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

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

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 Alassachusetts

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

An Act to reduce traffic fatalities.

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

SECTION 2. Section 1 of chapter 90 of the General Laws, as so appearing, is hereby

amended by inserting after the definition of "Bus or motor bus" the following 3 definitions:-

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

"Cross-over mirrors", mirrors mounted on a hood or fender that enable the operator to see 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.
- "Back-up cameras", devices that provide a visual image of the area directly behind a
 vehicle to the vehicle operator when the vehicle is in reverse gear, meeting the requirements of
 Federal Motor Vehicle Safety Standard 111.
- SECTION 3. Said section 1 of said chapter 90 is hereby further amended by inserting after the definition of "Killed in action," as so appearing, the following definition:-

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- "Lateral protective device", an apparatus installed on a motor vehicle, trailer, semi-trailer or semi-trailer unit between the front and rear wheels to help prevent injuries to a vulnerable user, particularly from falling underneath the vehicle.
- SECTION 4. Said section 1 of said chapter 90 is hereby further amended by inserting after the definition of "Transporter," as so appearing, the following definition:-
- "Vulnerable user", (i) a pedestrian, including a person actually engaged in work upon a way or upon utility facilities along a way or engaged in the provision of emergency services within the way; or (ii) a person operating a bicycle, handcycle, tricycle, skateboard, roller skates, in-line skates, non-motorized scooter, wheelchair, electric personal assistive mobility device, horse, horse-drawn carriage, motorized bicycle, motorized scooter, micromobility device or farm tractor or similar vehicle designed primarily for farm use, or (iii) other such categories that the 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:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- SECTION 14. Section 5 and 11 shall take effect on January 1, 2022.
- SECTION 15. Sections 6 and 12 shall take effect on January 1, 2024.

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