

HOUSE No. 4166

The Commonwealth of Massachusetts

PRESENTED BY:

Steven Owens

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 authorizing the city of Cambridge to employ automated enforcement.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>7/20/2023</i>
<i>Councillor Patricia Nolan</i>	<i>184 Huron Avenue, Cambridge, MA 02138</i>	<i>7/20/2023</i>
<i>Vice Mayor Alanna Mallon</i>	<i>3 Maple Avenue, Cambridge, MA 02139</i>	<i>7/20/2023</i>
<i>Councillor Burhan Azeem</i>	<i>35 Speridakis Terrace, Cambridge, MA 02139</i>	<i>7/20/2023</i>
<i>Councillor Dennis J. Carlone</i>	<i>9 Washington Avenue #6, Cambridge, MA 02140</i>	<i>7/20/2023</i>
<i>Councillor E. Denise Simmons</i>	<i>195 Brookline Street, Cambridge, MA 02139</i>	<i>7/20/2023</i>
<i>Councillor Marc C. McGovern</i>	<i>15 Pleasant Street #2, Cambridge, MA 02139</i>	<i>7/20/2023</i>
<i>Councillor Paul F. Toner</i>	<i>24 Newman Street, Cambridge, MA 02140</i>	<i>7/20/2023</i>
<i>Councillor Quinton Zondervan</i>	<i>235 Cardinal Medeiros Avenue, Cambridge, MA 02141</i>	<i>7/20/2023</i>
<i>Mayor Sumbul Siddiqui</i>	<i>795 Massachusetts Avenue,</i>	<i>7/20/2023</i>

Mike Connolly

Cambridge, MA 02139
26th Middlesex

7/26/2023

HOUSE No. 4166

By Representative Owens of Watertown, a petition (subject to Joint Rule 12) of Steven Owens and others (with the approval of the city council) that the city of Cambridge be authorized to install automated road safety camera systems as a means of promoting traffic safety in said city. Transportation. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act authorizing the city of Cambridge to employ automated enforcement.

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.

2 As used in this chapter, the following words shall, unless the context clearly requires
3 otherwise, have the following meanings:

4 "Automated Road Safety Camera System" shall mean an automated motor vehicle sensor
5 device installed which produces digital photographs and may record the speed of each motor
6 vehicle at the time it is operated in a manner that is in violation of traffic laws and regulations
7 where the automated road camera safety system is located.

8 "Camera Enforceable Violation" shall mean any of the following violations of a traffic
9 law or regulation: (i) failing to stop at a steady red indication in a traffic control signal at an
10 intersection pursuant to section 9 of chapter 89; (ii) exceeding the speed limit in violation of
11 section 17, section 18, or section 18B of chapter 90; or (iii) operating, parking or causing a motor

12 vehicle to stand in a lane designated for the exclusive use of buses unless otherwise regulated or
13 posted by an official traffic signal, sign or marking or at the direction of an authorized police
14 officer.

15 “Municipal designee”, the municipal entity designated by the city manager to supervise
16 and coordinate the administration of camera enforceable violations under this chapter.

17 Section 2.

18 (a) The City of Cambridge (“The City”) may install an automated road safety camera
19 system as a means of promoting traffic safety. The automated road safety camera system may be
20 placed: (i) along any portion of any way within the City’s control; or (ii) along any portion of
21 any way within the control of the Commonwealth, other than a limited access highway, with
22 written permission from the Massachusetts Department of Transportation or the department of
23 conservation and recreation; provided further, that the City may impose a penalty for a camera
24 enforceable violation on the registered owner of a motor vehicle pursuant to section 3.

25 (b) Annually, not later than December 1, the City shall transmit a report to the Cambridge
26 City Council that details each automated road safety camera system located in the City or
27 proposed to be located in the City. The report shall include, but not be limited to: (i) a list of the
28 locations of each automated road safety camera system in the City; (ii) an analysis of the nexus
29 between public safety and each location’s automated road safety camera system; and (iii) the
30 number of fines and warnings issued for camera enforceable violations pursuant to section 3; (iv)
31 records of the maintenance and calibration of each location’s automated road safety camera
32 system; (v) crash data at each separate location of an automated road safety camera system; (vi)

33 an analysis of the frequency of traffic stops by the City's police force prior to and after the
34 implementation of an automated road safety camera system.

