
The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, September 19, 1973.

The committee on Ways and Means, to whom were referred so much of the message from His Excellency the Governor recommending legislation relative to distributors of petroleum fuel, the labelling and testing of certain appliances and the expansion of the responsibilities of the State Building Code Commission (House, No. 6689) as relates to expanding the responsibilities of the State Building Code Commission (App. C); the bill making corrective changes in the law authorizing any city or town to enter into contracts to provide public transportation (House, No. 3772); the Bill relative to the cost accounting system of bus and trackless trolley routes of the Massachusetts Bay Transportation Authority (House, No. 3776); the Bill relative to fair wages, hours, working conditions, health benefits, pensions and retirement allowances of Massachusetts Bay Transportation Authority employees and the related fair fares to be paid by those using Massachusetts Bay Transportation Authority services (House, No. 3871, changed); the Bill to provide and maintain transportation facilities and services coordinated with highway systems and urban development plans in certain areas and throughout the Commonwealth (House, No. 5910); the Bill providing that the Department of Public Utilities shall act as the licensing authority for the licensing of certain common carriers of passengers (House, No. 6766); the Order relative to authorizing the committee on Transportation to sit during the recess of the General Court for the purpose of making an investigation and study of Senate documents numbered 20 and 1363 and House documents numbered 778, 779 and 2225, relating to the installation of various types of emergency communication devices along certain highways (House, No. 6881); the petition (accompanied by bill, House, No. 5575) of Timothy A. Bassett that housing authorities in cities and towns be authorized to include tenant representatives on said authorities; the petition (accompanied by bill, House, No. 5880) of Paul J. Cavanaugh relative to increasing the

membership of local housing authorities and requiring that two members thereof be tenants of said authorities; and the petition (accompanied by bill, House, No. 6173) of Joseph E. Brett, William D. Delahunt, Thomas F. Brownell, Clifford H. Marshall and Arthur H. Tobin that the Massachusetts Bay Transportation Authority be prohibited from constructing a rapid transit station in the southern area of the city of Quincy and directing said authority to construct such a facility in the town of Braintree, report recommending that the accompanying bill (House, No. 7523) ought to pass. [Estimated Cost. \$1,500,000.00]

For the committee,

J. D. EARLY.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

AN ACT TO PROVIDE AND MAINTAIN TRANSPORTATION FACILITIES AND SERVICES COORDINATED WITH HIGHWAY SYSTEMS AND URBAN DEVELOPMENT PLANS IN CERTAIN AREAS AND THROUGHOUT THE COMMONWEALTH.

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 General Laws are hereby amended by
2 inserting after chapter 161A the following chapter: —

3 **CHAPTER 161B**

4 *Section 1. Definitions.* — Wherever used in this chapter, un-
5 less the context otherwise requires, the following words or
6 terms shall have the following meanings: —

7 “Authority”, an authority established by section three or sec-
8 tion fourteen of this chapter.

9 “Net cost of service” the difference between (a) all income
10 received by the authority, including but not limited to revenues
11 and receipts from operations, advertising, parking, sale of
12 capital assets in the ordinary course of business, and gifts and
13 grants for current purposes, and (b) all current expenses
14 incurred by the authority, including but not limited to ex-
15 penses for operations, wages, contracts for service by others,
16 maintenance, debt service (including any debts, liabilities and
17 obligations assumed under the provisions of law and including
18 any applicable sinking fund requirements), taxes and rentals,
19 and all other expenses which the authority determines not to
20 capitalize, when such expenses exceed such income. Expendi-
21 tures from the proceeds of bonds or bond anticipation notes
22 shall not be included in current expenses.

23 "Secretary", the Secretary of the Executive Office of Trans-
24 portation and Construction.

25 "Department," the executive office of transportation and
26 construction.

27 "Equipment", all rolling stock, and other conveyances, vehi-
28 cles, rails, signal and control systems, lighting and power
29 distribution systems, fences, station equipment, fare collection
30 equipment, incidental apparatus and other tangible personal
31 property, whether or not affixed to realty, required or con-
32 venient for the mass movement of persons.

33 "Mass transportation facilities", all real property (including
34 land, improvements, terminals, stations, garages, yards, shops,
35 and structures appurtenant thereto), and all easements, air
36 rights, licenses, permits and franchises, used in connection with
37 the mass movement of persons.

