

Massachusetts legislators considering traffic law violation cameras at intersections

By Colin A. Young, State House News Service

Drivers might think twice about gunning it through an intersection when the light has just turned red if a bill the Massachusetts Senate plans to debate next week becomes law.

Under a bill (S 2553) scheduled for a vote next Thursday when the Senate meets in its next formal session, cities and towns across Massachusetts could decide to install automated road safety camera systems to identify and then photograph vehicles that commit any number of traffic law violations at intersections.

The camera systems could look for vehicles that fail to stop at a red light, cars traveling at least five miles an hour above the posted speed limit, vehicles making a right turn at a red light where prohibited, and cars blocking an intersection or bus lane. Drivers who put the pedal down when they see a yellow light, however, would be safe – the bill declares that it would not be a violation “if any part of the vehicle was over the stop line when the light was yellow.”

If caught by a camera, the vehicle owner could be hit with a fine of up to \$25 under the bill, which was originally filed by Sen. William Brownsberger and redrafted by the Ways and Means Committee.

The person to whom the offending vehicle is registered would be liable for the violation, regardless of whether that person was driving the vehicle at the time, but camera enforced

violations would not be made part of the owner's driving record and would not count towards determining car insurance surcharges.

Exemptions would be made for cases in which the violation was necessary to get out of the way for an emergency vehicle, cars that are part of funeral processions or if the car is reported as stolen.

According to the Insurance Institute for Highway Safety (IIHS), 890 people were killed in 2017 in crashes that involved a vehicle running a red light and another 132,000 people were injured in red-light-running crashes. The group said a 2003 analysis of red light violation data from 19 intersections in four states without red light cameras found a red light violation rate of 3.2 per hour per intersection.

The idea of automated traffic and speed enforcement has surfaced on Beacon Hill before, most recently as part of a 2017-18 road safety bill. At the time, Brownsberger wrote that traffic enforcement cameras "could substantially reduce accidents," but said the political will has not existed to tackle the issue.

"Most of us are accustomed to making personal decisions about whether or not we can or should attempt to get away with a close push on a red light or a speed five or ten miles per hour above the speed limit. The fact is that police resources are very limited and millions of traffic violations go undetected or ignored every day on the roads of the Commonwealth," Brownsberger wrote on his website.

Brownsberger wrote that license plate reading technology has advanced to be "quite reliable" and that finances should not be a barrier since the fines would cover the costs of installing and operating the cameras.

"The barriers are legal and political. Implementation of automated enforcement requires state legislation to define a

new procedure for attaching fines to violations," he wrote on his website. "The legal problem is that, in the absence of an officer pulling someone over, it is impossible to know who was driving the vehicle. So, we would have to hold the vehicle owner responsible, but there is no...mechanism to do that for moving violations."

Concern also exists among lawmakers about the potential for over-enforcement and an expansion of the data that the government collects, he wrote.

The bill the Senate is expected to debate next week would limit cities and towns to no more than one traffic camera for every 2,500 residents and would require that the locations of the cameras be approved by the city manager, mayor or board of selectmen after a public hearing on the proposal. The municipality would also have to post an unobstructed sign notifying drivers at each intersection that a camera is in use.

The cameras would be prohibited from taking "a frontal view photograph of a motor vehicle committing a camera enforceable violation" and the bill directs municipalities to make additional efforts "to ensure that photographs produced by an automated road safety camera system do not identify the vehicle operator, the passengers or the contents of the vehicle." Photographs would be destroyed within 48 hours of the final disposition of the violation. The bill also spells out an appeals process.

The maximum fine that could be imposed for a camera enforceable violation would be \$25 and each municipality would only be allowed to collect as much money as is necessary to recover the costs of installing and operating the camera system. Any net revenue generated by the fines would be deposited into the statewide Transportation Trust Fund.

Senators have until 2 p.m. Monday to file proposed amendments

to the bill, and the Senate is expected to debate it during a formal session next Thursday. The Senate on Thursday morning also prepared two other bills for consideration next week.

One bill (S 2555) originally filed by Senate President Emerita Harriette Chandler and rewritten by the Ways and Means Committee would direct the Department of Motor Vehicles to create a process for either a homeless person or an unaccompanied homeless minor to apply for a Massachusetts identification card using documentation from a homelessness service provider as proof of residency.

Another bill (S 2554) filed by Sen. John Keenan and redrafted by Ways and Means would replace the term "disabled person" with the phrase "person with a disability" throughout a chapter of the General Laws and change the name of the Disabled Persons Protection Commission to the Commission for the Protection of Persons with Disabilities.

It also updates language to clarify the independence and practices of the DPPC.