

**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 passage of the accompanying bill:

An Act relative to safe and healthy travel.

PETITION OF:

NAME:

*Denise Provost*

DISTRICT/ADDRESS:

*27th Middlesex*

**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, establishing certain traffic safety zones and regulating 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 Highway  
5 Administration’s functional classification system guidelines.  
6 □SECTION 2. Section 17 of said chapter 90, as so appearing, is hereby amended by striking  
7 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 for a  
9 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, is  
11 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 may  
13 establish, on ways within their control, one or more, senior citizen safety zones, which may be an  
14 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 citizen  
26 safety zone, and shall notify the state traffic engineer of any reduction of speed on a functionally  
27 classified local roadway.

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

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

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

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

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

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

44 A recreational safety zone may be established by a city council, the transportation commission  
45 of the City of Boston, the board of selectmen, traffic commission, or traffic director, in the  
46 manner set forth by municipal charter or other local law, in the manner set forth by municipal  
47 charter or other local law, for the adoption of traffic rules, regulations, ordinances, or bylaws.

48 The locally-designated body charged with regulating traffic may take necessary action to reduce  
49 vehicular speed by reducing speed limits to not less than 20 miles per hour or such lower speed  
50 limit as is set for school zones and by installing signals or appropriate signs and restriping  
51 roadways, and may adopt and amend rules and regulations to carry out this section.

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

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

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

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

62 SECTION 8. Section 2 of chapter 85 of the general laws, as appearing in the 2008 official

63 edition, is hereby amended by inserting after the phrase “senior citizen safety zones,” the phrase  
64 “recreational safety zones.”

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

68 □SECTION 10. The following words and phrases as used in this section shall have the following  
69 meanings:-

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

72 □“fine particulate matter” shall mean particulate matter less than or equal to 2.5 micrometers in  
73 diameter

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

76 □SECTION 11. The center for environmental health of the department of public health shall  
77 conduct a comprehensive study of data on the health effects of particulate air pollution from  
78 surface transportation. The study shall focus on understanding the health impacts from fine and  
79 ultrafine particulate matter upon populations that are located within 500 feet of any roadway with  
80 50,000 or more motor vehicle trips per day, or any rail line regularly used by diesel locomotives;  
81 provided further, that the study shall include, but not be limited to, examining respiratory and  
82 cardiovascular disease and cancer incidence that may be affected by exposure to surface  
83 transportation-related particles. The following departments and agencies of the commonwealth  
84 shall provide information to the center for environmental health of the department of public  
85 health relevant to this study: the department of environmental protection, the department of  
86 transportation (MassDOT), and the central transportation planning staff of the Boston  
87 metropolitan planning organization. The department of public health shall report its findings, or a  
88 progress report, together with any recommended response actions by the commonwealth to the  
89 house and senate committees on ways and means, to the Secretary of the Executive Office of  
90 Energy and Environmental Affairs, and to the Secretary of the Executive Office of  
91 Transportation, not later than two years after the adoption of this act; provided further that no  
92 less than \$250,000 shall be appropriated for this purpose.

93 □SECTION 12. Chapter 21A of the General Laws is hereby amended by inserting after section  
94 18A the following section:

95 □Section 18B: The department of environmental protection in consultation with the department  
96 of public health shall promulgate regulations, based on the best available science, establishing  
97 health risk assessment guidelines and exposure standards within the commonwealth for ultrafine  
98 and fine particulate matter. To ensure the accuracy and completeness of the assessment, the  
99 department’s guidelines shall set forth standard procedures for conducting air dispersion  
100 modeling; obtaining dose-response values; estimating the frequency, duration, and intensity of  
101 exposure; and estimating both acute and chronic health risks. Exposure standards shall be based  
102 on the best available science. The Department of Environmental Protection will develop a plan

103 for monitoring particulates so as to acquire data indicative of areas of greatest hazard to human  
104 health.

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

107 □“,Section 13B. (a) No operator of a motor vehicle shall use a mobile telephone, as defined in  
108 Section 3, while operating a motor vehicle on any public way.”