

**HOUSE . . . . . No. 2193**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*RoseLee Vincent*

*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 adoption of the accompanying bill:

An Act further regulating transportation of hazardous materials.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>

**HOUSE . . . . . No. 2193**

By Ms. Vincent of Revere, a petition (accompanied by bill, House, No. 2193) of RoseLee Vincent and others for legislation to further regulate the transportation of hazardous materials. Public Safety and Homeland Security.

**The Commonwealth of Massachusetts**

**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**

An Act further regulating transportation of hazardous materials.

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

1 For construction projects in the Commonwealth of Massachusetts where parcels exceed  
2 20 acres and dwellings exceed 100,000 square feet; and further, where hazardous materials, as  
3 defined by the Code of Federal Regulations, Title 49, Transportation, Parts 100-199, may require  
4 clean up and transportation as part of the overall construction project, in addition to all applicable  
5 state and federal environmental laws and regulations, the following shall also apply:

6 Section 1. The developer must create a hazardous material transportation route plan for  
7 said contaminated material that identifies any and all communities through which said hazardous  
8 material may be transported. Further, within 60 days of the completion of the plan, the developer  
9 must submit a notice of intent to transport said hazardous material, with a copy of said plan, to  
10 each community that is included in the plan and that is potentially impacted by the developer’s  
11 transportation of hazardous materials.

12           Section 2. Within 90 days of the creation of the transportation route plan outlined in  
13 Section 1 of this Act, the developer shall also submit the hazardous material transportation route  
14 plan to the Massachusetts Department of Public Health Community Health Assessment Division.  
15 Upon receipt, the department shall review the plan and conduct a community specific  
16 environmental health assessment. Said assessment shall include but not be limited to a review of  
17 the hazardous materials being transported and the health risk associated with each. Further, the  
18 department shall develop a plan to mitigate any risk to public health in the event of a hazardous  
19 material spill all communities named in said hazardous material transportation route plan.

20           Section 3. Upon completion of said community specific environmental health assessment,  
21 the division shall distribute the assessment to each municipality identified in the transportation  
22 route plan.

23           Section 4. Within 120 days, each municipality shall review the community specific  
24 environmental health assessment. The local municipal governing body as well as the local board  
25 of health must each vote to accept or reject the hazardous material transportation route plan  
26 submitted by the developer.

27           Section 5. In the event of a spill of hazardous material transported from the construction  
28 project as identified in Section 1, the developer of said project shall be required to pay the total  
29 cost associated with the mitigation, clean up and removal of said material from any and all  
30 communities impacted.