35 Section 3.

36 (a) The fine imposed for a violation issued pursuant to this chapter shall be no more than
37 the amount that the fine would be if a citation for the underlying violation had been issued in
38 accordance with section 2 of chapter 90C of the General Laws. For violations issued pursuant to
39 this chapter, except as provided in section 4, the owner or owners of a vehicle shall be liable for
40 the fine, however, no owner of a vehicle shall be responsible for a violation issued pursuant to
41 this chapter where the operator of the motor vehicle was issued a citation for the underlying
42 violation in accordance with section 2 of chapter 90C of the General Laws. The City may send a
43 written warning to the owner or owners in lieu of enforcement for the purpose of education.

44 (b) A certificate, or a facsimile thereof, based upon inspection of photographs and data
45 produced by an automated road safety camera system, and sworn to or affirmed by the municipal
46 designee, shall be prima facie evidence of the facts contained therein.

47 (c) A camera enforceable violation issued by the City under this chapter shall not be
48 made part of the operating record of the person upon whom such liability is imposed, nor shall
49 such violation be considered a conviction of a moving violation of the motor vehicle laws for the
50 purpose of determining a surcharge on a motor vehicle premium pursuant to section 113B of
51 chapter 175 of the General Laws.

52 (d) The municipal designee shall supervise and coordinate the administration of
53 violations issued in conformance with this chapter. The municipal designee shall have the

54 authority to hire and designate such personnel as may be necessary or contract for such services
55 to implement the provisions of this chapter.

56 (e) It shall be the duty of the municipal designee to cause a notice of violation to the
57 registered owner or owners of a motor vehicle identified in photographs produced by such device
58 as evidence of a violation pursuant to this chapter. Such notice shall contain, but not be limited
59 to, the following information: (i) a copy of the photographs produced by the automated road
60 safety camera system and any other data showing the vehicle in the process of a camera
61 enforceable violation; (ii) the registration number and state of issuance of the vehicle; (iii) the
62 date, time and location of the alleged camera enforceable violation; (iv) the specific camera
63 enforceable violation charged; (v) instructions for payment of the fine imposed pursuant to
64 subsection (a); (vi) instructions on how to appeal the camera enforceable violation in writing and
65 to obtain a hearing; and (vii) an affidavit form approved by the municipal designee for the
66 purposes of making a written appeal pursuant to subsection (j).

67 (f) In the case of a violation involving a motor vehicle registered under the laws of the
68 Commonwealth, a notice of violation shall be mailed within 14 days of the violation to the
69 address of the registered owner or owners as listed in the records of the registrar of motor
70 vehicles. In the case of any motor vehicle registered under the laws of another state or country,
71 such notice of violation shall be mailed within 21 days of the violation to the address of the
72 registered owner or owners as listed in the records of the official in such state or country having
73 charge of the registration of such motor vehicle. If said address is unavailable, it shall be
74 sufficient for the municipal designee or designee to mail a notice of violation to the official in
75 such state or country having charge of the registration of such motor vehicle.

76 (g) A notice of violation shall be sent by first class mail in accordance with subsection (f)
77 and shall include an affidavit form approved by the municipal designee for the purpose of
78 complying with subsection (b). A manual or automatic record of mailing processed by or on
79 behalf of the municipal designee in the ordinary course of business shall be prima facie evidence
80 thereof, and shall be admitted as evidence in any judicial or administrative proceeding, as to the
81 facts contained therein.

82 (h) Any owner to whom a notice of violation has been issued shall not be liable for a
83 camera enforceable violation under this chapter if the: (i) violation was necessary to allow the
84 passage of an emergency vehicle; (ii) violation was incurred while participating in a funeral
85 procession; (iii) violation was incurred during a period of time in which the motor vehicle was
86 reported to the police department of any state, city or town as having been stolen and had not
87 been recovered before the time the violation occurred; (iv) operator of the motor vehicle was
88 operating the motor vehicle under a rental or lease agreement and the registered owner of the
89 motor vehicle is a rental or leasing company and has complied with section 4; (v) operator of the
90 motor vehicle was issued a citation for the violation in accordance with section 2 of chapter 90C;
91 or (vi) violation was necessary to comply with any other law or regulation governing the
92 operation of a motor vehicle.

