



Maura Healey, Governor
Kimberley Driscoll, Lieutenant Governor
Monica Tibbitts-Nutt, Secretary & CEO



GUIDANCE MEMORANDUM

To: Contractors, Subcontractors, Vendors, Municipalities, and Others

Date: June 20, 2024

Re: **An Act to Reduce Traffic Fatalities**
Sections 9 and 10 of Chapter 358 of the Acts of 2022
M.G.L. c. 90, § 7

Please be advised that MassDOT is taking steps to implement the requirements of the above-referenced legislation (“An Act to Reduce Traffic Fatalities” or the “Act”). This memorandum provides information about those efforts and guidance on actions that may be taken by your organizations to ensure compliance in advance of January 1, 2025, the effective date of the law.

I. Statutory and Regulatory Requirements

Chapter 358 of the Acts of 2022 amended M.G.L. c. 90, § 7 by inserting the following requirements:

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 10,001 pounds or more, that is leased or purchased by the commonwealth on or after January 1, 2025, or operated under a contract with the commonwealth on or after January 1, 2025, shall be equipped with a lateral protective device, convex mirrors, crossover mirrors and backup cameras.

In addition, the Registry of Motor Vehicles is in the process of promulgating revisions to 540 CMR 4.00 by adding sections 4.10 through 4.13 to implement the new statutory requirements. A summary of the law and regulatory requirements are available at <https://www.mass.gov/info-details/truck-safety-devices>.

II. Contracts

The Act applies to all motor vehicles, trailers, semi-trailers or semi-trailer units classified as a class 3 or above by the Federal Highway Administration, with a gross vehicle weight rating of 10,001 pounds or more that is **operated under a contract with the commonwealth on or after January 1, 2025.**

Contractors, subcontractors, vendors and other parties operating vehicles under any contract with MassDOT are subject to the Act and include, without limitation, the following contracts:

- Construction Contracts
- Contracts for goods and services, including Design, Engineering Inspection, Survey, and Snow & Ice, and delivery of products
- Work provided pursuant to MassDOT's Accident Recovery Program
- Utility Force Account Agreements
- Municipal contracts funded with state aid through MassDOT (e.g., Chapter 90 Program, Municipal Small Bridge, Complete Streets, etc.)

III. Certification Process

1. RMV Self-Certification

The RMV is proposing regulations that will require the owner of a motor vehicle that is subject to the Act to certify that the motor vehicle is equipped with Lateral Protective Devices, Convex Mirrors, Cross Over Mirrors, and Back Up Cameras, as defined therein. The certification and required documentation will be submitted electronically to RMV and shall include the following:

- The owner's name, including the name of the contractor and/or subcontractor;
- The make, model, year, VIN and registration number of the vehicle;
- Attestation of compliance with requirements for Lateral Protective Devices, Convex Mirrors, Cross Over Mirrors, and Back Up Cameras;
- Digital color pictures showing the vehicle, VIN, registration, and the lateral protective devices, convex mirrors, cross over mirrors, and back up cameras on the vehicle;
- Certification that the vehicle does not contain aftermarket modifications or accessories such as bug deflectors, chrome visors, and bull bars that reduce the ability of the vehicle operator to directly see vulnerable users in the vicinity of the vehicle or that increase fatality and serious injury risk to Vulnerable Users.
- Certification that the operator of the vehicle is trained in the operation and use of the lateral protective device, convex mirrors, cross over mirrors and back up cameras.

2. MassDOT Prequalification

For construction contractors subject to M.G.L. c. 81, § 8B, MassDOT will implement compliance reporting and certification requirements as part of the annual prequalification renewal process. Details will be provided as these requirements are developed further.

3. Contract Award

For new contracts procured on or after January 1, 2025, MassDOT will include a compliance certification. Contractors and vendors entering contracts with MassDOT will be required to certify that their vehicles and their subcontractor's vehicles comply with the Act as a condition of the contract award.

IV. Contract Requirements

All parties to contracts with MassDOT in effect on or after January 1, 2025, are required to comply with the Act. Compliance is required by statute and costs associated with the installation of safety equipment are the responsibility of the contracting party. No changes or amendments will be made to existing contracts which already require contractors and vendors to comply with applicable state law and regulations.¹

For future construction contracts, MassDOT is developing contract requirements to clarify compliance. These provisions will include certification and reporting requirements, and appropriate measures for non-compliance, including deficiency deductions, referral to the Prequalification Committee for disciplinary action, suspension or termination of the contract, and other contract remedies. Some or all of these measures may be incorporated into future MassDOT contracts in other areas listed in Section II above.

V. Guidance

In preparation for the January 1, 2025, the effective date for contractors to comply with the Act, all current contractors, subcontractors, vendors, and those intending to bid on or provide subcontract work under MassDOT contracts, should:

- Review Chapter 358 of the Acts of 2022 and the proposed revisions to 540 CMR 4.00, specifically sections 4.10 – 4.13.
- Conduct an immediate review their fleet to identify those vehicles that are subject to the Act and any vehicles that are exempt from the requirements.
- As soon as possible, commence the process of equipping vehicles with required lateral protective devices, convex mirrors, cross over mirrors, and back up cameras. Early purchase and installation of required safety equipment will avoid potential supply issues that may arise later given the broad scope and application of the Act.
- Prepare all required documentation necessary to meet the certification requirements contained in the proposed regulations.
- Similarly, prepare documentation in anticipation of the prequalification renewal process, if applicable.
- Consult with other Commonwealth agencies with whom you have contracts to determine whether there are any additional agency-specific compliance requirements.

¹ See, e.g., MassDOT Standard Specification for Highway and Bridges, Division I, Subsection 7.01: “The Contractor shall at all times observe and comply with, and shall cause all their agents and employees to observe and comply with, all existing laws, ordinances, regulations, orders and decrees”; also see, e.g., MassDOT Standard Contract Form: “The Contractor shall comply with all applicable state laws and regulations . . .”