

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:

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

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

7 (b) Notwithstanding any general or special law to the contrary, a municipality may
8 prohibit, with the approval of the highway department, not to be unreasonably withheld, the
9 intrastate commercial transportation of any article or material identified in section 9 of chapter
10 148 of the General Laws inside a traffic rotary located within the boundaries of such
11 municipality.

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

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

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

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