93 (i) Any motor vehicle owner to whom a notice of violation has been issued pursuant to
94 this chapter may admit responsibility for such violation and pay the fine provided therein.
95 Payment may be made personally or through a duly authorized agent, by appearing before the
96 municipal designee's designee during normal office hours, by mailing or online. Payment by
97 mail shall be made by check, money order or credit card to the municipal designee or City.
98 Payment of the established fine and any applicable penalties shall operate as the final disposition

99 of the violation. Payment by one motor vehicle owner shall operate as the final disposition of the
100 violation as to all other motor vehicle owners of the same motor vehicle for the same violation.

101 (j) An owner may contest responsibility for a violation under this chapter in writing by
102 mail or online. The owner shall provide the municipal designee with a signed affidavit in a form
103 approved by the municipal designee, stating: the reason for disputing the violation; the full legal
104 name and address of the owner of the motor vehicle; and the full legal name and address of the
105 operator of the motor vehicle at the time the violation occurred. An owner may include signed
106 statements from witnesses, which include the names and addresses of witnesses, supporting the
107 owner's defense. Within 21 days of receipt, the municipal designee or the hearing officer shall
108 send the decision of the hearing officer, including the reasons for the outcome, by first class mail
109 to the registered owner or owners. If the owner is found responsible for the violation, the owner
110 shall pay the fine in the manner described in (i) within 14 days of the issuance of the decision or
111 request further judicial review pursuant to section 14 of Chapter 30A of the General Laws.

112 (k) An owner may request a hearing to contest responsibility for a violation. A hearing
113 request shall be made in writing by mail or online. Upon receipt of a hearing request, the
114 municipal designee shall schedule the matter before a hearing officer. Said hearing officer may
115 be an employee of the municipal designee of the City or such other person or persons as the
116 municipal designee may designate. Written notice of the date, time and place of said hearing
117 shall be sent by first class mail to each registered owner. The hearing shall be informal, the rules
118 of evidence shall not apply, and the decision of the hearing officer shall be final subject to
119 judicial review as outlined by section 14 of Chapter 30A of the General Laws. Within 21 days of
120 the hearing, the municipal designee or the hearing officer should send the decision of the hearing
121 officer, including the reasons for the outcome, by first class mail to the registered owner or

122 owners. If the owner is found responsible for the violation, the owner shall pay the fine in the
123 manner described in (i) within 14 days of the issuance of the decision or request further judicial
124 review pursuant to section 14 of Chapter 30A of the General Laws.

125 (l) Unless an owner or owners pay the fine or contest responsibility within 60 days of the
126 violation, the provisions shall apply. If an owner to whom a notice of violation has been issued
127 either fails to pay the fine in said notice in accordance with subsection (i), or is found responsible
128 for the violation and does not pay the fine in accordance with subsection (j) or subsection (k), the
129 municipal designee shall notify the registrar of motor vehicles who shall place the matter on
130 record. It shall be the duty of the municipal designee to notify the registrar forthwith that such
131 case has been so disposed; provided, however, that certified receipt of full and final payment
132 from the municipal designee shall also serve as legal notice to the registrar that said violation has
133 been disposed of in accordance with this chapter. The certified receipt shall be printed in such
134 form as the registrar of motor vehicles may approve.

135 Section 4.

136 (a) Notwithstanding section 3 of this chapter, if the registered owner of a motor vehicle in
137 receipt of a notice of violation is a person or entity engaged in the business of leasing or renting
138 motor vehicles, and such motor vehicle was operating under a rental or lease agreement at the
139 time of a violation, then the provisions of this section shall be applicable, and the registered
140 owner shall not be liable for any unpaid fines; provided, however, that such owner has complied
141 with the procedures of this section.

142 (b) The municipal designee shall give to the registered owner notice in writing of each
143 violation in which a motor vehicle owned by such owner is involved, as set forth in section 3.