38 "Fiscal year", the year beginning with July first and ending
39 with the following June thirtieth.

40 "Net Saving", any excess of the income items included in
41 the definition of the net cost of service over the expense items
42 included in that computation.

43 *Section 2: Proposed Regional Transit Authorities.* — The ter-
44 ritory within and the inhabitants of each of the following groups
45 of cities and towns may, upon compliance with section fourteen
46 of this chapter, become a body politic and corporate and a political
47 subdivision of the commonwealth under the name preceding
48 each group.

49 Southeastern Regional Transit Authority. The cities of New
50 Bedford, Fall River, Westport, Acushnet, Dartmouth, Fair-
51 haven, Freetown, Somerset, Swansea;

52 Greater Attleboro-Taunton Regional Transit Authority. The
53 cities of Attleboro and Taunton and the towns of North
54 Attleborough, Rehoboth, Seekonk, Mansfield, Norton, Rayn-
55 ham, Berkley, Dighton;

56 Brockton Regional Transit Authority. The city of Brockton
57 and the towns of Abington, Avon, Bridgewater, East Bridge-
58 water, Easton, Hanson, Stoughton, West Bridgewater, Whitman;

59 Montachusets Regional Transit Authority. The cities of
60 Gardner, Fitchburg and Leominster, and the towns of Lunen-
61 burg, Westminster;

62 Merrimac Valley Regional Transit Authority. The cities of
63 Lawrence and Haverhill and the towns of Andover, Groveland,
64 Merrimac, Methuen, North Andover;

65 Lowell Regional Transit Authority. The city of Lowell and
66 the towns of Billerica, Chelmsford, Dracut, Tewksbury,
67 Tyngsboro, Westford;

68 Berkshire Regional Transit Authority. The city of Pittsfield
69 and the towns of Dalton, Lanesborough, Lee, Lenox, Hindsdale,
70 Richmond;

71 Lower Pioneer Valley Regional Transit Authority. The cities
72 of Chicopee, Holyoke, Northampton, Springfield, Westfield,
73 and the towns of Agawam, East Longmeadow, Easthampton,
74 Hadley, Longmeadow, Ludlow, South Hadley, West Springfield,
75 Wilbraham, Amherst;

76 Worcester Regional Transit Authority. The city of Worcester
77 and the towns of Auburn, Boylston, Grafton, Holden, Lei-
78 cester, Millbury, Paxton, Shrewsbury, West Boylston;

79 Cape Cod Regional Transit Authority. The towns of Barn-
80 stable, Bourne, Brewster, Chatham, Dennis, Eastham, Fal-
81 mouth, Harwich, Mashpee, Orleans, Provincetown, Sandwich,
82 Truro, Wellfleet, and Yarmouth.

83 An Authority established under the provisions of section three
84 or section fourteen shall have the power to hold property, to sue
85 and be sued in law and equity and to prosecute and defend in all
86 actions relating to its property and affairs. Each authority shall
87 be liable for its debts and obligations, but the property of an
88 authority shall not be subject to attachment or levied upon by
89 execution or otherwise. Process may be served upon the adminis-
90 trator of an authority or his designee. Section three of chapter
91 twelve shall not apply to the authorities established under this
92 chapter.

93 *Section 3: Creation of Regional Transportation Author-*
94 *ities. —*

95 Any city or town, or group or combination of cities or towns,
96 other than a city or town included in the Massachusetts Bay

97 Transportation Authority may, subject to the approval of the
98 secretary, and upon compliance with the provisions of this sec-
99 tion, by majority vote of the city council or majority vote of the
100 town meeting respectively, be made into a body politic and cor-
101 porate and a political subdivision of the commonwealth under
102 the name of the municipality within the new authority having
103 the greatest population, or under any other appropriate regional
104 name agreed to by a majority of the member municipalities, and
105 followed by the words "Transportation Authority."

