. The camping customer who is responsible for payment, registration, condition of the campsite, and all persons occupying the site.

Rail Trail. Any former or inactive railroad right-of-way that is under the care, custody or control of DCR and is managed or maintained for authorized uses.

Recreation Utility Vehicle. A motorized flotation-tire vehicle with not less than four and not more than six low-pressure tires that is limited in engine displacement to less than 1,500 cubic centimeters and in total dry weight to not more than 1,800 pounds and that has a seat that is of bench design, not intended to be straddled by the operator, and a steering wheel for control.

Recreation Vehicle. Any motor vehicle designed or modified for use over unimproved terrain if used for recreation or pleasure off a public way as defined in M.G.L. c.90, including but not limited to, off-highway vehicles, off-road vehicles, all-terrain vehicles, off-highway motorcycles, dirt bikes, recreation utility vehicles, utility vehicles, and all legally registered motor vehicles when used off a way, as defined in M.G.L. c.90, including motorcycles.

Recreational Camping Vehicle. A bus, travel trailer, motor home, auto home, van conversion, pick-up camper, collapsible tent trailer or other private passenger motor vehicle that provides living accommodations for persons.

Recreational Use Permit. A written agreement that authorizes a person to engage in uses of or activities on DCR property on a specific date and time, which uses and activities are those intended for the DCR property.

Residence. The place, usually a house, in which a person dwells or resides.

Roadway. Any boulevard, parkway, way or any portion thereof, under the jurisdictional care, custody or control of DCR, between regularly established curb lines or that part, exclusive of shoulders, improved and intended to be open and used for vehicular traffic by the public on a public way, including vehicular and/or pedestrian, bicycle, electric bicycle, or other DCR approved traffic.

Safari Camping. A campsite intended for family camping and RV clubs, consisting of self-contained units with on-board fresh water and sewage holding tanks.

Service Animal. Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of 302 CMR 12.02: Service Animal. The works or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of 302 CMR 12.02: Service Animal.

Sewage. The water-carried human or animal wastes from residences, buildings, industrial establishments or other places or receptacles intended to receive or retain

body waste, together with such ground water infiltration and surface water as may be present.

Snow Vehicle. A motor vehicle designed to travel over ice or snow, having a curb weight of not more than 453 kilograms or 1,000 pounds, driven by track or tracks in contact with the snow or ice and steered by a ski or skis in contact with the snow or ice.

Special Use Permit. A written agreement that authorizes a person to engage in uses of or activities on DCR property on a specific date and time, which uses exceed in any way the common use of DCR property, or that are otherwise prohibited, regulated or restricted.

Spray Deck. Any structure or area designed, constructed or designated for the purpose of aquatic recreation which, when in operation, has little standing water and contains interactive features which spray water from various locations.

Swimming Pool or Pool Compound. Any DCR operated structure designed for the purposes of aquatic recreation which contains an average volume of water greater than two feet in depth.

Traffic. Pedestrians, bicycles, electric bicycles, ridden or herded animals, vehicles, buses, street cars, trolleys and other conveyances, either singly or together, while using any DCR property, roadway, boulevard or parkway, for the purpose of travel or recreating.

Trail. An established and designated linear path or route designed and maintained for recreational activities.

Trapping. The staking out, setting, using, tending, placing, maintaining or picking up of any device designed or intended for use in taking of any mammal, bird, amphibian, reptile or fish, dead or alive, as well as every attempt, assistance or act of a person towards a taking of any mammal, bird, amphibian, reptile or fish.

Trash. Bottles, glass, wood, tires, crockery, cans, scrap metal, junk, paper, plastic, garbage, rubbish, debris, litter, refuse, oil, solvents, liquid waste, sewage, appliances, electronics, computer equipment, hazardous materials, construction debris, yard waste, or other personal property.

Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon DCR roadways, boulevards, parkways or other DCR property.

- (31) Youth organizations, agencies, and groups that wish to utilize DCR beaches and designated swimming areas for any group activity must obtain a recreational use permit or special use permit in accordance with 302 CMR 12.17(4) or 12.17(2).

