

HOUSE No. 3549

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Moran and William M. Straus

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:	DATE ADDED:
<i>William M. Straus</i>	<i>10th Bristol</i>	<i>2/24/2021</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>2/24/2021</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>2/24/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/24/2021</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>2/24/2021</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>2/25/2021</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/25/2021</i>
<i>Steven C. Owens</i>	<i>29th Middlesex</i>	<i>2/25/2021</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/25/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/25/2021</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/26/2021</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>2/26/2021</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/26/2021</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>2/26/2021</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>2/26/2021</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>2/26/2021</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>2/26/2021</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/26/2021</i>

<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/26/2021</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>	<i>2/26/2021</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>2/26/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>2/26/2021</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>2/26/2021</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>2/26/2021</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>2/26/2021</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>2/26/2021</i>
<i>Sally P. Kerans</i>	<i>13th Essex</i>	<i>2/26/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>3/1/2021</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>3/1/2021</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>3/1/2021</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>3/2/2021</i>
<i>David Biele</i>	<i>4th Suffolk</i>	<i>3/3/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>3/11/2021</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>3/29/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>3/31/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>9/27/2021</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>10/26/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>11/29/2021</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>1/26/2022</i>

HOUSE No. 3549

By Messrs. Moran of Boston and Straus of Mattapoisett, a petition (accompanied by bill, House, No. 3549) of William M. Straus, Christina A. Minicucci and others for legislation to establish standardized analysis tools to be used to report crashes and incidents involving cyclists, other vulnerable users or pedestrians. Transportation.

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

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

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

10 “Cross-over mirrors”, mirrors mounted on a hood or fender that enable the operator to see
11 objects in the area immediately in front of a conventional cab hood. Each vehicle that has a

12 cross-over mirror installed shall have a label visible to the seated driver in accordance with
13 federal regulation FMVSS 111.

14 “Back-up cameras”, devices that provide a visual image of the area directly behind a
15 vehicle to the vehicle operator when the vehicle is in reverse gear, meeting the requirements of
16 Federal Motor Vehicle Safety Standard 111.

17 SECTION 3. Said section 1 of said chapter 90 is hereby further amended by inserting
18 after the definition of “Killed in action,” as so appearing, the following definition:-

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

22 SECTION 4. Said section 1 of said chapter 90 is hereby further amended by inserting
23 after the definition of “Transporter,” as so appearing, the following definition:-

24 “Vulnerable user”, (i) a pedestrian, including a person actually engaged in work upon a
25 way or upon utility facilities along a way or engaged in the provision of emergency services
26 within the way; or (ii) a person operating a bicycle, handcycle, tricycle, skateboard, roller skates,
27 in-line skates, non-motorized scooter, wheelchair, electric personal assistive mobility device,
28 horse, horse-drawn carriage, motorized bicycle, motorized scooter, micromobility device or farm
29 tractor or similar vehicle designed primarily for farm use, or (iii) other such categories that the
30 registrar may designate by regulation.

31 SECTION 5. Section 7 of said chapter 90, as appearing in the 2016 Official Edition, is
32 hereby amended by inserting after the fourth paragraph the following paragraph:-

33 A motor vehicle, trailer, semi-trailer or semi-trailer unit classified as a class 3 or above by
34 the Federal Highway Administration, with a gross vehicle weight rating of 10,000 pounds or
35 more, that is leased or purchased by the commonwealth shall be equipped with a lateral
36 protective device, convex mirrors and cross-over mirrors, and backup cameras. This paragraph
37 shall not apply to an ambulance, fire apparatus, low-speed vehicle, agricultural tractor or any
38 other class or type of vehicle as determined by the registrar. The registrar shall adopt regulations
39 establishing standards, consistent with the United States Department of Transportation's Volpe
40 side guard standard DOT-VNTSC-OSTR-16-05, and specifications for the size, design and
41 mounting of lateral protective devices, convex mirrors and cross-over mirrors.