106 Any such authority shall be deemed to be established upon
107 written notification to the Governor that the member municipali-
108 ties have voted to establish a regional transportation authority.
109 Having so notified the Governor, the advisory board shall pro-
110 ceed to appoint an administrator in accordance with section four
111 of this chapter. Once established, each such authority shall have
112 the same powers, limitations, duties and organization as an au-
113 thority established pursuant to section fourteen of this chapter
114 and shall in all respects be subject to the provisions of this chap-
115 ter, except section fourteen, as if it were an authority so estab-
116 lished.

117 Any city or town, or group or combination of cities and
118 towns, other than a city or town included in the Massachusetts
119 Bay Transportation Authority, or included in an authority estab-
120 lished pursuant to section fourteen, may subject to the approval
121 of the secretary, by majority vote of the city council or of the
122 town meeting respectively, join a contiguous authority.

123 *Section 4. Chief Administrator*

124 The affairs of an authority shall be managed by an administra-
125 tor who shall be appointed by and serve at the pleasure of the
126 advisory board of the authority provided however, that the ad-
127 ministrator shall not be appointed until after the board has pro-
128 vided the notification required by clause (c) of section fourteen.
129 The administrator shall be the chief executive officer of the au-
130 thority and shall receive such annual salary as shall be determined
131 by the advisory board. Upon his appointment, the administrator
132 shall give the state treasurer a bond for the faithful performance
133 of his official duties in such penal sum and with such sureties as
134 may be approved by the advisory board.

135 *Section 5. Regional Advisory Board.* — There shall be a
136 regional advisory board to each authority, consisting of one
137 representative of each city and town constituting the author-
138 ity, appointed by the city manager in the case of a Plan D or
139 Plan E city or the mayor of each other city, and the board of
140 selectmen of each town, each of whom shall serve a term of
141 three years and may be removed by the city manager, mayor,
142 or chairman for cause. Each city and town shall have one vote
143 on the advisory board plus additional votes and fractions
144 thereof determined by multiplying one and one-half times the
145 total number of cities and towns in the corporation by a
146 fraction of which the numerator shall be the total amount of
147 all assessments made by the state treasurer to such city or
148 town under this chapter and the denominator shall be the total
149 amount of all assessments made by the state treasurer to all
150 such cities and towns. The total vote of each city and town
151 shall each year be determined by the authority and delivered in
152 writing to the advisory board thirty days after the state
153 treasurer has sent his warrants for payments to the cities and
154 towns. The determination of votes shall be based upon the
155 most recent annual assessment. Until the first such assessment,
156 the fraction specified above shall be replaced by a fraction of
157 which the numerator shall be the population of the city or
158 town determined in accordance with this section and the
159 denominator shall be the total population of all cities and
160 towns in the authority as similarly determined.

161 Population data shall be determined in accordance with the
162 latest decennial census made by the United States Department of
163 Commerce.

164 The regional advisory board shall act by a majority vote,
165 except that it may delegate its power of approval to an
166 executive committee formed and elected pursuant to duly
167 adopted bylaws of the board and consisting among its members
168 at least a majority of the total vote of the board, and may, at
169 any time revoke such delegation. Until the board has adopted
170 bylaws and elected officers, the appointee of the mayor or city
171 manager of the largest city within the area constituting the
172 authority may call meetings of the regional advisory board by

173 sending notice to each other members as provided in the first
174 paragraph of section five, and shall preside at such meetings.

175 The board shall from time to time meet with the administrator
176 and inform him of the resources and needs of its region in regard
177 to transportation. Such information shall include but not be limited
178 to the needs of the elderly, the disadvantaged; the need for
179 mass transportation facilities, the utilization and effect of exist-
180 ing facilities and routes of railroads and buses, the needs for
181 highways, parking facilities and air facilities.

182 It may incur expenses, not to exceed ten thousand dollars
183 annually, for stenographic and clerical work, and such expenses,
184 shall be paid by the authority.

185 *Section 6. Powers.* — In addition to all power otherwise
186 granted to an authority by law, the authority shall have the
187 following powers, in each case to be exercised by the administra-
188 tor of the authority unless otherwise specifically provided: —

189 (a) to adopt and use a corporate seal and designate the
190 custodian thereof;

191 (b) to establish within its area a principal office and such
192 other offices as may be deemed necessary;

193 (c) to hold and manage the mass transportation facilities and
194 equipment acquired by the authority on or after the effective
195 date of this chapter;

196 (d) to appoint and employ officers, agents and employees to
197 serve at the pleasure of the administrator except as may other-
198 wise be provided in collective bargaining agreements, and to fix
199 their compensation and conditions of employment.

