SENATE DOCKET, NO. 287 FILED ON: 1/13/2009

SENATE . . . . . No. 945

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to safe transportation of explosive and inflammable materials..

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

SECTION 1. Chapter 90 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting, after Section 18A, the following section:—

Section 18B. (a) For purposes of this section, "passenger vehicle" means any motor vehicle that is used or maintained primarily for the transportation of persons and not for commercial transportation of any article or material identified in section 9 of chapter 148 of the General Laws.

(b) Notwithstanding any general or special law to the contrary, a municipality may prohibit, with the approval of the highway department, not to be unreasonably withheld, the intrastate commercial transportation of any article or material identified in section 9 of chapter 148 of the General Laws inside a traffic rotary located within the boundaries of such municipality.

(c) Any municipality proposing to prohibit transportation under this section must first file with the highway department (i) its request for such prohibition, including a detailed map

showing the route that would be prohibited and (ii) a reasonable and safe alternative route, including a detailed map showing the alternative route proposed. The highway department shall provide notice and copies of the filing within seven (7) business days of receipt of such filing to the following: the chief executive officer of any municipality located within five (5) miles of the affected traffic rotary and proposed alternative route; the head of the fire department of any municipality located within five (5) miles of the affected traffic rotary and proposed alternative route; the police chief of any municipality located within five (5) miles of the affected traffic rotary and proposed alternative route; the executive office of public safety; the Fire Chiefs' Association of Massachusetts; the Professional Fire Fighters of Massachusetts; the Massachusetts Chiefs of Police Association; and the local Teamsters union in closest proximity to the municipality proposing the prohibition. The highway department shall make its final determination no later than ninety (90) days following receipt of the filing by the municipality, unless the municipality has amended its filing, in which event the highway department shall make its final determination no later than ninety (90) days following receipt of the amended filing. The highway department shall give notice of any amended filing in the same manner as provided above.

(d) In making its determination of the proposed prohibition and alternative route, the highway department shall take into account: the proximity of such transportation to residential areas; the risk of further damage from a fire or explosion; the capacity of emergency workers to respond to a collision, accident or equipment malfunction and its effects; and any impact that the alternative route would have on municipalities provided with notice pursuant to this section.

(e) Nothing in this section shall be construed to restrict, limit or prohibit the transportation of a passenger vehicle.