

**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 adoption 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 and Middlesex</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>
<i>Elizabeth A. 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>George T. Ross</i>	<i>2nd Bristol</i>

**SENATE . . . . . No. 1728**

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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.

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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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  
2 Edition, is hereby amended by adding at the end of paragraph two, the following new  
3 paragraphs:

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

8           (1) Green alone or "Go

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

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

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

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

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

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

22 (3) Red alone or "Stop"

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

31 On Red" sign, which may be erected by the responsible municipal or county governments at  
32 intersections which they decide require no right turns on red in the interest of traffic safety;

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

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

44 (4) Red with green arrow:

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

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

50 (5) In the event an official traffic-control signal is erected and maintained at a place other  
51 than an intersection, the provisions of this section shall be applicable except as to those

52 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.