200 (e) to make, and from time to time revise and repeal,
201 bylaws, rules, regulations, and resolutions, and to establish
202 penalties for violation thereof, no penalty to exceed fifty
203 dollars;

204 (f) to enter into agreements with other parties, including,
205 without limiting the generality of the foregoing, government
206 agencies, municipalities, authorities, private transportation com-
207 panies, railroads, corporations and other concerns, providing (i)
208 for construction, operation and use by such other party of any
209 mass transportation facility and equipment held or later ac-
210 quired by the authority, or (ii) for the acquisition of any mass

211 transportation facility and equipment of another party where
212 the whole or any part of the operations of such other party
213 takes place within the area constituting the authority. Any
214 such other party is hereby given power and authority to enter
215 into any such agreements, subject to such provisions of law as
216 may be applicable. Any agreement with a private company
217 under any provision of this chapter which is to be financed
218 from the proceeds of bonds or bond anticipation notes and
219 which provides for the rendering of transportation service by
220 such company and for financial assistance to such company by
221 subsidy, lease or otherwise, shall include such standards for
222 such service as the authority may deem appropriate and shall
223 not bind the authority for a period of longer than one year
224 from its effective date, but this shall not prohibit agreements
225 for longer than one year if the authority's obligations there-
226 under are subject to annual renewal or annual cancellation by
227 the authority. Such agreements may provide for cash payments
228 for services rendered, but not more than will permit any
229 private company a reasonable return.

230 (g) to establish at or near its terminals and stations such
231 off-street parking facilities and access roads as may be deemed
232 necessary and desirable. The authority may charge such fees for
233 the use of off-street facilities as it may deem desirable, or it
234 may allow the use of such facilities free.

235 (h) to accept gifts, grants, and loans from agencies of local,
236 state, and federal governments, or from private agencies or
237 persons, and to accede to such conditions and obligations as
238 may be imposed as a prerequisite to any such gift, grant, or
239 loan.

240 (i) to provide mass transportation service on an exclusive
241 basis, except as provided in paragraph (j) of section (8) in the
242 area constituting the authority and without being subject to
243 the jurisdiction and control of the department of public
244 utilities in any manner except as to safety of equipment and
245 operations; provided that schedules and routes shall not be
246 considered matters of safety subject to the jurisdiction and
247 control of said department. Nothing contained in this para-
248 graph shall be construed as exempting any privately owned or

249 controlled carrier, whether operating independently, or under
250 contract with the authority, from obtaining any license re-
251 quired under section one of chapter one hundred and fifty-nine
252 A.

253 (j) to provide mass transportation service under contract in
254 areas outside the area constituting the authority but only pur-
255 suant to an agreement with another transportation authority or
256 transportation area or a municipality for service between the area
257 of the authority and that of such other authority, area or munici-
258 pality, where no private company is otherwise providing such
259 service.

260 (k) to provide for construction, extension, modification or
261 improvement of the mass transportation facilities and equip-
262 ment in the area constituting the authority; provided, that any
263 such construction, extension, modification or improvement
264 shall be subject to the approval of the advisory board, unless
265 specifically authorized by legislation.

266 (l) to conduct research, surveys, experimentation, evaluation,
267 design, and development, in cooperation with other government
268 agencies and private organizations when appropriate, with re-
269 gard to the mass transportation needs of the area, and to the
270 facilities, equipment, and services necessary to meet such needs.

271 (m) to grant such easements over any real property held by
272 the corporation as will not in the judgment of the authority
273 unduly interfere with the operation of any of its mass trans-
274 portation facilities.

275 (n) to sell, lease, or otherwise contract for advertising in or
276 on the facilities of the authority.

277 (o) to take real property by eminent domain in accordance
278 with the provisions of chapter seventy-nine or chapter eighty
279 A; provided that land devoted to any public use other than
280 mass transportation may be taken by the authority only (i) if
281 any substantial interference with such public use is temporary
282 or any permanent interference therewith is not substantial, or
283 both, or (ii) in the case of takings not authorized by clause (i),
284 upon providing equivalent land for such public use. Inter-
285 ference with the public use of a street or public utility line
286 shall not be considered to be substantial unless the interference

287 with the traffic or utility system of which it is a part is
288 substantial.

