

HOUSE No. 3427

The Commonwealth of Massachusetts

PRESENTED BY:

Michelle L. Ciccolo

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 a resilient transportation system.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>2/19/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/25/2021</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>2/25/2021</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>2/26/2021</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/26/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>2/26/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/26/2021</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>2/26/2021</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/26/2021</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>3/7/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/8/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>3/17/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>9/3/2021</i>

HOUSE No. 3427

By Ms. Ciccolo of Lexington, a petition (accompanied by bill, House, No. 3427) of Michelle L. Ciccolo and others relative to providing for a resilient transportation system. Transportation.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to a resilient transportation system.

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 21N of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by inserting after “person” the following definition:

3 “Adaptation cost assessment”, a determination of the life cycle financial cost of
4 infrastructure procured and infrastructure improvements made to implement the adaptation
5 strategies identified in a vulnerability assessment. The adaptation cost assessment shall include:
6 (i) estimated financial costs associated with procurement, construction, maintenance, retrofits,
7 and other related improvements made to said infrastructure, and (ii) the estimated financial cost
8 savings resulting from the abated climate risk associated with said infrastructure procurement
9 and improvement. The adaptation cost assessment shall evaluate said infrastructure from its
10 acquisition to its decommissioning. The adaptation cost assessment may include an estimation of
11 the financial value of the co-benefits resulting from said infrastructure procurements and
12 improvements.

13 SECTION 2. Section 10 of Chapter 21N of the General Laws, as so appearing, is hereby
14 amended by inserting after subsection (c) the following sections:

15 (d) The vulnerability assessment pursuant to subsection (b) of this section for the
16 department of transportation shall include an adaptation cost assessment as defined in section 1
17 of this chapter. The vulnerability assessment and adaptation cost assessment shall pertain to all
18 assets comprising the metropolitan highway system as defined in section 1 of chapter 6c. The
19 vulnerability assessment shall identify adaptation solutions to be prioritized based on severity of
20 asset vulnerability, level of anticipated climate risk, safety risk to riders and workers if
21 vulnerability is not addressed, and whether the asset is located in or serves an Environmental
22 Justice community. Adaptation solutions must identify opportunities to work in partnership with
23 abutting landowners and municipalities. Further, adaptation solutions must include identification
24 of said solutions that are reflected in municipal hazard mitigation plans and additional planning
25 efforts related to the municipal vulnerability preparedness grant program.

26 (e) The Massachusetts Bay Transportation Authority shall complete a vulnerability
27 assessment pursuant to subsection (b) of this section. The vulnerability assessment shall include
28 an adaptation cost assessment as defined in section 1 of this chapter. The vulnerability
29 assessment and adaptation cost assessment shall pertain to all equipment and mass transportation
30 facilities as defined in section 1 of chapter 161A. The vulnerability assessment shall identify
31 adaptation strategies to be prioritized based on severity of asset vulnerability, level of anticipated
32 climate risk, safety risk to riders and workers if vulnerability is not addressed, and whether the
33 asset is located in or serves an Environmental Justice community. Adaptation solutions must
34 identify opportunities to work in partnership with abutting landowners and municipalities.
35 Further, adaptation solutions must include identification of said solutions that are reflected in

36 municipal hazard mitigation plans and additional planning efforts related to the municipal
37 vulnerability preparedness grant program. Said vulnerability assessment shall also identify the
38 authority's plan to provide replacement or alternative service to sustain the current level of
39 service to riders in the event assets are unsuitable to operate due to damage associated with
40 climate risks, including but not limited to flooding, extreme heat, excessive snow and ice, and
41 other extreme weather events.

42 (f) The vulnerability assessment and adaptation cost assessment pursuant to sections (d)
43 and (e) shall be completed within eighteen months of enactment of this section. Every six months
44 upon enactment of this section, the secretary of the department of transportation shall provide a
45 report detailing progress toward said vulnerability and adaptation cost assessments to the clerks
46 of the house of representatives and the senate, the chairs of the house and senate committees on
47 ways and means, and the chairs of the joint committee on transportation.

48 SECTION 3. Section 11 of Chapter 60 of the General Laws, as so appearing, is hereby
49 amended by inserting after "service" the following: "The plan shall incorporate prioritized
50 adaptation strategies identified in the department's vulnerability assessment as modernization
51 and state of good repair investments as appropriate."

52 SECTION 4. Section 5 of Chapter 161A of the General Laws, as so appearing, is hereby
53 amended by inserting in subsection (g) after "facilities of the authority" the following: "and
54 capital investments identified as priority adaptation strategies in the Department's vulnerability
55 assessment."