

HOUSE No. 00930

The Commonwealth of Massachusetts

PRESENTED BY:

Aaron Michlewitz

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act concening tunnel safety.

PETITION OF:

NAME:

Aaron Michlewitz

DISTRICT/ADDRESS:

3rd Suffolk

HOUSE No. 00930

By Mr. Aaron Michlewitz of Boston, petition (accompanied by bill, House, No. 00930) of Aaron Michlewitz relative to the purchase of tunnel safety insurance by the Executive Office of Transportation. Joint Committee on Transportation.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act concening tunnel safety.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 81A of the General Laws is hereby amended by adding after section 31
2 the following sections:

3 SECTION 32: No later than July 31 of every calendar year, the Office of Inspector General
4 shall, in consultation with the Division of Insurance and the Executive Office of Transportation,
5 determine, for each privately owned, publicly used railway or roadway tunnel, the types and
6 amounts of insurance coverage necessary to fully protect the traveling public and the
7 Commonwealth in the event of any incident within each such tunnel causing harm or injury to
8 any person or property. For purposes of this legislation, the term “tunnel” shall mean any below-
9 ground tunnel, platform, air rights structure, or any component thereof over which public open
10 space or private development currently exists, or might be added.

11 No later than August 31 of every calendar year, the Executive Office of Transportation
12 shall publish a roster of all privately owned, publicly used tunnels, which such roster shall
13 include at a minimum the following information for each tunnel: tunnel's identity and location,
14 tunnel owner's identity, minimum requirements set by the Inspector General, types and amounts
15 of coverage actually in force, exclusions, underwriter's identity, broker's identity, premium
16 period, premium amount, and current expiration date. The Executive Office of Transportation
17 roster shall be designed and expressed to facilitate usage by the general public and shall either
18 avoid or explain industry-specific terminology.

19 No later than September 30 of every calendar year, the owner of each privately owned,
20 publicly used tunnel shall purchase at least the minimum coverage required, as determined by the
21 Office of Inspector General in accordance with this section, for the following calendar year and
22 shall provide proof of such coverage in a form and manner outlined by the Inspector General to
23 the Executive Office of Transportation. The Executive Office of Transportation shall publish
24 such information at no charge to the public and update the published roster accordingly.

25 If any owner of a privately owned, publicly used railway or roadway tunnel fails to
26 provide proof of the minimum required coverage, as determined by the Office of Inspector
27 General in accordance with this section, by September 30 of any year, the Executive Office of
28 Transportation shall purchase such coverage and shall subsequently collect from the tunnel
29 owner full reimbursement for all premiums paid by the state, as well as all costs of enforcement
30 and collection incurred by the state.