289 (p) to issue bonds, notes and other evidences of indebted-
290 ness as hereinafter provided.

291 (q) consistent with the constitution and laws of the com-
292 monwealth, the authority shall have such other powers, in-
293 cluding the power to buy, sell, lease, pledge and otherwise deal
294 with its real and personal property, as may be necessary for or
295 incident to carrying out the foregoing powers and the accom-
296 plishment of the purpose of this chapter.

297 *Section 7. Separate units of mass transportation facilities*
298 *and equipment; establishment; lease arrangements. —*

299 (a) In addition to the powers granted to the authority under
300 section six and all other powers granted by law, the authority
301 shall have the power to establish on a self-liquidating basis one or
302 more separate units of mass transportation facilities and equip-
303 ment. In establishing such separate units, the authority may enter
304 into one or more unit lease arrangements with such persons,
305 firms and corporations as the authority shall select and franchise.
306 Each such unit lease arrangement shall provide for the following:

307 (i) Acquisition by the authority of real property, in-
308 cluding easements and rights of way, necessary or desirable for
309 the operation of such units of mass transportation facilities and
310 equipment, parking and other related auxiliary services and
311 facilities, by purchase or exercise of the authority's power of
312 eminent domain under paragraph (o) of section six.

313 (ii) design, construction and acquisition of mass trans-
314 portation facilities and equipment; and

315 (iii) operation of the mass transportation facilities and
316 equipment so designed, constructed and acquired by a lessee of
317 said facilities and equipment (1) for a period not in excess of
318 forty years, (2) at a rental or lease charge at least sufficient to
319 discharge the authority's financial obligations incurred in con-
320 nection with said unit of facilities and equipment under the
321 authority's powers as hereinafter set forth in paragraph (b), and
322 (3) upon such provisions and conditions as to fares and other
323 matters relating to the conduct and operation of said mass

324 transportation facilities and equipment as the authority and
325 lessee shall agree.

326 (iv) power in the authority to cancel or terminate said unit
327 lease arrangement at stated times which shall not be less frequent
328 than once in each fiscal year.

329 (b) To meet the expenditures necessary in carrying out the
330 provisions of this section, the authority may issue bonds in
331 accordance with the provisions of clause (2) of the first
332 paragraph of section nineteen and such bonds shall provide, in
333 addition to other provisions allowed under this chapter, that all
334 payments of principal and interest shall be made solely from (i)
335 the rental or lease charges received by the authority under its
336 lease with the lessee of mass transportation facilities and
337 equipment as aforesaid, which said lease may be assigned by
338 the authority to secure the obligations of said bonds; or (ii) in
339 the event the authority terminates said lease from the income
340 derived from operation of said mass transportation facilities
341 and equipment;

342 *Section 8. Limitations and Duties.* — An authority shall be
343 subject to the following limitations, conditions, obligations and
344 duties: —

345 (a) The authority shall have the duty to develop, finance and
346 contract for the operation of mass transportation facilities and
347 equipment in the public interest consistent with the purposes and
348 provisions of this chapter, and to achieve maximum effectiveness
349 in complementing other forms of transportation in order to pro-
350 mote the general economic and social well-being of the area and
351 of the commonwealth.

352 (b) No real estate shall be sold unless notice thereof shall
353 have been given to the advisory board not less than thirty days
354 prior to the date of sale and unless the sale shall have been
355 advertised once a week for three successive weeks prior to the
356 date of sale in a newspaper of general circulation in the city or
357 town in which the real property to be sold is located, such real
358 property shall be sold to the highest bidder.

359 (c) Any concession in or lease of property for a term of
360 more than one year shall be awarded to the highest bidder
361 therefor unless the corporation shall find, subject to the

362 approval of the advisory board, that sound reasons in the
363 public interest require otherwise.

364 (d) No change in fares shall be effective unless submitted to
365 the advisory board and approved by it.

366 (e) No substantial change in mass transportation service in
367 the region constituting the authority shall be made unless
368 notice thereof shall have been given to the advisory board at
369 least thirty days prior to the change, and approved by said
370 board.

