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What those gantries on the Pike are secretly doing

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ARAM BOGHOSIAN FOR THE BOSTON GLOBE

Devices on new gantries above the Massachusetts Turnpike will soon collect tolls. For now, they're capturing data on driving speeds.

By **Matt Rocheleau**

GLOBE STAFF AUGUST 06, 2016

The array of devices on the large, new metal gantries you've been driving under along the Massachusetts Turnpike will soon be electronically collecting tolls. But they are already quietly capturing and storing information on how fast you've been driving.

Officials with the state Department of Transportation say the data need to be gathered for the new toll system to work properly and that there is no plan to use the data to crack down on speeding motorists.

But privacy advocates worry that the state could change its mind someday. They are also concerned that data captured by electronic tolling could, regardless, wind up being used against drivers, if it is turned over for use in criminal or civil court cases or stolen by hackers.

“This information is very sensitive data showing when and where people traveled and how they were traveling,” said Kade Crockford, director of the Technology for Liberty Project at the American Civil Liberties Union of Massachusetts. “We need to make sure this data is protected.”

The network of gantries, which has been in test mode since the start of June and is scheduled to go live in October, will replace tollbooths on the Pike as the state makes the transition to all-electronic, open-road tolling.

Drivers will no longer have to stop, or even slow down, to pay tolls. Instead, vehicles with E-ZPass transponders will be charged automatically when they pass under sensors installed on the gantries.

Vehicles without transponders will have their license plates photographed by cameras mounted on the gantries, and a bill will be mailed to car owners.

MassDOT spokeswoman Jacquelyn Goddard said in an e-mail that the “primary reason” for capturing and storing speed and other toll transaction data “is to bill the customer correctly.” On the question of why speed data is





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needed to do that, Goddard referred the Globe to technical passage from a project contract indicating the data are used to synchronize cameras that record each license plate.

Another reason to capture the data is for research, Goddard said.

“Noncustomer identifying transaction data is also being stored in the interest of identifying traffic patterns,” she said.

The data are being stored indefinitely, at least for now. But MassDOT’s record-keeping practices may change.

The department said it plans to seek guidance from the state Records Conservation Board to determine what it should keep and for how long.

“Until RCB approval of the length of time to store the data is received, MassDOT will continue to collect and retain speed data,” Goddard said. “Once the RCB provides guidance, MassDOT will act accordingly and purge the MassDOT system of all data that no longer needs to be retained.”

The department views keeping all the data as the best solution for now, officials said. It is forbidden for state agencies to destroy records without approval of the board, which sets standards for the management and preservation of government records in Massachusetts.

“MassDOT has made this decision out of an abundance of caution to ensure MassDOT is within whatever amendments may be made by the RCB,” Goddard said.

Crockford said she and her colleagues at the ACLU this past week filed a public records request with the Transportation Department asking for its policy on the collection and handling of electronic tolling data.

The move to all-electronic, open-road tolling statewide began two years ago when the switch was made on the Tobin Bridge. Officials from the Transportation Department did not respond to questions from the Globe about whether that system has also been collecting speed data.

In other contexts, and particularly for cellphone users, leaving trails of data has become almost a routine part of contemporary life — one that many people think little about.



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A gantry on the Mass. Pike in Newton.

Still, Crockford said the state should be more transparent with the Pike-driving public about what exactly is being collected and what is being done to protect the data from hackers and to limit access to the data by state employees, law enforcement officials, and lawyers.

“Information like this in a centralized database is a target for hackers and it could also be used internally by people at the Department of Transportation,” said Crockford.

“If I’m a divorce lawyer, I might want to know if my client’s husband got off a certain exit at a certain

time,” she added. “And law enforcement could have plenty of reasons to want access to this information.”

E-ZPass records have been used in court cases before, including [in Massachusetts](#), according to [many media reports](#).

Goddard, the Transportation Department spokeswoman, acknowledged that the agency would surrender toll transaction data if it was “legally required to do so, for example, in the event MassDOT would receive a subpoena for information.”

Crockford said there’s always the fear that, down the line, the Transportation Department or other state leaders may change course and decide they do want to use the speed data to ticket drivers.

She said her organization is still researching whether current laws allow the state to use electronic tolling data to issue tickets for speeding or other traffic infractions. But, citing [existing language in a state statute](#), she said it appears the data could not be used for such purposes without action by lawmakers.

[State law says](#) that MassDOT “shall maintain the confidentiality of all information including, but not limited to, photographs or other recorded images and credit and account data relative to account holders who participate in its electronic toll collection system. Such information shall not be a public record . . . and shall be used for enforcement purposes only with respect to toll collection regulations.”

The collection of speed data from the Pike gantries was [first reported](#) by [MassLive.com](#).

Elsewhere in the country, automated technology is used to ticket speeding drivers. Illinois, Maryland, and Oregon use speed cameras in construction zones, and communities across 12 other states and Washington, D.C., also use speed cameras, according to the [Insurance Institute for Highway Safety](#).

But automated speed enforcement has generated [controversy](#) amid claims it is [unconstitutional](#) and an [invasion of privacy](#), prompting some jurisdictions to [stop doing it](#).

Thirteen states have passed laws prohibiting the use of speed cameras, according to the [Governors Highway Safety Association](#). The group lists Massachusetts as one of 28 states with no law specifically addressing the use of speed cameras.

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