

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

---

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Martin J. Walsh**

*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:

Martin J. Walsh

DISTRICT/ADDRESS:

13th Suffolk

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

## The Commonwealth of Massachusetts

---

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:*

- 1           SECTION 1. The following words, as used in this act, shall
- 2           have the following meanings:—
- 3           “Barge”, a non-self-propelled vessel carrying hazardous cargos,
- 4           as defined herein, in bulk or residues from said cargos.
- 5           “Docking pilot”, a person qualified under the regulations promulgated
- 6           pursuant to this act, aboard a regulated vessel, who is
- 7           responsible for overseeing and coordinating the vessel’s transit
- 8           escort or assisting with the mooring or unmooring of the regulated
- 9           vessel.

10 “Escort Vessels”, commercial harbor tugboat and towboat vessels  
11 conducting ship assist and escort services.

12 “Harbor Transit”, the passage of a regulated vessel within a  
13 Massachusetts Port.

14 “Hazardous Cargos”, gaseous, liquid or bulk cargos consisting  
15 in whole or in part of petroleum or hazardous substances as  
16 defined in section 1 of chapter 94B of the General Laws.

17 “Massachusetts Ports”, the waters of the Commonwealth contiguous  
18 to the navigable waters of the United States which receive  
19 regulated vessels including Boston Harbor, Chelsea, Everett,  
20 Revere, Quincy and Quincy Bay, Dorchester Bay, Weymouth Fore  
21 River, Weymouth Town River and Salem Harbor, all as shown on  
22 the most current United States National Oceanic and Atmospheric  
23 Administration Nautical Charts.

24 “Office of Public Safety”, the Commonwealth of Massachusetts  
25 Executive Office of Public Safety.

26 “Petroleum”, insoluble or partially soluble oils of any kind or  
27 origin or in any form, including, without limitation, crude, waste

28 or fuel oils and gasoline, lube oil or sludge, and their insoluble or  
29 partially insoluble derivatives.

30 "Regulated Vessels", inbound and outbound tanker ships,  
31 freighters, barges, and other vessels conveying bulk hazardous  
32 cargos.

33 "Tanker Ship", a self-propelled vessel carrying hazardous cargos  
34 in bulk or residues from said cargos.

35 "Transit Escort", one or more tug or tow boats escorting or  
36 assisting a regulated vessel during a harbor transit.

37 SECTION 2. Notwithstanding the provisions of chapter 102 or  
38 chapter 103 of the General Laws or any other general or special  
39 law to the contrary, the office of public safety, or any agency  
40 within said office so designated by the secretary of the office of  
41 public safety, shall promulgate regulations governing harbor transits  
42 and regulated vessels and escort vessels conducting said  
43 harbor transits in Massachusetts Ports. The regulations shall  
44 address the safety and environmental concerns posed by regulated  
45 vessels and escort vessels engaged in the harbor transit and

46 maneuvering in close quarters of cargos defined as hazardous by  
47 this act. Said regulations shall include, but not be limited to, the  
48 required use of a qualified docking pilot for harbor transits, and:  
49 (i) the training, experience and qualifications for docking  
50 pilots;  
51 (ii) the number and type of escort vessels required for various  
52 regulated vessels, their cargos and for various harbor transits;  
53 (iii) for escort vessels:  
54 a) requisite equipment;  
55 b) crew training;  
56 c) crew complement;  
57 d) record keeping and reporting requirements;  
58 e) mechanisms for oversight of the regulations promulgated  
59 hereunder, which may include private, third-party auditors;  
60 f) specific conditions and operations occurring in each Massachusetts  
61 Port; and  
62 g) support of emergency services.  
63 In drafting its regulations, the office of public safety or its

64 designee shall seek input from the Captain of the Port of Boston;  
65 harbor pilots; docking pilots; tug and barge operators; shipping  
66 agents; terminal operators; harbor masters, fire and police departments  
67 from the municipalities in which the Massachusetts Ports  
68 are located; the Massachusetts State Police, Massachusetts Office  
69 of Coastal Zone Management, Massachusetts Port Authority, and  
70 the Environmental Business Council of New England. The office  
71 of public safety, or any agency within said office so designated by  
72 the secretary of the office of public safety, shall be responsible for  
73 the enforcement of the provisions of this act and any regulation  
74 promulgated pursuant to this act, and in doing so may enter into  
75 agreements or other instruments with agencies or independent  
76 authorities of federal, state, county, regional or municipal government  
77 that provide for the cooperative enforcement of this act.

78 SECTION 3. The office of public safety or its designee shall promulgate  
79 regulations governing regulated vessels and escort services  
80 operating in Massachusetts Ports in accordance with the foregoing  
81 not later than 120 days from the effective date of this act.

82

83