

SENATE No. 01728

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen M. Brewer

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

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

An Act relative to motorcycle safety with malfunctioning traffic signals not detecting motorcycles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Stephen M. Brewer</i>	<i>Worcester, Hampden, Hampshire, Franklin</i>
<i>Steven Howitt</i>	<i>4th Bristol</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>
<i>Elizabeth Poirier</i>	<i>14th Bristol</i>
<i>George N. Peterson, Jr.</i>	<i>9th Worcester</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Michael R. Knapik</i>	<i>Second Hampden and Hampshire</i>
<i>George Ross</i>	<i>2nd Bristol</i>

SENATE No. 01728

By Mr. Brewer, petition (accompanied by bill, Senate, No. 1728) of Peterson, Poirier, Canavan and other members of the General Court for legislation relative to motorcycle safety with malfunctioning traffic signals not detecting motorcycles [Joint Committee on Transportation].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to motorcycle safety with malfunctioning traffic signals not detecting motorcycles.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1: Section 8 of Chapter 89, as appearing in the 1998 Official Edition, is
2 hereby amended by adding at the end of paragraph two, the following new paragraphs:

3 (a) Whenever traffic is controlled by traffic-control signals exhibiting the words "Go,"
4 "Caution" or "Stop," or exhibiting different colored lights successively one (1) at a time, or with
5 arrows, the following colors only shall be used and the terms and lights shall indicate and apply
6 to drivers or vehicles and pedestrians as follows:

7 (1) Green alone or "Go

8 (A) Vehicular traffic facing the signal may proceed straight through or turn right or left
9 unless a sign at such place prohibits either turn. But vehicular traffic, including vehicles turning

10 right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the
11 intersection or an adjacent crosswalk at the time the signal is exhibited; and

12 (B) Pedestrians facing the signal may proceed across the roadway within any marked
13 or unmarked crosswalk;

14 (2) Yellow alone or "Caution," when shown following the green or "Go" signal;

15 (A) Vehicular traffic facing the signal is warned that the red or "Stop" signal will be
16 exhibited immediately thereafter and that vehicular traffic shall not enter or cross the intersection
17 when the red or "Stop" signal is exhibited; and

18 (B) Pedestrians facing the signal are advised that there is insufficient time to cross the
19 roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles;

20 (3) Red alone or "Stop"

21 (A) Vehicular traffic facing the signal shall stop before entering the crosswalk on the
22 near side of the intersection or, if none, then before entering the intersection and shall remain
23 standing until green or "Go" is shown alone. A right turn on a red signal shall be permitted at all
24 intersections within the state; provided, that the prospective turning car shall come to a full and
25 complete stop before turning and that the turning car shall yield the right-of-way to pedestrians
26 and cross traffic traveling in accordance with their traffic signal; provided, further, such turn will
27 not endanger other traffic lawfully using the intersection. A right turn on red shall be permitted at
28 all intersections, except those that are clearly marked by a "No Turns On Red" sign, which may
29 be erected by the responsible municipal or county governments at intersections which they
30 decide require no right turns on red in the interest of traffic safety;

31 (B) No pedestrian facing such signal shall enter the roadway unless entry can be made
32 safely and without interfering with any vehicular traffic; and

33 (C) A left turn on a red or stop signal shall be permitted at all intersections within the
34 state where a one-way street intersects with another one-way street moving in the same direction
35 into which the left turn would be made from the original one-way street. Before making such a
36 turn, the prospective turning car shall come to a full and complete stop and shall yield the right-
37 of-way to pedestrians and cross traffic traveling in accordance with the traffic signal so as not to
38 endanger traffic lawfully using the intersection. A left turn on red shall be permitted at any
39 applicable intersection except those clearly marked by a "No Turn on Red" sign, which may be
40 erected by the responsible municipal or county governments at intersections that these
41 governments decide require no left turns on red in the interest of traffic safety;

42 (4) Red with green arrow:

43 (A) Vehicular traffic facing this signal may cautiously enter the intersection only to
44 make the movement indicated by the arrow, but shall yield the right-of-way to pedestrians
45 lawfully within a crosswalk and to other traffic lawfully using the intersection; and

46 (B) No pedestrian facing the signal shall enter the roadway unless entry can be made
47 safely and without interfering with any vehicular traffic;

48 (5) In the event an official traffic-control signal is erected and maintained at a place other than
49 an intersection, the provisions of this section shall be applicable except as to those provisions
50 which by their nature can have no application. Any stop required shall be made at a sign or
51 marking on the pavement indicating where the stop shall be made, but in the absence of any sign
52 or marking the stop shall be made at the signal;

53 (6) The operator of any streetcar shall obey the signals in subdivisions (a)(1)-(5) as applicable to
54 vehicles;

55 (7) All electric highway, street and road vehicular traffic-control signals in Massachusetts shall
56 have a uniform arrangement of the colored lenses in the various signal faces of the signals, as
57 follows: In each signal face, all red lenses in vertical signals shall be located above all yellow
58 and green lenses, and in horizontal signals, to the left of all yellow and green lenses. Yellow
59 lenses shall be located between any red lens or lenses and all other lenses; and

60 (8) Whenever in this state three-light traffic-control signals are used displaying successively
61 green, yellow, and red lights for the direction of motorists and pedestrians, the minimum time
62 exposure of the yellow light shall be three (3) seconds. Any state agency or any political
63 subdivision of the state that installs, owns, operates, or maintains any such traffic-control signal
64 light shall set or cause to be set the timing-control device for the signal light in compliance with
65 this subdivision (a)(8). No state agency or any political subdivision of the state that installs,
66 owns, operates, or maintains a traffic-control signal light in an intersection that employs a
67 surveillance camera for the enforcement or monitoring of traffic violations shall reduce the time
68 exposure of the yellow light at the intersection with the intended purpose of increasing the
69 number of traffic violations.

70 (a) Notwithstanding any law to the contrary, the driver of a motorcycle approaching an
71 intersection that is controlled by a traffic-control signal utilizing a vehicle detection device that is
72 inoperative due to the size of the motorcycle shall come to a full and complete stop at the
73 intersection and, after exercising due care as provided by law, may proceed with due caution
74 when it is safe to do so.

75 (b) The driver of any vehicle approaching an intersection that is controlled by a traffic-
76 control signal that is inoperative because of mechanical failure or accident shall come to a full
77 and complete stop at the intersection, and may proceed with due caution when it is safe to do so;
78 provided, that if two (2) or more vehicles enter such an intersection from different directions at
79 approximately the same time, after having come to full and complete stops, the driver of the
80 vehicle on the left shall yield the right-of-way to the vehicle on the right. A traffic-control signal
81 shall not be considered inoperative if the signal is operating in flashing mode. If a signal is
82 operating in flashing mode, it shall require obedience by vehicular traffic pursuant to Chapter 85,
83 Section 2.