12.05: Rules of Conduct on DCR Properties – Appalachian Trail

- (1) The Appalachian Trail is intended primarily as a primitive footpath and is managed and maintained for that purpose.
- (2) No person shall operate any snow vehicle, recreation vehicle, or other vehicle, or ride a bicycle, electric bicycle, motorized conveyance, horse, or other animal upon any portion of the Appalachian Trail except at designated crossings.
- (3) No person shall camp along the Appalachian Trail except in designated campsites, camping structures or shelter areas.

12.06: Rules of Conduct on DCR Properties – Beaches

- (1) All persons recreating within the boundaries of that portion of a beach designated for swimming shall adhere to any and all requests or direction from DCR personnel, including, but not limited to, lifeguards or law enforcement officials.
- (2) Youth organizations, agencies, and groups that wish to utilize DCR beaches and designated swimming areas for any group activity must obtain a recreational use permit or special use permit in accordance with 302 CMR 12.17(4) or 12.17(2).
- (3) No person may swim, bathe, dive or wade from any watercraft, personal watercraft, dock, raft, or pier; nor may any person swim, bathe, dive, or wade from the shoreline of DCR property unless such shoreline is officially designated as a swimming area and such activity occurs during designated swimming hours.
- (4) No person may possess any glass or other breakable container within any DCR designated swimming area, including, but not limited to, beverage containers, food containers or personal care items which may pose a safety risk to other users.
- (5) No person may utilize any form of smoking materials within designated DCR swimming areas.
- (6) No person may use a snorkel within a DCR designated swimming area. DCR personnel may allow such equipment to be used by designated individuals and personnel only during designated structured training programs, during DCR property maintenance, for searches, or for safety and rescue purposes.
- (7) Unless within public tidelands during daylight hours, no person may scuba dive or snorkel in DCR designated swimming areas.

intrude through the bark into the wood of the tree, or, which is fastened or erected in any manner and is emplaced for a period exceeding 30 days.

12.12: Rules of Conduct on DCR Properties –Trails

- (1) All non-motorized trail uses shall be permitted on any DCR trail, including a forest trail, forest way, trail or rail trail unless posted closed with appropriate signage, or otherwise prohibited by regulation or law.
- (2) The use of bicycles, electric bicycles, and other means of transportation, including in-line skates, scooters, skateboards and similar equipment, may be prohibited in specific areas and at specific times at particular DCR properties, and may be communicated through postings, signs, or markings.
- (3) Motorized conveyances are prohibited on improved or natural surface DCR trails unless such trails are designated for such conveyances by the Department or allowed by a duly authorized DCR permit.
- (4) The use of electric bicycles is prohibited on sidewalks and on improved or natural surface trails, regardless of trail width or other conditions, except that Class 1 electric bicycles are permitted as follows: (a) on improved DCR trails of 8 feet in width or greater; (b) in places where vehicular traffic is permitted and bicycles are not otherwise prohibited; and (c) in bicycle lanes on DCR roadways.
- (5) The use of Class 2 and Class 3 electric bicycles is permitted as follows: (a) where vehicular traffic is permitted and bicycles are not otherwise prohibited; and (b) in bicycle lanes on DCR roadways.
- (6) When passing others on a trail, trail users shall alert others with audible signals such as by voice, bell or horn.
- (7) Trail users shall stop at all intersections and obey all regulatory signs and pavement markings on DCR property.
- (8) A cyclist lawfully using DCR property after dark must equip his or her bicycle or other wheeled vehicle with a white light on the front of the vehicle and a red light to the rear of the vehicle that project illumination visible from 500 feet or more from the vehicle.
- (9) Children younger than 17 years old must wear a helmet when riding or operating a bicycle or other wheeled vehicle on DCR property as prescribed by M.G.L. c.85, § 11B½ .
- (10) No person shall operate any bicycle, electric bicycle, in-line skates, scooters, skateboards or similar equipment in a reckless manner, or at a speed which may be considered unreasonable or improper for existing conditions.

