

HOUSE No. 2303

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to Massachusetts port 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. The following words, as used in this act, shall have the following
2 meanings:—

3 “Barge”, a non-self-propelled vessel carrying hazardous cargos, as defined herein, in bulk
4 or residues from said cargos.

5 “Docking pilot”, a person qualified under the regulations promulgated pursuant to this
6 act, aboard a regulated vessel, who is responsible for overseeing and coordinating the vessel’s
7 transit escort or assisting with the mooring or unmooring of the regulated vessel.

8 “Escort Vessels”, commercial harbor tugboat and towboat vessels conducting ship assist
9 and escort services.

10 “Harbor Transit”, the passage of a regulated vessel within a Massachusetts Port.

11 “Hazardous Cargos”, gaseous, liquid or bulk cargos consisting in whole or in part of
12 petroleum or hazardous substances as defined in section 1 of chapter 94B of the General Laws.

13 “Massachusetts Ports”, the waters of the Commonwealth contiguous to the navigable
14 waters of the United States which receive regulated vessels including Boston Harbor, Chelsea,
15 Everett, Revere, Quincy and Quincy Bay, Dorchester Bay, Weymouth Fore River, Weymouth
16 Town River and Salem Harbor, all as shown on the most current United States National Oceanic
17 and Atmospheric Administration Nautical Charts.

18 “Office of Public Safety”, the Commonwealth of Massachusetts Executive Office of
19 Public Safety.

20 “Petroleum”, insoluble or partially soluble oils of any kind or origin or in any form,
21 including, without limitation, crude, waste or fuel oils and gasoline, lube oil or sludge, and their
22 insoluble or partially insoluble derivatives.

23 “Regulated Vessels”, inbound and outbound tanker ships, freighters, barges, and other
24 vessels conveying bulk hazardous cargos.

25 “Tanker Ship”, a self-propelled vessel carrying hazardous cargos in bulk or residues from
26 said cargos.

27 “Transit Escort”, one or more tug or tow boats escorting or assisting a regulated vessel
28 during a harbor transit.

29 SECTION 2. Notwithstanding the provisions of chapter 102 or chapter 103 of the
30 General Laws or any other general or special law to the contrary, the office of public safety, or
31 any agency within said office so designated by the secretary of the office of public safety, shall
32 promulgate regulations governing harbor transits and regulated vessels and escort vessels
33 conducting said harbor transits in Massachusetts Ports. The regulations shall address the safety

34 and environmental concerns posed by regulated vessels and escort vessels engaged in the harbor
35 transit and maneuvering in close quarters of cargos defined as hazardous by

36 this act. Said regulations shall include, but not be limited to, the required use of a
37 qualified docking pilot for harbor transits, and:

38 (i) the training, experience and qualifications for docking pilots;

39 (ii) the number and type of escort vessels required for various regulated vessels, their
40 cargos and for various harbor transits;

41 (iii) for escort vessels:

42 a) requisite equipment;

43 b) crew training;

44 c) crew complement;

45 d) record keeping and reporting requirements;

46 e) mechanisms for oversight of the regulations promulgated

47 hereunder, which may include private, third-party auditors;

48 f) specific conditions and operations occurring in each Massachusetts Port; and

49 g) support of emergency services.

50 In drafting its regulations, the office of public safety or its designee shall seek input from
51 the Captain of the Port of Boston; harbor pilots; docking pilots; tug and barge operators; shipping
52 agents; terminal operators; harbor masters, fire and police departments from the municipalities in

53 which the Massachusetts Ports are located; the Massachusetts State Police, Massachusetts Office
54 of Coastal Zone Management, Massachusetts Port Authority, and the Environmental Business
55 Council of New England. The office

56 of public safety, or any agency within said office so designated by the secretary of the
57 office of public safety, shall be responsible for the enforcement of the provisions of this act and
58 any regulation

59 promulgated pursuant to this act, and in doing so may enter into agreements or other
60 instruments with agencies or independent authorities of federal, state, county, regional or
61 municipal government that provide for the cooperative enforcement of this act.

62 SECTION 3. The office of public safety or its designee shall promulgate regulations
63 governing regulated vessels and escort services operating in Massachusetts Ports in accordance
64 with the foregoing not later than 120 days from the effective date of this act.