Testimony on SB 795: Good Samaritan Act
Before the Joint Judicial Committee
Boston, MA
By
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October 22, 2013

Dear Committee members,

Thank you for the opportunity to present testimony in support of SB 795; an Act protecting engineers, architects, environmental professionals, landscape architects, planners, land surveyors, licensed site professionals, and contractors who render voluntary services at the scene of a disaster or catastrophe. My name is Mehrdad Sasani and I joined Northeastern University on September 10, 2001 with a background in evaluating collapse of structures due to earthquakes. Starting the next day, I have also been studying structural collapse due to explosions, analytically and experimentally. I have been involved with structural collapse and resilience issues at the state, national and international levels.

As the chair of the Massachusetts Engineers & Architects Emergency Response (MEAER) committee¹ I would like to start with some questions: How would a community in our state respond to a disaster which exceeds the government’s rapid response capabilities? How can volunteer engineers and architects help make our communities resilient? As you know, resilience is defined as the ability to prepare and plan for, absorb and recover from, or adapt to actual or potential adverse events.²

The need for resilience is essential because the potential for man-made and natural disasters in MA is very real. The 2013 Boston bombing is fresh in our memories, but potential disasters also include blasts (2006 Danvers Explosion), earthquakes, hurricanes (2012 Hurricane Sandy), tornados (2011 Springfield), flooding, and sea-level rise. A recent study concludes that if Sandy’s storm surge reached Boston only 5½ hours earlier than it did, striking at high tide, more than 6% of the city could have been flooded right up to the steps of the city hall³. In that case, the government agencies alone would not have had the resources to evaluate building safety rapidly enough.

At the heart of the issue is the concept of “resilience”. A proclamation by the President of the United States issued in November 2012 reads “We maintain our commitment to keeping our critical infrastructure and our communities safe and resilient.”⁴ Disaster resilience is a responsibility that can be shared by the private sector and the government. The Good Samaritan act would allow volunteers to

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¹ The MEAER committee formed in April 2013 to establish MEAER- Task Force, whose mission is “To provide rapid mobilization of volunteer design professional disaster responders from the private sector to assist state emergency management agencies in responding to disasters of such a magnitude that the technical capacities and resources of the government agencies are overwhelmed.”
⁴ Presidential Proclamation -- Critical Infrastructure Protection and Resilience Month, 2012
collaborate with government agencies in rapidly evaluating structural safety after disasters to get people back into their homes and businesses as quickly as possible, which is an important aspect of creating resilient communities.

MEAER is training registered engineers and architects to be able to rapidly evaluate the safety of structures and buildings after a disaster to help bring life back to normal. These skilled, trained and competent volunteers need to be protected by the Good Samaritan law. You may ask why? In 2006, a similar effort to MEAER was started, but the willing participants from engineering and architecture firms were stopped by higher insurance costs associated with liability exposure.

Along with the letter of support by Northeastern University’s Dean of the College of Engineering, I also strongly support S 795, which would protect engineers, architects, and other licensed professionals and contractors from liability who readily volunteer their services at a site impacted by a disaster.

Too often, action regarding Good Samaritan legislation is delayed until a disaster causes significant damage to the community. Pennsylvania passed Good Samaritan legislation shortly after 9/11. Six months after Hurricane Katrina hit in August 2005, the Good Samaritan statute was signed into law in Alabama. One state that did not wait was our neighbor Rhode Island who passed similar legislation before being hit by Hurricane Sandy. Consequently, they were prepared with their Architects and Engineers Emergency Response Task Force, which was deployed with great success after that damaging event. 26 states containing a total of 70% of the US population have passed Good Samaritan acts. We in Massachusetts should not wait for a future catastrophic disaster to occur to see the need to pass this law. We must act now!

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5 See attached announcement for a recent 2-day training sessions in which about 50 engineers and architects participated.

6 http://www.aia.org/advocacy/AIAB096755

7 http://www.aia.org/advocacy/state/AIAB096644