

SENATE No. 2273

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

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 adoption of the accompanying bill:

An Act to reduce traffic fatalities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>4/1/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>4/1/2021</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>4/1/2021</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>4/1/2021</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>4/1/2021</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>4/1/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>4/1/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>4/1/2021</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>4/1/2021</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>4/1/2021</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>4/1/2021</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>4/1/2021</i>

SENATE No. 2273

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 2273) of William N. Brownsberger, Christina A. Minicucci, Elizabeth A. Malia, Carmine Lawrence Gentile and other members of the General Court for legislation to reduce traffic fatalities. Transportation.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2214 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to reduce traffic fatalities.

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 11B of chapter 85 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out, in lines 71 and 72, the words “either a lamp
3 emitting a red light, or” and inserting in place thereof the following words:- a lamp emitting a red
4 light and.

5 SECTION 2. The first paragraph of section 2 of chapter 89 of the General Laws, as so
6 appearing, is hereby amended by striking out the second sentence and inserting in place thereof
7 the following sentence:- If it is not possible to overtake a vulnerable user as defined in section 1
8 of chapter 90 or another vehicle at a safe distance in the same lane, the overtaking vehicle shall
9 use all or part of an adjacent lane, crossing the centerline if necessary, when it is safe to do so.

10 SECTION 3. Section 1 of chapter 90 of the General Laws is hereby amended by inserting
11 after the definition of “Bus or motor bus”, as so appearing, the following 2 definitions:-

12 “Convex mirrors”, door-mounted, wide-angle mirrors that enable an operator to see
13 objects along the left and right sides of a motor vehicle, trailer, semi-trailer or semi-trailer unit.

14 “Crossover mirrors”, mirrors mounted on a hood or fender that enable the operator to see
15 objects in the area immediately in front of a conventional cab hood.

16 SECTION 4. Said section 1 of said chapter 90 is hereby further amended by inserting
17 after the definition of “Killed in action”, as so appearing, the following definition:-

18 “Lateral protective device”, an apparatus installed on a motor vehicle, trailer, semi-trailer
19 or semi-trailer unit between the front and rear wheels to prevent injuries to a vulnerable user,
20 particularly from falling underneath the vehicle.

21 SECTION 5. Said section 1 of said chapter 90 is hereby further amended by inserting
22 after the definition of “Transporter”, as so appearing, the following definition:-

23 “Vulnerable user”, (i) a pedestrian including, but not limited to, a person engaged in work
24 upon a way or upon utility facilities along a way or engaged in the provision of emergency
25 services within the way; (ii) a person operating a bicycle, handcycle, tricycle, skateboard, roller
26 skates, in-line skates, a nonmotorized scooter, a wheelchair, an electric personal assistive
27 mobility device, a horse, horse-drawn carriage, motorized bicycle, motorized scooter or farm
28 tractor or similar vehicle designed primarily for farm use; or (iii) any other person in any other
29 category that the registrar may designate by regulation.

30 SECTION 6. Section 7 of said chapter 90, as appearing in the 2016 Official Edition, is
31 hereby amended by inserting after the fourth paragraph the following paragraph:-

32 A motor vehicle, trailer, semi-trailer or semi-trailer unit classified as a class 3 or above by
33 the Federal Highway Administration, with a gross vehicle weight rating of 10,000 pounds or
34 more, that is leased or purchased by the commonwealth shall be equipped with a lateral
35 protective device, convex mirrors and crossover mirrors. This paragraph shall not apply to
36 ambulances, firefighting apparatus, low-speed vehicles, agricultural tractors or any other classes
37 or types of vehicles as determined by the registrar. The registrar shall adopt regulations
38 establishing standards, consistent with the United States Department of Transportation Volpe
39 Center's side guard standard DOT-VNTSC-OSTR-16-05, and specifications for the size, design
40 and mounting of lateral protective devices, convex mirrors and crossover mirrors. The registrar
41 may provide alternative means of compliance with the convex mirror, crossover mirror and
42 lateral protective device requirements. The registrar shall consider and may adopt regulations
43 that require certain categories of motor vehicles, trailers, semi-trailers or semi-trailer units that
44 are subject to this paragraph to be equipped with rear visibility camera systems.

45 SECTION 7. Said section 7 of said chapter 90 is hereby further amended by striking out
46 the fifth paragraph, inserted by section 6, and inserting in place thereof the following paragraph:-

47 A motor vehicle, trailer, semi-trailer or semi-trailer unit classified as a class 3 or above by
48 the Federal Highway Administration, with a gross vehicle weight rating of 10,000 pounds or
49 more, that is leased or purchased by the commonwealth or operated under a contract with the
50 commonwealth shall be equipped with a lateral protective device, convex mirrors and crossover
51 mirrors. This paragraph shall not apply to ambulances, firefighting apparatus, low-speed

52 vehicles, agricultural tractors or any other classes or types of vehicles as determined by the
53 registrar. The registrar shall adopt regulations establishing standards, consistent with the United
54 States Department of Transportation Volpe Center's side guard standard DOT-VNTSC-OSTR-
55 16-05, and specifications for the size, design and mounting of lateral protective devices, convex
56 mirrors and crossover mirrors. The registrar may provide alternative means of compliance with
57 the convex mirror, crossover mirror and lateral protective device requirements. A contractor's
58 failure to comply with this paragraph may be grounds for termination of the contract and may be
59 punished by a fine of not more than \$500 for the first offense and not more than \$1,000 for a
60 second or subsequent offense.

