



City of Cambridge Police Department

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Robert C. Haas
Police Commissioner

Robert W. Healy
City Manager

July 18, 2012

Robert W. Healy
City Manager

Re: Council Order No.11, dated May 14, 2012
Referred back by Councilor Kelley for additional information

Dear Sir:

As requested I am responding to the above city council order for additional information regarding the motor vehicle/bicycle accident that occurred at Vassar Street and Massachusetts Avenue.

The Cambridge Police Department received a call on December 27, 2011 at 7:40 PM that a bicyclist was struck by a motor vehicle at Massachusetts Avenue and Vassar Street. The information received was that there was a bicyclist lying on the ground unconscious. Upon arrival, Cambridge Police and EMS tended to the victim and secured the area. The bicyclist was transported to Massachusetts General Hospital where he was pronounced dead by the Emergency Room doctor at 8:04 PM.

The department policy for any accident's that result in a death require the Middlesex District Attorney's Office and the Massachusetts State Police Collision Analysis Response Unit to be contacted and respond to the accident.

Upon arrival of the State Police, they conducted a review of the initial assessment of the accident completed by the Cambridge Police Traffic Enforcement Unit. The Department conducted an accident investigation that consisted of reviewing video from two M.I.T. cameras and one Bank of America camera. The video acquired from Bank of America did not provide any view of Vassar Street where the crash occurred. The two videos recorded from the M.I.T. cameras offered a view from the driver's side and behind the tractor trailer as it traveled north on Massachusetts Avenue. The tractor trailer unit was first observed passing the crosswalk at 77 Massachusetts Avenue then stopping at the red light at the intersection of Vassar Street. The camera that recorded the tractor trailer, at the intersection, was located on the Student Union Building at the "turn around". When the traffic signal turned green the driver made a right turn

onto Vassar Street. The tractor trailer unit was observed turning right from Massachusetts Avenue onto Vassar Street in a reasonable manner then stopping abruptly before completing the turn. After viewing the video from both (M.I.T.) cameras, we were unable to see the victim approach the location of impact.

In addition to the State Trooper's report, there were four interviews conducted of witnesses. Two of the four witnesses stated that they only observed what occurred post impact. Another witness stated that she did notice the truck making a right turn onto Vassar Street and that the driver was "taking the turn quite carefully." The final witness was a woman who contacted the District Attorney's Office reporting that she observed a man riding a bike in a reckless manner, on Memorial Drive shortly before the crash occurred. The description of this bike rider was not a match to the victim.

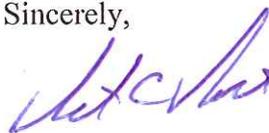
Trooper Atkinson of the State Police completed a separate accident reconstruction with several conclusions in his Collision Reconstruction Report. Trooper Atkinson reported that the possible cause of this collision was the encroachment of the bicycle path into the path of the turning tractor trailer. Second, he determined that there were several contributing factors of the collision including: the moderate to heavy rainfall, the incident occurring during the hours of darkness; the cyclist was not wearing reflective gear; the bicycle was equipped with only a rear facing illuminated light; and it is presumed that the bicyclist was travelling at a high rate of speed.

Due to several factors, it was determined that the speed of the tractor did not play a factor in this crash. In the opinion of Trooper Atkinson, it could not be determined with reasonable scientific certainty that the collision was avoidable or negligence could not be established.

On February 24, 2012 a charging conference was conducted to determine the possibility of filing charges against the driver of the tractor trailer. This conference was attended by A.D.A. Anna Evans, A.D.A. Kerry Collins, A.D.A. Adrienne Lynch, Trooper Dana Atkinson, Victim Witness Advocate Alyssa Donovan, and Sergeant Paul Timmins. After a lengthy discussion regarding the evidence collected, the weather conditions, the roadway, witness statements, and any applicable traffic laws; it was unanimously agreed upon that there was insufficient proof to pursue criminal charges against the driver.

If further information is required please contact me.

Sincerely,



Robert C. Haas
Police Commissioner

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IN CITY COUNCIL

May 14, 2012

COUNCILLOR CHEUNG
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COUNCILLOR REEVES
VICE MAYOR SIMMONS
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- WHEREAS: It has come to the attention of the Cambridge City Council that pedestrians and cyclists remain at risk as trucks continue to drive recklessly at the intersection of Massachusetts Avenue and Vassar Street; and
- WHEREAS: A bicyclist accident at the intersection of Vassar and Massachusetts Avenue this past December renewed safety concerns as Cambridge police have responded to 55 accidents at the intersection; 24 of them involving cars and bikes; and
- WHEREAS: In 2011, the intersection ranked No. 2 in Cambridge's top five dangerous intersections as thousands of people pass through it every day; now therefore be it
- ORDERED: That the City Manager be and hereby is requested work with the Traffic, Parking and Transportation Department and report back on a proposed plan of action to improve safety in the before-mentioned area and report back to the City Council.

In City Council May 14, 2012
Adopted by the affirmative vote of nine members.
Attest:- Donna P. Lopez, Interim City Clerk

A true copy;

ATTEST:-
Donna P. Lopez, Interim City Clerk