
By Mr. Cantwell of Boston, petition of John B. Hynes for legislation providing for the reorganization of the Boston traffic commission and relative to the powers and duties of said commission. Cities.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Seven.

AN ACT REORGANIZING THE BOSTON TRAFFIC COMMISSION.

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 263 of the acts of 1929 is hereby
2 amended by striking out section 1 and inserting in place
3 thereof the following three sections:—

4 *Section 1.* There shall be in the city of Boston, hereinafter
5 called the city, a department, known as the Traffic Depart-
6 ment, which shall be under the charge of a board, known as
7 the Boston Traffic Commission and hereinafter called the
8 commission, consisting of an officer, known as the Traffic
9 Commissioner, appointed by the mayor for a term expiring
10 on the first Monday of the January following the next
11 biennial municipal election at which a mayor is elected,
12 who shall be chairman of the commission, and four other
13 officers, known as Associate Traffic Commissioners. The
14 police commissioner, the commissioner of public works, the
15 commissioner of parks and recreation and the commissioner
16 of real property of the city shall be, *ex officio*, the associate
17 traffic commissioners.

18 The traffic commissioner shall receive such annual salary
19 as shall from time to time be fixed by the city council with
20 the approval of the mayor. The associate traffic commis-
21 sioners shall receive no compensation for their services as
22 such associate traffic commissioners.

23 *Section 1A.* The traffic commissioner shall exclusively
24 have the powers, and perform the duties, of a department head
25 with respect to the making of contracts (other than con-
26 tracts for the acquisition, installation or maintenance of
27 parking meters) and the appointment, suspension, discharge,
28 compensation and indemnification of engineers, experts,
29 assistants and other employees for the traffic department;
30 but in the exercise of such powers and the performance of
31 such duties he shall be subject to all statutes and ordinances
32 applicable generally to departments of the city.

33 *Section 1B.* The traffic commissioner shall have power to
34 make, erect and maintain, or cause to be made, erected and
35 maintained, traffic signs, signals, markings and other devices
36 for the control of street traffic in the city and for informing
37 and warning the public as to rules and regulations adopted or
38 promulgated under this act, subject, however, to section two
39 of chapter eighty-five, and to sections eight and nine of
40 chapter eighty-nine, of the General Laws.

1 SECTION 2. The first sentence of section 2 of chapter 263
2 of the acts of 1929, as appearing in section 1 of chapter 78
3 of the acts of 1950, is hereby amended by striking out, in
4 line 14, the word "commission" and inserting in place
5 thereof the words:— traffic commissioner.

1 SECTION 3. Said section 2 is hereby further amended by
2 striking out the third sentence, as appearing in said section 1,
3 and inserting in place thereof the following sentence:— The
4 commission may adopt, amend and repeal rules and regula-
5 tions, not repugnant to law, prescribing a penalty, not exceed-
6 ing fifty dollars, for any violation of a rule or regulation
7 adopted under this section or section two A or promulgated
8 under section two B which is not disposed of under section
9 twenty A of chapter ninety of the General Laws; provided
10 that no penalty shall be imposed upon any disabled veteran
11 whose vehicle bears the distinctive number plates authorized
12 by section two of chapter ninety of the General Laws, or
13 upon any handicapped person whose vehicle displays in the
14 rear window the distinctive sticker authorized by said section

15 two, for parking such vehicle on any way for a longer period
16 of time than permitted by a rule or regulation adopted under
17 this section or section two A or promulgated under section
18 two B.

1 SECTION 4. Said section 2, as amended, is hereby further
2 amended by striking out the sixth, seventh, eighth and ninth
3 sentences.

1 SECTION 5. Said chapter 263, as amended, is hereby further
2 amended by inserting after section 2A, inserted by chapter
3 319 of the acts of 1935, the following sections:—

4 *Section 2B.* Whenever a situation not admitting of delay
5 arises and the Boston traffic commission is not in session,
6 the traffic commissioner shall have the authority of the com-
7 mission under section two; provided, that any rule or regula-
8 tion promulgated by the traffic commissioner in exercising
9 the power vested in him by this section shall contain a
10 preamble setting forth why the situation does not admit
11 of delay, shall take effect upon its promulgation, shall be
12 operative only until the cessation of the emergency or the
13 expiration of one month from the date of its promulgation,
14 whichever is earlier, and may be amended or repealed at
15 any time by the commission; and provided further, that
16 while a rule or regulation so promulgated by the traffic com-
17 missioner is in effect, the commission may adopt under
18 section two a rule or regulation of like or similar tenor.

19 *Section 2C.* Within thirty days after the filing with the
20 Boston traffic commission by twenty-five registered voters
21 of the city of Boston a petition for a public hearing relative
22 to any rule or regulation adopted or proposed to be adopted
23 by the commission, the commission shall hold such a hearing
24 on such rule or regulation; and final action on such rule or
25 regulation shall be determined only by vote of a majority of
26 the entire membership of the commission.

27 No rule or regulation adopted by the Boston traffic com-
28 mission shall take effect until published for two successive
29 weeks in the City Record.

30 Neither this section nor section two of chapter eighty-five

31 of the General Laws shall apply to any rule or regulation
32 adopted by the Boston traffic commission under section two
33 which, by its terms, is to be operative for less than sixty-one
34 days or to any rule or regulation promulgated by the traffic
35 commissioner under section two B.

36 *Section 2D.* Nothing in this act shall be construed to
37 authorize the traffic commissioner to promulgate, or the com-
38 mission to adopt, any rule or regulation excluding the street
39 railway cars or trackless trolley vehicles of the metropolitan
40 transit authority from any street, way, highway, road or
41 parkway, or any part of any thereof, in which it has a location,
42 or to modify or limit any power or authority of the metro-
43 politan district commission, the state department of public
44 works or the state department of public utilities, or to modify
45 or limit any power or authority of the police commissioner
46 to regulate street uses under any license or permit granted
47 by him.

1 SECTION 6. This act shall take effect on May first in the
2 current year.