

HOUSE No. 3048

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 concening tunnel safety.

PETITION OF:

NAME:

Aaron Michlewitz

DISTRICT/ADDRESS:

3rd Suffolk

HOUSE No. 3048

By Mr. Michlewitz of Boston, a petition (accompanied by bill, House, No. 3048) 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. 3107 OF 2013-2014.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act concening 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:

1 SECTION 1. Chapter 81A of the General Laws is herby amended by adding after
2 section 31 the following sections:

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

11 No later than August 31 of every calendar year, the Executive Office of
12 Transportation shall publish a roster of all privately owned, publicly used tunnels, which such
13 roster shall include at a minimum the following information for each tunnel: tunnel's identity
14 and location, tunnel owner's identity, minimum requirements set by the Inspector General, types
15 and amounts of coverage actually in force, exclusions, underwriter's identity, broker's identity,
16 premium period, premium amount, and current expiration date. The Executive Office of
17 Transportation roster shall be designed and expressed to facilitate usage by the general public
18 and shall either avoid or explain industry-specific terminology.

19 No later than September 30 of every calendar year, the owner of each privately
20 owned, publicly used tunnel shall purchase at least the minimum coverage required, as
21 determined by the Office of Inspector General in accordance with this section, for the following
22 calendar year and shall provide proof of such coverage in a form and manner outlined by the
23 Inspector General to the Executive Office of Transportation. The Executive Office of
24 Transportation shall publish such information at no charge to the public and update the published
25 roster accordingly.

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