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Wednesday, September 26, 2007

Road rage may become major crime

House also gets bill to hike penalties for drag racing

By John J. Monahan TELEGRAM & GAZETTE STAFF
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BOSTON— Road rage would become a crime and those who drag race would face stiffer penalties and possible jail time under new highway bills aired at the Statehouse yesterday.

Lawmakers heard emotional testimony from a Leominster man whose pregnant wife was killed two years ago when the wife's car was struck by a drag-racing motorist in Lowell.

House Transportation Committee Chairman Joseph F. Wagner, D-Chicopee, promised quick action on a bill raising penalties for drag racing after listening to testimony from Brant Hornberger.

Deborah Hornberger had left her job and was on the way to a prenatal yoga class when she was killed by one of two cars racing on the Lowell Connector that crossed the median strip, flipped over and crashed into Ms. Hornberger's vehicle and another oncoming car. She died a short while later after being rushed to a hospital. Her unborn baby also died.

Mr. Hornberger recounted the loss of his family as the Transportation Committee heard legislation that would increase penalties for street racing from a \$100 fine and 3 months in jail, to fines of up to \$1000, up to 2-1/2 years in jail and a 30-day driver's license suspension.

State Rep. Jennifer L. Flanagan, D-Leominster, cited the Lowell tragedy as an example of street racers showing "a blatant disregard for safety. ... Really, something needs to be done."

The sponsor of the bill, state Sen. Steven C. Panagiotakos, D-Lowell, and Mr. Wagner both used the phrase "zero tolerance" describing their hope for the Legislature's ability to ban street racing with the stiffer penalties.

In that case Carlos Rodriques, then 19, and Angel Nieves, 25, were racing in separate cars at speeds of more than 90 mph when Mr. Rodriques crashed his car over the median strip, killing Ms. Hornberger. He and Mr.

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Nieves were later convicted of manslaughter, vehicular homicide and drag racing.

Mr. Rodriques was sentenced to 5 years in prison and his license was suspended for 15 years. He also faces 3 years on probation for drag racing. Mr. Nieves also was sentenced to 5 years in prison for two counts of motor vehicle homicide and got 5 years probation for racing.

State Rep. Harold P. Naughton Jr., D-Clinton, said he filed the road rage bill after Holden police Lt. Donald Ball told him police do not have a criminal charge on the books that can be brought against drivers who intimidate and endanger people on the roads.

“This would create the crime of road rage and penalties to deal with those convicted of it,” starting with a civil fine of up to \$500, a requirement to attend road rage classes, the potential loss of driver’s license and potential jail sentences.

The proposed legislation would make it a crime to “aggressively, maliciously or recklessly” drive in a way that endangers another motorist.

That would include speeding, following too closely, failing to give way to a passing vehicle, unsafe lane changes, purposely braking to endanger or annoy the driver of a following vehicle, threatening to commit bodily injury, menacing or obscene gesturing, and unnecessary sounding of horns.

The legislation would require police to investigate all reports of road rage, even if police do not witness it. If a citation is issued police must immediately seek a driver’s license suspension from the Registry of Motor Vehicles.

Police would be empowered to arrest violators on the spot without warrants. Fines would range from \$200 to \$1,000 with up to 2-1/2 years in jail. Anyone found guilty would have to attend anger management classes and have their driver’s license revoked for one to five years.



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