SENATE DOCKET, NO. 1771 FILED ON: 1/21/2011

# SENATE . . . . . No. 1728

## 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:

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

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---|---|
| *Stephen M. Brewer* | *Worcester, Hampden, Hampshire, Franklin* |
| *Steven S. Howitt* | *4th Bristol* |
| *Christine E. Canavan* | *10th Plymouth* |
| *Elizabeth A. Poirier* | *14th Bristol* |
| *George N. Peterson, Jr.* | *9th Worcester* |
| *Anne M. Gobi* | *5th Worcester* |
| *Todd M. Smola* | *1st Hampden* |
| *Randy Hunt* | *5th Barnstable* |
| *Angelo J. Puppolo, Jr.* | *12th Hampden* |
| *Michael R. Knapik* | ☐ *[District]* ☐ |
| *George T. Ross* | *2nd Bristol* |

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# SENATE . . . . . No. 1728

By Mr. Brewer, a petition (accompanied by bill, Senate, No. 1728) of Stephen M. Brewer, Steven S. Howitt, Christine E. Canavan, Elizabeth A. Poirier and other members of the General Court for legislation relative to motorcycle safety with malfunctioning traffic signals not detecting motorcycles. Transportation.

## The Commonwealth of Massachusetts

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:*

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

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

(1) Green alone or "Go

(A) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited; and

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

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

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

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

(3) Red alone or "Stop"

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

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

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

(4) Red with green arrow:

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

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

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a

53 sign or marking on the pavement indicating where the stop shall be made, but in the absence of
54 any sign or marking the stop shall be made at the signal;

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

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

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

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

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