144 (c) Within 45 days of the violation, the registered owner shall furnish to such department
145 or designee in writing the name and address of the lessee or rentee of such motor vehicle at the
146 time of the violation; the lessee's or rentee's driver's license number, state of issuance of such
147 driver's license and the lessee's or rentee's date of birth.

148 (d) Such department or designee shall thereupon issue a notice of violation to such lessee
149 or rentee in the form prescribed by section 3 and the lessee or rentee shall be liable for the
150 violation.

151 (e) If such lessee or rentee to whom a notice of violation has been issued either fails to
152 pay the fine in accordance with subsection

153 (i) of section 3, or fails to receive a favorable adjudication of said notice in accordance
154 with subsection (j) of section 3, or subsection

155 (k) of section 3, the municipal designee or designee shall notify the registrar of motor
156 vehicles who shall place the matter on record. It shall be the duty of the municipal designee to
157 notify the registrar forthwith that such case has been so disposed; provided, however, that
158 certified receipt of full and final payment from the municipal designee shall also serve as notice
159 to the registrar that said violation has been disposed of in accordance with this chapter. The
160 certified receipt shall be printed in such form as the registrar of motor vehicles may approve.

161 Section 5.

162 No violation shall be issued pursuant to this chapter for: (i) a failure to stop at a signal at
163 an intersection if any part of the vehicle was over the stop line when the light was yellow,
164 regardless of whether or not the light turned red while the vehicle was over the stop line; (ii)

165 exceeding the speed limit, unless the vehicle exceeds the speed limit by not less than 5 miles per
166 hour.

167 Section 6.

168 (a) The City shall install a sign notifying the public that an automated road safety camera
169 system is in use at each location of said camera.

170 (b) The City shall make a public announcement and conduct a public awareness
171 campaign of use of automated road safety camera systems beginning at least 60 days before the
172 enforcement program is in use. The City may install but not activate automated road safety
173 camera systems during said time period.

174 Section 7.

175 (a) The compensation paid to the manufacturer or vendor of the automated road safety
176 camera system as authorized herein shall be based on the value of the equipment or services
177 provided and shall not be based on the number of traffic citations issued or the revenue generated
178 by the systems.

179 (b) Not less than annually, a professional engineer registered in the Commonwealth or an
180 independent laboratory shall verify that the automated road safety camera system and any
181 appurtenant traffic control signals are correctly calibrated.

182 Section 8.

183 (a) Photographs and other recorded evidence shall only be captured when a camera
184 enforceable violation occurs. Photographs and other recorded evidence shall be destroyed within
185 48 hours of the final disposition of a violation.

186 (b) No photographs taken in conformance with this chapter shall be discoverable in any
187 judicial or administrative proceeding other than a proceeding held pursuant to this chapter
188 without a court order. No photograph taken in conformance with this chapter shall be admissible
189 in any judicial or administrative proceeding other than in a proceeding to adjudicate liability for
190 such violation of this

191 chapter without a court order. A court shall order a release of a photograph taken in
192 conformance with this chapter only where the photograph tends to establish or undermine a
193 finding of a moving violation and the violation is material as to a finding of civil or criminal
194 liability.

195 (c) Photographs and other personal identifying information collected by the City pursuant
196 to this chapter shall not be a public record under Clause Twenty-Sixth of section 7 of chapter 4
197 or chapter 66.

198 (d) An automated road safety camera system shall not be utilized to take a frontal view
199 photograph of a motor vehicle committing a camera enforceable violation. A frontal view
200 photograph of a motor vehicle committing a camera enforceable violation taken by an automated
201 road safety camera system shall not be discoverable or admissible in any judicial or
202 administrative proceeding and shall not be used as the basis for a camera enforceable violation
203 under this chapter. To the extent practicable, additional efforts shall be made to ensure that
204 photographs produced by an automated road safety camera system do not identify the vehicle
205 operator, the passengers or the contents of the vehicle.

206 (e) The City or a manufacturer or vendor of an automated road safety camera system may
207 not use, disclose, sell or permit access to data collected by an automated road safety camera

208 system except as necessary to process camera enforceable violations in accordance with this
209 chapter.

210 Section 9.

211 This Act shall take effect upon its passage