

HOUSE No. 5298

The Commonwealth of Massachusetts



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To the Honorable House of Representatives,

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment House Bill 5103, “An Act to reduce traffic fatalities”.

Over the past several years, our partnership and mutual goal of improving roadway safety has delivered significant enhancements to the Commonwealth’s driving laws, including hands-free requirements to prevent and enforce distracted driving. In addition to the legislation we enacted, I filed road safety legislation “An Act Relative to Improving Safety on the Roads of the Commonwealth” in both 2019 (S. 7) and in 2021 (H. 3706). I continue to encourage the Legislature to consider H. 3706, which includes meaningful safety measures missing from H. 5103, including Haley’s Law 2 (strengthening the penalties for those who injure someone while driving with a suspended license), red light enforcement options, and commercial driver’s license safety requirements.

I support several measures in this bill that were included in my road safety bills, including the requirement that Commonwealth vehicles in a certain category include convex and crossover mirrors, backup cameras, and lateral protective devices. I also believe in the importance of more accurate reporting of crashes involving vulnerable users, and am pleased to share that there already exists an online reporting public-facing platform (IMPACT – MassDOT Crash Data Portal <https://apps.impact.dot.state.ma.us/cdp/home>).

This bill also includes a provision establishing a minimum distance for motor vehicles when passing vulnerable users, a policy I support. As currently written, however, the passing distance formula presents enforcement and messaging challenges that would undermine the goal of a clearly understood and enforceable standard. This bill would establish a sliding scale of passing distances depending on the motor vehicles' speed, which would be confusing for motorists and difficult to enforce for local police. I propose instead to establish a consistent three-foot distance requirement. Clarification is also needed to ensure motorists do not mistake this provision as requiring them to cross the center line to overtake other vehicles.

In addition, Section 11 of this bill sets forth a requirement for MassDOT and DCR to establish 25 mile per hour speed limits on state highways or parkways that are inside a thickly settled or business district located in a city or town. Similarly, Section 16 permits the setting of speed limits without following an established and federally required process. The posting of arbitrary speed limits defined outside of the standard process required by the Manual on Uniform Traffic Control Devices (MUTCD) for National Highway System roadways under the jurisdiction of MassDOT, could jeopardize the use of federal funds that support road and bridge construction in Massachusetts. Moreover, our federal partners are currently undertaking a comprehensive safety review of the MUTCD, which will conclude next year with updated requirements for all roadways open to public travel, regardless of jurisdiction. It is prudent for the Commonwealth to implement speed limit and related changes after the federal process concludes to ensure consistency and compliance. Making these changes prior to the conclusion of the federal review and update to MUTCD may result in inconsistencies and noncompliance with federal law.

For these reasons, I recommend that Section 1 be amended by striking out, in line 16, the words:- "or other vehicle".

And I further recommend that Section 8 be amended by striking out the section in its entirety and replacing with:-

SECTION 8. Section 14 of said chapter 90, as so appearing, 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 and at a reasonable and proper speed.

And I further recommend that Sections 11 and 16 be amended by striking out these sections in their entirety.

Respectfully submitted,

Charles D. Baker,
Governor