61 SECTION 8. The first paragraph of section 14 of said chapter 90, as appearing in the
62 2016 Official Edition, is hereby amended by striking out the second sentence and inserting in
63 place thereof the following sentence:- In passing a vulnerable user, the operator of a motor
64 vehicle shall pass at a safe distance of not less than 3 feet when the motor vehicle is traveling at
65 30 miles per hour or less, with 1 additional foot of clearance for every 10 miles per hour that the
66 vehicle is traveling above 30 miles per hour.

67 SECTION 9. Said section 14 of said chapter 90, as so appearing, is hereby further
68 amended by inserting after the second paragraph the following paragraph:-

69 The Massachusetts Department of Transportation shall erect and maintain signage along
70 public ways necessary to notify operators of motor vehicles of the requirements for passing a
71 vulnerable user from a safe distance as required by this section.

72 SECTION 10. Said chapter 90 of the General Laws is hereby further amended by
73 inserting after section 17 the following section:-

74 Section 17½. (a) For purposes of this section, “active construction zone” shall mean an
75 area on a public highway or on the adjacent right of way where construction, repair, maintenance
76 or survey work is being performed by the department or by a utility company or a private
77 contractor under contract with the department.

78 (b) Notwithstanding section 18, the department may establish a speed limit in an active
79 construction zone without conducting an engineering study. A rate of speed in excess of a speed
80 limit posted under this section shall be prima facie evidence that the motor vehicle’s speed was
81 not reasonable and proper. A violation of this section shall be punishable by a fine of 2 times the
82 amount that would be imposed for such a violation in that area if the area were not designated as
83 a construction zone.

84 A construction zone speed limit shall be effective when signs giving notice of that speed
85 limit are prominently displayed and construction, repair, maintenance or survey work is being
86 performed. The signs may carry either a fixed speed limit or an electronic message that displays
87 adjusted speed limits when work is being performed. The signs shall notify motorists that the
88 fine for a violation of the posted speed limit is doubled in the construction zone.

89 SECTION 11. Section 17C of said chapter 90, as appearing in the 2016 Official Edition,
90 is hereby amended by adding the following subsection:-

91 (c) On a state highway, other than a limited access highway, inside a thickly settled or
92 business district located in a city or town that has accepted this section, the department shall
93 establish and post a speed limit of 25 miles per hour. On a parkway inside a thickly settled or
94 business district located in a city or town that has accepted this section, the department of
95 conservation and recreation shall establish and post a speed limit of 25 miles per hour.

96 SECTION 12. Notwithstanding any general or special law to the contrary, the fifth
97 paragraph of section 7 of chapter 90 of the General Laws, inserted by section 6, shall not apply to
98 a motor vehicle, trailer, semi-trailer or semi-trailer unit that was leased or purchased by the
99 commonwealth on or before January 1, 2023.

100 SECTION 13. Notwithstanding any other general or special law to the contrary, the fifth
101 paragraph of section 7 of chapter 90 of the General Laws, inserted by section 7, shall not apply to
102 a motor vehicle, trailer, semi-trailer or semi-trailer unit that is operated under a contract with the
103 commonwealth that was entered into before January 1, 2026.

104 SECTION 14. Not later than 1 year after the effective date of this act, the Massachusetts
105 Department of Transportation, in consultation with the department of public health and the
106 executive office of public safety and security, shall develop a standardized form to report crashes
107 and incidents involving a motor vehicle and a vulnerable user, as defined in section 1 of chapter
108 90 of the General Laws. In developing the standardized form, the department shall consider best
109 practices in reporting crashes and incidents involving vulnerable users, including the Federal
110 Highway Administration's Pedestrian and Bicycle Crash Analysis Tool.

111 The standardized form shall be used by any municipal, county or state law enforcement
112 official or emergency medical services provider who responds to a crash or incident involving a
113 motor vehicle and a vulnerable user. The corresponding report for each crash or incident shall be
114 transmitted to the registrar of motor vehicles. The department shall maintain a publicly-
115 accessible database of the standardized form reports; provided, however, that no personally
116 identifying information shall be published in that database.

117 SECTION 15. Sections 6 and 12 shall take effect on January 1, 2023.

SECTION 16. Sections 7 and 13 shall take effect on January 1, 2026.