

HOUSE No. 4421

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 17, 2018.

The committee on Transportation to whom were referred the petition (accompanied by bill, House, No. 2743) of Aaron Michlewitz relative to stopping at marked crosswalks to permit a pedestrian to cross, the petition (accompanied by bill, House, No. 2877) of David M. Rogers and others that the Department of Elementary and Secondary Education develop a curriculum relative to the safe use of streets and premises open to pedestrians and bicyclists, and the petition (accompanied by bill, House, No. 3428) of Daniel J. Hunt and others for legislation to require the installation of sideguards and blind spot mirrors on certain vehicles to protect pedestrians and cyclists, reports recommending that the accompanying bill (House, No. 4421) ought to pass.

For the committee,

WILLIAM M. STRAUS.

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**In the One Hundred and Ninetieth General Court
(2017-2018)**

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 1 of chapter 90 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by adding the following definitions: -

3 “Convex mirror”, door-mounted, wide-angle mirrors that enable the operator to see
4 objects along the left and right sides of the truck.

5 “Cross over mirrors”, fender- or hood-mounted mirrors that enable the operator to see
6 objects in the area immediately in front of a conventional cab hood

7 “Lateral protective device”, an apparatus installed on large vehicles between the front and
8 rear wheels to help prevent injuries to vulnerable road users, particularly from falling underneath
9 the vehicle.

10 SECTION 2. Section 7 of said chapter 90, as so appearing, is hereby amended by
11 inserting after the third paragraph the following paragraph:-

12 Except in the case of an ambulance, fire apparatus, low-speed vehicle, or agricultural
13 tractor, the following vehicles purchased or leased by the Commonwealth after January 1, 2019
14 or such vehicles operated pursuant to a contract with the Commonwealth after January 1, 2022,
15 shall be equipped with a lateral protective device, convex mirror, and crossover mirrors as
16 defined by section 1 of chapter 90 of the General Laws: any Class 3 or above motor vehicle,
17 trailer, semi-trailer or semi-trailer unit, with a gross vehicle weight rating (GVWR) exceeding
18 10,000 pounds. The registrar shall adopt standards, consistent with US Department of
19 Transportation Volpe Side Guard Standard (DOT-VNTSC-OSTR-16-05) and specifications for
20 the size, design, and mounting of lateral protective devices, convex mirrors, and crossover
21 mirrors. The registrar may provide alternative means of compliance with the convex mirror and
22 crossover mirror requirement, including use of cameras and sensors.

23 SECTION 3. Section 17 of said chapter 90, as so appearing, is hereby amended in line 13
24 by inserting after the word “mile,” the following words:-

25 on a state highway or parkway inside a thickly settled or business district at a rate of
26 speed exceeding twenty five miles per hour for a distance of one-eighth of a mile,

27 SECTION 4. The executive office of public safety and security, in consultation with the
28 department of public health and the department of transportation, shall develop, no later than one
29 year from the effective date of this act, a standardized analysis tool to be used to report crashes
30 and incidents involving a cyclist or a pedestrian. In developing the standardized analysis tool, the
31 executive office and departments shall consider best practices in reporting cyclist and pedestrian
32 crashes, including the Pedestrian and Bicycle Crash Analysis Tool system

33 The standardized analysis tool shall be used by any first responder, defined for the
34 purposes of this section as a municipal, county, or state law enforcement official or emergency
35 medical services provider, called to the scene of a crash or incident involving a cyclist or
36 pedestrian. The corresponding report for each crash shall be transmitted to the executive office.
37 The executive office shall maintain a publicly accessible database of the standardized analysis
38 tool reports.

39 SECTION 5. Section 11B of said chapter 85, as so appearing, is hereby amended by
40 striking in line 71 the word “either”

41 SECTION 6. Said section 11B of said chapter 85, as so appearing, is hereby amended by
42 striking in line 72 the word “or” and replacing it with the following word:-

43 and

44 SECTION 7. Section 11 of said chapter 89, as so appearing, is hereby amended by
45 inserting after the second paragraph the following paragraphs:-

46 When traffic control signals are not in place or not in operation, the driver of a vehicle
47 shall yield the right of way, slowing down or stopping if need be so to yield, to a bicyclist
48 crossing a roadway or intersection at a bicycle crossing marked, signed, or otherwise designated
49 in accordance with standards established by the department, including but not limited to road
50 crossings of bicycle or shared-use paths and intersection crossings of bicycle lanes, if the
51 bicyclist is on that half of the traveled part of the way on which the vehicle is traveling or if the
52 bicyclist approaches from the opposite half of the traveled part of the way to within 10 feet of
53 that half of the traveled part of the way on which said vehicle is traveling. Nothing in this statute

54 shall relieve a bicyclist from the responsibility to yield the right-of-way to a pedestrian in a
55 crosswalk.

56 No driver of a vehicle shall pass any other vehicle which has stopped at a bicycle
57 crossing to permit a bicyclist to cross, nor shall any such operator enter a marked bicycle
58 crossing while a bicyclist is crossing or until there is a sufficient space beyond the bicycle
59 crossing to accommodate the vehicle he is operating, notwithstanding that a traffic control signal
60 may indicate that vehicles may proceed.

61 SECTION 8. Said section 1 of said chapter 90, as so appearing, is hereby amended by
62 inserting after the definition of “Transporter” the following sentence:-

63 “Vulnerable user” means (a) a pedestrian, including those persons actually engaged in
64 work upon a way, or in work upon utility facilities along a way, or engaged in the provision of
65 emergency services within the way; or (b) a person operating a bicycle, handcycle, tricycle,
66 skateboard, roller skates, in-line skates, non-motorized scooter, wheelchair, electric personal
67 assistive mobility device, horse-drawn carriage, motorized bicycle, motorized scooter, farm
68 tractor or similar vehicle designed primarily for farm use; or (c) a person riding an animal.

69 SECTION 9. Section 14 of said chapter 90, as so appearing, is hereby amended by
70 striking, in line 9, the sentence beginning with the words “In approaching...” and inserting the
71 following sentence in place thereof:-

72 In approaching or passing a vulnerable user the operator of a motor vehicle shall pass at a
73 safe distance of at least three feet when the motor vehicle is traveling at thirty miles per hour or
74 less, with one additional foot of clearance for every ten miles per hour above thirty miles per
75 hour.

76 SECTION 10. Section 2 of chapter 89 of the General Laws, as appearing in the 2014
77 Official Edition, is hereby amended by striking, in line 6, the sentence beginning with the words
78 “If it is not possible” and inserting in place thereof the following sentence:-

79 If it is not possible to overtake a vulnerable user or other vehicle at a safe distance in the
80 same lane, the overtaking vehicle shall use all or part of an adjacent lane, crossing the centerline
81 if necessary, when it is safe to do so.