

**HOUSE . . . . . No. 3128**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Denise Provost*

*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 relative to safe and healthy travel.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/18/2013</i>

**HOUSE . . . . . No. 3128**

By Ms. Provost of Somerville, a petition (accompanied by bill, House, No. 3128) of Denise Provost for legislation to prohibit the use of mobile telephones by operators of motor vehicles, to establish certain traffic safety zones and to regulate motor vehicles emissions. Transportation.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act relative to safe and healthy travel.

*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. Section 1 of chapter 90 of the General Laws, as appearing in the 2008  
2 Official Edition, is hereby amended by inserting after the definition of “Fullmount” the  
3 following new definition:-

4 “Functionally classified”, shall refer to how a roadway is classified by the Federal  
5 Highway Administration’s functional classification system guidelines.

6 SECTION 2. Section 17 of said chapter 90, as so appearing, is hereby amended by  
7 striking out, in line 13, the words “or (4)” and inserting in place thereof the following:-

8 (4) on a functionally classified local road at a rate of speed exceeding 25 miles per hour  
9 for a distance of one-eighth of a mile, or (5).

10 SECTION 3. Chapter 85 of the General Laws, as appearing in the 2008 Official Edition,  
11 is hereby amended by inserting after section 21A the following section:-

12 Section 21B. Notwithstanding any general or special law to the contrary, a city or town  
13 may establish, on ways within their control, one or more, senior citizen safety zones, which may  
14 be an area adjacent to a facility, publicly or privately owned and used as senior citizen housing, a  
15 hospital, nursing home or assisted living facility; a community center where senior activities are  
16 conducted on a regular basis, or a congregate elderly residential facility.

17 A senior citizen safety zone may be established by a city council, the transportation  
18 commission of the City of Boston, the board of selectmen, traffic commission, or traffic director,  
19 in the manner set forth by municipal charter or other local law, in the manner set forth by

20 municipal charter or other local law, for the adoption of traffic rules, regulations, ordinances, or  
21 bylaws. The locally-designated body charged with regulating traffic may take necessary action to  
22 reduce vehicular speed by reducing speed limits to not less than 20 miles per hour or such lower  
23 speed limit as is set for school zones and by installing signals or appropriate signs and restriping  
24 roadways, and may adopt and amend rules and regulations to carry out this section.

25 The city or town shall notify the state traffic engineer upon the establishment of a senior  
26 citizen safety zone, and shall notify the state traffic engineer of any reduction of speed on a  
27 functionally classified local roadway.

28 This section shall not apply to any state highway, numbered route or functionally-  
29 classified arterial.

30 SECTION 4. Section 17 of chapter 90 of the General Laws, as appearing in the 2008  
31 Official Edition, is hereby amended by inserting after the word “hour”, in line 15, the following  
32 words:-

33 , or (5) within a senior citizen safety zone which may be established by a city or town as  
34 provided in section 21B of chapter 85 at a rate of speed exceeding 20 miles per hour or such  
35 lower speed limit as is set for school zones.

36 SECTION 5. Section 2 of chapter 85 of the general laws, as appearing in the 2008 official  
37 edition, is hereby amended by inserting after the phrase “schools zones,” in line 35, the phrase  
38 “senior safety zones.”

39 SECTION 6. Chapter 85 of the General Laws, as appearing in the 2008 Official Edition,  
40 is hereby amended by inserting after section 21B the following section:-

41 Section 21C. Notwithstanding any general or special law to the contrary, a city or town  
42 may establish, on ways within their control, one or more, recreational safety zones, which may  
43 be an area adjacent to a park, playground, athletic field, public pool, public skating rink, or other  
44 public recreational facility.

45 A recreational safety zone may be established by a city council, the transportation  
46 commission of the City of Boston, the board of selectmen, traffic commission, or traffic director,  
47 in the manner set forth by municipal charter or other local law, in the manner set forth by  
48 municipal charter or other local law, for the adoption of traffic rules, regulations, ordinances, or  
49 bylaws. The locally-designated body charged with regulating traffic may take necessary action to  
50 reduce vehicular speed by reducing speed limits to not less than 20 miles per hour or such lower  
51 speed limit as is set for school zones and by installing signals or appropriate signs and restriping  
52 roadways, and may adopt and amend rules and regulations to carry out this section.