42 The registrar shall develop criteria for and prohibit (1) visual obstructions due to
43 aftermarket modifications and accessories, such as bug deflectors and chrome visors, that reduce
44 the ability of the vehicle operator to directly see vulnerable road users in the vicinity of the
45 vehicle, and (2) bull bars or other aftermarket modifications and accessories that increase fatality
46 and serious injury risk to vulnerable road users, including children, in a collision with the
47 vehicle; and incorporate compliance requirements into the Massachusetts Vehicle Check
48 program and the Massachusetts Commercial Motor Vehicle Inspection.

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

51 A motor vehicle, trailer, semi-trailer or semi-trailer unit classified as a class 3 or above by
52 the Federal Highway Administration, with a gross vehicle weight rating of 10,000 pounds or
53 more, that is leased or purchased by the commonwealth or operated under a contract with the
54 commonwealth shall be equipped with a lateral protective device, convex mirrors and crossover

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

65 The registrar shall develop criteria for and prohibit (1) visual obstructions due to
66 aftermarket modifications and accessories, such as bug deflectors and chrome visors, that reduce
67 the ability of the vehicle operator to directly see vulnerable road users in the vicinity of the
68 vehicle, and (2) bull bars or other aftermarket modifications and accessories that increase fatality
69 and serious injury risk to vulnerable road users, including children, in a collision with the
70 vehicle; and incorporate compliance requirements into the Massachusetts Vehicle Check
71 program and the Massachusetts Commercial Motor Vehicle Inspection.

72 SECTION 7. The first paragraph of section 14 of said chapter 90, as appearing in the
73 2016 Official Edition, is hereby amended by striking out the second sentence and inserting in
74 place thereof the following sentence:- In passing a vulnerable user the operator of a motor
75 vehicle shall pass at a safe distance of not less than 3 feet when the motor vehicle is traveling at
76 30 miles per hour or less, with 1 additional foot of clearance for every 10 miles per hour that the
77 vehicle is traveling above 30 miles per hour.

78 SECTION 8. Said section 14 of said chapter 90, as so appearing, is hereby further
79 amended by inserting after the second paragraph the following paragraph:-

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

83 SECTION 9. Said chapter 90 of the General Laws is hereby further amended by inserting
84 after section 17 the following section:-

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

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

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

100 SECTION 10. Section 17C of said chapter 90, as so appearing, is hereby amended by
101 adding the following new paragraph:-

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

107 SECTION 11. Notwithstanding any other general or special law to the contrary, the fifth
108 paragraph of section 7 of chapter 90 of the General Laws, inserted by section 5, shall not apply to
109 a motor vehicle, trailer, semi-trailer or semi-trailer unit that was leased or purchased by the
110 commonwealth before January 1, 2022.

111 SECTION 12. Notwithstanding any other general or special law to the contrary, the fifth
112 paragraph of section 7 of chapter 90 of the General Laws, inserted by section 6, shall not apply to
113 a motor vehicle, trailer, semi-trailer or semi-trailer unit that is operated under a contract with the
114 commonwealth that was entered into before January 1, 2024.

115 SECTION 13. Not later than 1 year after the effective date of this act, the Massachusetts
116 Department of Transportation, in consultation with the department of public health and the
117 executive office of public safety and security, shall develop a standardized form to report crashes
118 and incidents involving a motor vehicle and a vulnerable user, as defined in section 1 of chapter
119 90 of the General Laws. In developing the standardized form, the department shall consider best
120 practices in reporting crashes and incidents involving vulnerable users, including the Federal
121 Highway Administration's Pedestrian and Bicycle Crash Analysis Tool.

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

128 SECTION 14. Section 5 and 11 shall take effect on January 1, 2022.

129 SECTION 15. Sections 6 and 12 shall take effect on January 1, 2024.

130 SECTION 16. Not later than 6 months after the effective date of this act, the department
131 of transportation shall initiate with the U.S. DOT Volpe Center, and not later than 18 months
132 after the effective date of this act, complete a study of the direct vision performance of the
133 vehicles subject to Section 5 and Section 6 of this act. The study shall identify the range of direct
134 vision afforded to drivers in this population of vehicles and produce safety evidence-based
135 recommendations to be transmitted to the commonwealth stipulating a minimum acceptable level
136 of direct vision to be met by future applicable vehicles purchased and leased by the
137 commonwealth.