- (11) Trail users shall keep to the right. When stopping, no trail user may block the trail to other users.
- (12) DCR may temporarily close or prohibit the use of any forest road, forest way, trail or area to any or all trail uses when the Department determines that such continued use would be detrimental to the environment due to extremely wet or dry conditions or for any other appropriate reason.
- (13) No person may pass or create an access or egress between DCR property and abutting property in order to avoid an established regulation governing DCR property.
- (14) No person may construct or clear any new trail or maintain, mark or change the use or treadway of an existing trail on DCR property, without written authorization by the Division Director.
- (15) No person may operate any motor vehicle, electric bicycle, or motorized conveyance upon or over any trail that is not designated for such operation, except to cross over such trail where such crossing is designated by the Department or allowed by duly authorized DCR permit.

12.13: Rules of Conduct on DCR Properties – Pets, Horses, and Other Domesticated Animals

- (1) No person may cause or permit any pet, horse, or other domesticated animal to be unattended or to roam or be at large on DCR property.
- (2) Unless in an area of DCR property designated and posted otherwise, no person may cause or permit any pet, horse, or other domesticated animal owned by him or her or in his or her custody or under his or her control to be on DCR property, unless such animal is restrained within a cage, or is bridled, or is restrained on a tether or leash no greater in length than ten feet. 302 CMR 12.13(2) shall not apply to hunting; the training of hunting dogs; the act of dog sledding; the training of sled dogs; or the training of search dogs.
- (3) In designated areas where dogs are allowed off-leash, the owner or keeper must accompany the dog with leash in hand and maintain effective control of the dog through voice control or electronic training collar or in a manner directed by a law enforcement officer, DCR ranger or other DCR personnel.
- (4) Pets, horses, and other domesticated animals are not allowed on coastal beaches or in designated swimming areas of inland beaches from May 1st through September 15th each year, unless otherwise posted.
- (5) A person may not allow any pet, horse, or other domesticated animal under his or her control to interfere with any other person's enjoyment of DCR property, but a

- (7) No person may operate any snow vehicle or recreation vehicle upon or over any DCR property unless that vehicle is registered in accordance with the laws and regulations of M.G.L. c. 90A or 90B.
- (8) No person may operate any recreation vehicle with a manufacturer's listed dry weight in excess of 900 pounds or width greater than 50 inches on any forest way or forest trail except where the way or trail is specifically posted for such use. 302 CMR 12.14(8) shall not prohibit the use of:
 - (a) Any vehicle legally registered under the provisions of M.G.L. c. 90 on a forest road or forest way when the road or way is open to the use of the general public for motor vehicle travel; and
 - (b) Tractors, groomers, or other equipment used to maintain trail conditions or safety when permitted by the Department.
- (9) No person younger than 12 years old shall operate any snow vehicle or recreation vehicle on DCR property.
- (10) No person may operate a snow vehicle or recreation vehicle upon any DCR property except in accordance with 302 CMR 12.00, and M.G.L. c. 90B, §§ 21 through 35.
- (11) No person shall operate any snow vehicle or recreation vehicle upon any DCR property in a reckless manner or in such a manner as may cause or tend to cause fear, discomfort or injury to any person, wildlife, pet, horse, property or vegetation of the DCR or neighboring private property, or at a speed which may be considered unreasonable or improper for existing conditions.
- (12) When approaching a non-motorized user including a pedestrian, skier, snowshoer, or bicyclist, the operator of a snow vehicle or recreation vehicle shall immediately slow his or her vehicle to a minimum safe operating speed, shall give the right of way to the non-motorized user, shall not pass until passing can be accomplished with complete safety, and shall not accelerate the vehicle until there is a reasonable distance, no less than 50 feet, from such non-motorized user.
- (13) When approaching a horse being led, ridden or driven, the operator of a snow vehicle or recreation vehicle shall bring the vehicle to a stop and turn off the motor if such animal appears to be frightened or if the person in charge of the animal so signals. The operator of a snow vehicle or recreation vehicle shall give the right of way to the horseback rider and shall not pass until passing can be accomplished with complete safety, and shall not accelerate the vehicle until there is a reasonable distance, no less than 50 feet, from the horse.
- (14) No person shall operate any moped, scooter or other motorized conveyance, other than a wheelchair or an electric bicycle, on DCR property unless the operator: holds a valid motor vehicle license; and the vehicle is equipped for legal operation on Massachusetts public ways, or is otherwise permitted.