HOUSE DOCKET, NO. FILED ON: 1/12/2009

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

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Martin J. Walsh**

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*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 Massachusetts port safety.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Martin J. Walsh | 13th Suffolk |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2404 OF 2007-2008.]

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act relative to Massachusetts port 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. The following words, as used in this act, shall

have the following meanings:—

“Barge”, a non-self-propelled vessel carrying hazardous cargos,

as defined herein, in bulk or residues from said cargos.

“Docking pilot”, a person qualified under the regulations promulgated

pursuant to this act, aboard a regulated vessel, who is

responsible for overseeing and coordinating the vessel’s transit

escort or assisting with the mooring or unmooring of the regulated

vessel.

“Escort Vessels”, commercial harbor tugboat and towboat vessels

conducting ship assist and escort services.

“Harbor Transit”, the passage of a regulated vessel within a

Massachusetts Port.

“Hazardous Cargos”, gaseous, liquid or bulk cargos consisting

in whole or in part of petroleum or hazardous substances as

defined in section 1 of chapter 94B of the General Laws.

“Massachusetts Ports”, the waters of the Commonwealth contiguous

to the navigable waters of the United States which receive

regulated vessels including Boston Harbor, Chelsea, Everett,

Revere, Quincy and Quincy Bay, Dorchester Bay, Weymouth Fore

River, Weymouth Town River and Salem Harbor, all as shown on

the most current United States National Oceanic and Atmospheric

Administration Nautical Charts.

“Office of Public Safety”, the Commonwealth of Massachusetts

Executive Office of Public Safety.

“Petroleum”, insoluble or partially soluble oils of any kind or

origin or in any form, including, without limitation, crude, waste

or fuel oils and gasoline, lube oil or sludge, and their insoluble or

partially insoluble derivatives.

“Regulated Vessels”, inbound and outbound tanker ships,

freighters, barges, and other vessels conveying bulk hazardous

cargos.

“Tanker Ship”, a self-propelled vessel carrying hazardous cargos

in bulk or residues from said cargos.

“Transit Escort”, one or more tug or tow boats escorting or

assisting a regulated vessel during a harbor transit.

SECTION 2. Notwithstanding the provisions of chapter 102 or

chapter 103 of the General Laws or any other general or special

law to the contrary, the office of public safety, or any agency

within said office so designated by the secretary of the office of

public safety, shall promulgate regulations governing harbor transits

and regulated vessels and escort vessels conducting said

harbor transits in Massachusetts Ports. The regulations shall

address the safety and environmental concerns posed by regulated

vessels and escort vessels engaged in the harbor transit and

maneuvering in close quarters of cargos defined as hazardous by

this act. Said regulations shall include, but not be limited to, the

required use of a qualified docking pilot for harbor transits, and:

(i) the training, experience and qualifications for docking

pilots;

(ii) the number and type of escort vessels required for various

regulated vessels, their cargos and for various harbor transits;

(iii) for escort vessels:

a) requisite equipment;

b) crew training;

c) crew complement;

d) record keeping and reporting requirements;

e) mechanisms for oversight of the regulations promulgated

hereunder, which may include private, third-party auditors;

f) specific conditions and operations occurring in each Massachusetts

Port; and

g) support of emergency services.

In drafting its regulations, the office of public safety or its

designee shall seek input from the Captain of the Port of Boston;

harbor pilots; docking pilots; tug and barge operators; shipping

agents; terminal operators; harbor masters, fire and police departments

from the municipalities in which the Massachusetts Ports

are located; the Massachusetts State Police, Massachusetts Office

of Coastal Zone Management, Massachusetts Port Authority, and

the Environmental Business Council of New England. The office

of public safety, or any agency within said office so designated by

the secretary of the office of public safety, shall be responsible for

the enforcement of the provisions of this act and any regulation

promulgated pursuant to this act, and in doing so may enter into

agreements or other instruments with agencies or independent

authorities of federal, state, county, regional or municipal government

that provide for the cooperative enforcement of this act.

SECTION 3. The office of public safety or its designee shall promulgate

regulations governing regulated vessels and escort services

operating in Massachusetts Ports in accordance with the foregoing

not later than 120 days from the effective date of this act.