HOUSE DOCKET, NO. 2067 FILED ON: 1/17/2019

HOUSE . . . . . No. 3088

The Commonwealth of Massachusetts

PRESENTED BY:

Aaron Michlewitz

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 concerning tunnel safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Aaron Michlewitz	*3rd Suffolk*	*1/17/2019*

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HOUSE . . . . . No. 3088

By Mr. Michlewitz of Boston, a petition (accompanied by bill, House, No. 3088) of Aaron Michlewitz relative to the purchase of tunnel safety insurance by the Executive Office of Transportation. Transportation.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *2741* OF 2017-2018.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act concerning tunnel safety.

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 81A of the General Laws is hereby amended by adding after Section 31 the following sections:

Section 32. No later than July 31 of every calendar year, the Office of Inspector General shall, in consultation with the Division of Insurance and the Executive Office of Transportation, determine, for each privately owned, publicly used railway or roadway tunnel, the types and amounts of insurance coverage necessary to fully protect the traveling public and the Commonwealth in the event of any incident within each such tunnel causing harm or injury to any person or property. For purposes of this legislation, the term “tunnel” shall mean any below-ground tunnel, platform, air rights structure, or any component thereof, over which open space or development exists, or could be added.

The Executive Office of Transportation shall publish on its Web site a roster of all privately owned, publicly used tunnels, and update it at least monthly. Such roster shall include at least the following information for each tunnel: tunnel identity and location, tunnel owner identity, tunnel status (e.g., proposed, in-design, approved, under-construction/renovation, in-use), minimum insurance requirements set by the Inspector General, types and amounts of coverage actually in force, exclusions, underwriter's identity, broker's identity, policy period, and premium amount. The Executive Office of Transportation roster shall be designed and expressed to inform the general public, and shall either avoid or explain industry-specific terminology.

No later than September 30 of every calendar year, the owner of each privately owned, publicly used tunnel shall purchase at least the minimum coverage required, as determined by the Office of Inspector General in accordance with this section, for the following calendar year and shall provide proof of such coverage in a form and manner outlined by the Inspector General to the Executive Office of Transportation.

If any owner of a privately owned, publicly used railway or roadway tunnel fails to provide proof of the minimum required coverage, as determined by the Office of Inspector General in accordance with this section, by September 30 of any year, the Executive Office of Transportation shall purchase such coverage and shall subsequently collect from the tunnel owner full reimbursement for all premiums paid by the state, as well as all costs of enforcement and collection incurred by the state.