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New Mass. gantries can send authorities alerts

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An All Electronic Tolling (AET) gantry on the Mass. Pike.

By Matt Rocheleau

GLOBE STAFF AUGUST 22, 2016

The state's new all-electronic tolling system will include a "hot list" feature capable of sending law

enforcement officials instant alerts when cars with specified license plates or transponders pass under toll gantries.

State transportation officials confirmed the technology is being installed on the Mass. Pike, and vowed that the feature — which has raised privacy concerns — will be used only to track vehicles in public safety emergencies, such as when a child abduction prompts an Amber Alert.

State officials are working with the Executive Office of Public Safety and Security to draft a list of all situations that warrant “hot list” use. The transportation board takes up the issue Monday.

The state “cares deeply about protecting information about drivers,” said transportation spokeswoman Judith Riley in a prepared statement.

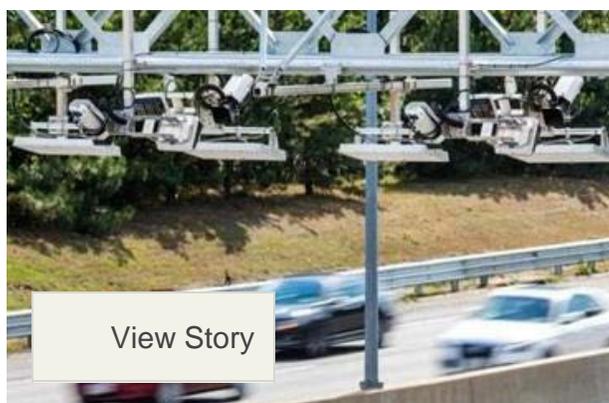
Still, the prospect of government surveillance has raised questions by the American Civil Liberties Union, among others.



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What will the state do with info?

Here are some key things to know about the new tolling system and the privacy debate.

“There’s a real possibility for abuse and misuse with this kind of technology,” said Kade Crockford, director of the Technology for Liberty Project at the American Civil Liberties Union of Massachusetts.

“We need to discuss this publicly,” she added. “We need outside legal experts to be involved in helping MassDOT set appropriate policies that won’t violate people’s rights, but at the same time will still allow for public safety officials to use this technology when there’s a true emergency and someone’s life is actually at risk.”

The feature allows certain license plates and transponders to be flagged for monitoring. If the toll-collection equipment, which is mounted on the new metal gantries that have recently sprouted above the Turnpike, detects a license plate or transponder from the hot list, an alert will automatically be sent within a matter of seconds to a specified distribution list of e-mail addresses.

MassDOT officials stressed the feature would be used only in emergencies — and the agency will seek the views of the public.



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Cars whizzed by a Mass. Pike toll gantry in Newton.

“Circumstances by which such data could be used will be defined through the development of policy and/or regulation through a public process,” Riley said.

State Police spokesman David Procopio wrote in an e-mail that State Police did not expect to use such a feature as “a matter of routine operation.”

“We embrace the technology with all appropriate discretion, and would request immediate utilization of plate reader data extremely judiciously,” Procopio said.

He said the feature would be used only when “circumstances supported by credible evidence suggest that a person may be in imminent danger of death or injury.”

“There are safeguards in place to protect the public’s privacy rights, and we are judicious and mindful of due process in our use of the technology,” he added. “But it is also important to note that the

technology could save someone's life someday.”

State transportation officials confirmed the installation of the “hot list” feature in Massachusetts after the Globe found that the “hot list” provision was included in the 2014 contract MassDOT and Raytheon Co. agreed to when the company was hired to install all-electronic tolling on the Turnpike.

That contract also said that Raytheon had included a hot list feature in tolling systems it installed on Virginia's Interstates 495 and 95, and on the Florida Turnpike. The contract was procured by MuckRock, a nonprofit research organization that specializes in obtaining government documents through records requests.

Officials from Raytheon declined to comment.

The hot list feature makes use of automatic license plate recognition [technology](#), which has been installed on some police cruisers to scan and collect data on license plates of cars passing by. The technology has become both [common](#) and [controversial](#) in recent years.

US Representative Michael Capuano, a Somerville Democrat, has raised concerns about the technology.

“I have no problem with law enforcement using the technology. If they have an individual they're following and they want to track, and they get a court order, that's fine,” Capuano said.

But he said he was concerned that data from the system might be stored for long periods of time.

“My main concern is the long-term storage and the bulk collection gathering” of data, Capuano said. “99.99 percent of the people whose information is being collected are totally innocent and have done nothing wrong. So why keep a dossier on them?”

Earlier this month, [the Globe reported](#) that the system, even before it has started collecting tolls, has been quietly capturing and storing potentially sensitive data, including the precise time a vehicle passes through each toll zone and the vehicle's speed at that time.

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‘My main concern [on tolling system] is the long-term storage and the bulk collection gathering’ of data.’

US Representative Michael Capuano,
Democrat of Somerville

Transportation officials have said the primary reason for collecting the data is to ensure accurate billing.

They have said that the speed data needs to be gathered for the tolling system's cameras to capture a precise image of license plates, and there is no plan to use the information to ticket speeding motorists.

They also have said they have been storing data, without identifying information, for research purposes.

All the toll transaction data the system has collected is being stored indefinitely, at least for now. But MassDOT's record-keeping practices may change.

The department said it plans to soon seek guidance from the state Records Conservation Board about what tolling data it should retain and for how long.

The board sets standards for the management and preservation of government records in Massachusetts.

The department said its aim will be to keep data only as long as necessary to charge and collect tolls.

And, officials said, existing federal and state laws help protect the records from being shared or used for non-tolling purposes. In addition, officials said they planned to draft new regulations and clarify existing ones to ensure information is protected.

The department said its current practice is to not disclose any data for non-tolling purposes unless it is subpoenaed. The department said it notifies people whose information is sought through subpoenas, allowing them to take legal action to fight the subpoenas.

MassDOT has received about a dozen subpoenas per year, on average, for toll transaction data, including subpoenas from federal officials, law enforcement agencies, and lawyers representing individuals in divorce and other civil cases, officials said.

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