53           The city or town shall notify the state traffic engineer upon the establishment of a senior  
54 citizen safety zone, and shall notify the state traffic engineer of any reduction of speed on a  
55 functionally classified local roadway.

56           This section shall not apply to any state highway, numbered route or functionally-  
57 classified arterial.

58           SECTION 7. Section 17 of chapter 90 of the General Laws, as appearing in the 2008  
59 Official Edition, is hereby amended by inserting after subsection 5, in line 15, the following  
60 words:-

61           , or (6) within a recreational safety zone which may be established by a city or town as  
62 provided in section 21B of chapter 85 at a rate of speed exceeding 20 miles per hour or such  
63 lower speed limit as is set for school zones.

64           SECTION 8. Section 2 of chapter 85 of the general laws, as appearing in the 2008 official  
65 edition, is hereby amended by inserting after the phrase “senior citizen safety zones,” the phrase  
66 “recreational safety zones.”

67           SECTION 9. Section 16A of Chapter 90 of the General Laws, as appearing in the 2008  
68 Official Edition, is hereby amended by striking the words “in excess of five minutes” and  
69 inserting in place thereof the following “in excess of three minutes”.

70           SECTION 10. The following words and phrases as used in this section shall have the  
71 following meanings:-

72           “particulate matter” shall mean a broad class of chemically and physically diverse  
73 substances that exist as discrete particles in air

74           “fine particulate matter” shall mean particulate matter less than or equal to 2.5  
75 micrometers in diameter

76           “ultrafine particulate matter” shall mean particulate matter less than or equal to .1  
77 micrometers in diameter (.1 micrometers is equivalent to 100 nanometers)

78           SECTION 11. The center for environmental health of the department of public health  
79 shall conduct a comprehensive study of data on the health effects of particulate air pollution from  
80 surface transportation. The study shall focus on understanding the health impacts from fine and  
81 ultrafine particulate matter upon populations that are located within 500 feet of any roadway with  
82 50,000 or more motor vehicle trips per day, or any rail line regularly used by diesel locomotives;  
83 provided further, that the study shall include, but not be limited to, examining respiratory and  
84 cardiovascular disease and cancer incidence that may be affected by exposure to surface  
85 transportation-related particles. The following departments and agencies of the commonwealth  
86 shall provide information to the center for environmental health of the department of public

87 health relevant to this study: the department of environmental protection, the department of  
88 transportation (MassDOT), and the central transportation planning staff of the Boston  
89 metropolitan planning organization. The department of public health shall report its findings, or a  
90 progress report, together with any recommended response actions by the commonwealth to the  
91 house and senate committees on ways and means, to the Secretary of the Executive Office of  
92 Energy and Environmental Affairs, and to the Secretary of the Executive Office of  
93 Transportation, not later than two years after the adoption of this act; provided further that no  
94 less than \$250,000 shall be appropriated for this purpose.

95 SECTION 12. Chapter 21A of the General Laws is hereby amended by inserting after  
96 section 18A the following section:

97 Section 18B: The department of environmental protection in consultation with the  
98 department of public health shall promulgate regulations, based on the best available science,  
99 establishing health risk assessment guidelines and exposure standards within the commonwealth  
100 for ultrafine and fine particulate matter. To ensure the accuracy and completeness of the  
101 assessment, the department's guidelines shall set forth standard procedures for conducting air  
102 dispersion modeling; obtaining dose-response values; estimating the frequency, duration, and  
103 intensity of exposure; and estimating both acute and chronic health risks. Exposure standards  
104 shall be based on the best available science. The Department of Environmental Protection will  
105 develop a plan for monitoring particulates so as to acquire data indicative of areas of greatest  
106 hazard to human health.

107 SECTION 13. Section 9 of Chapter 155 of the Acts of 2010 is hereby amended by  
108 striking the first sentence and inserting in place thereof the following:-

109 "Section 13B. (a) No operator of a motor vehicle shall use a mobile telephone, as defined  
110 in Section 3, while operating a motor vehicle on any public way."