371 (f) The authority shall in consultation with the department
372 prepare and annually revise its program for public mass transpor-
373 tation which shall include a long-range program for the construc-
374 tion, reconstruction or alteration of facilities for mass transporta-
375 tion of persons within the area constituting the authority to-
376 gether with a schedule for the implementation of such program
377 and comprehensive financial estimates of costs and revenues.

378 Such program, whether prepared by the authority directly,
379 jointly or under contract with the areawide planning agency,
380 shall be performed in accordance with any agreements that may
381 exist between the department, the authority, and the areawide
382 planning agency officially established or designated to carry out
383 areawide, comprehensive planning on a continuing and coopera-
384 tive basis for the region in which the transportation authority is
385 principally located. Such mass transportation program shall be
386 consistent with the plans for urban transportation and compre-
387 hensive development for the regional area and, so far as practi-
388 cable, shall meet the criteria established by any federal law
389 authorizing federal assistance to preserve, maintain assist, im-
390 prove, extend or build local, metropolitan or regional mass trans-
391 portation facilities or systems.

392 In addition to the contracts and agreements authorized in Sec-
393 tion 6(f), the authority may enter into contracts or agreements
394 with any such areawide planning agency or, if the authority de-
395 termines that an agreement with such agency is not practicable,
396 then with any other public or private party for the provision of
397 planning services. Such services may include, but are not limited
398 to the following: feasibility and need studies, transportation
399 planning, family and business relocation planning, and such other
planning services that the authority may require.

400 (g) The authority shall on or before October first of each year
401 render to the governor, the secretary of transportation and con-
402 struction, the regional advisory board, the clerk of the senate and
403 the clerk of the house of representatives, a report of its opera-
404 tions for the preceding fiscal year, including therein a description
405 of organization of the authority, its recommendations for legisla-
406 tion, and its comprehensive program for mass transportation as
407 most recently revised.

408 (h) All current expenses of the authority shall be in accord-
409 dance with an annual budget prepared by the authority to the
410 advisory board later than October first of each year for the ensu-
411 ing fiscal year. The regional advisory board, within thirty days
412 after such submission, shall approve said budget as submitted, or
413 subject it to such itemized reductions therein as the advisory
414 board shall deem appropriate.

415 (i) Any agreement entered into by an authority with a
416 contiguous municipality outside of the area of such authority
417 for service to such municipality through an agreement with a
418 private company, shall provide for reimbursement by such
419 municipality to an authority only for the additional expense of
420 such service as determined by the authority. Such agreements
421 may be for such terms, not exceeding five years, as the parties
422 may determine, except as provided in paragraph (f) of section
423 six. They shall not be subject to the provisions of section four
424 of chapter forty or section thirty-one of chapter forty-four.
425 Municipalities may appropriate from taxes or from any avail-
426 able funds to meet their obligations under any such contracts.

427 (j) Any private company lawfully providing mass transpor-
428 tation service in the area constituting the authority at the
429 commencement of operations by the authority may continue
430 so to operate the same route or routes and levels of service as
431 theretofore, and may conduct such further operations as the
432 authority may permit in the future with or without a contract;
433 provided that the authority shall in all respects have the same
434 powers and duties in respect to such private carriers as are
435 provided by any law for the department of public utilities
436 except as to the safety of equipment and operations, schedules
437 and routes not being, however, considered safety of equipment
438 and operations for the purposes of this paragraph.

439 (k) As a condition of any assistance to a private carrier operat-
440 ing under lease, contract, or other arrangement with the Author-
441 ity, the rights, benefits, and other employee protective condi-
442 tions and remedies of § 13(c) of the Urban Mass Transportation
443 Act, as amended (49 U.S.C. 1609 (c)) as determined by the
444 Secretary of Labor, shall apply for the protection of the employ-
445 ees affected by such assistance. The terms and conditions of a
446 fair and equitable employee protective arrangement pursuant to
447 this paragraph shall be a proper subject of collective bargaining
448 and arbitration with the labor organizations that represent such
449 employees. Such protective arrangement shall include, without
450 limitation, provisions for the continuing employment or reem-
451 ployment of those employees who are, or may be, displaced or
452 otherwise affected by such assistance, paid training and re-train-
453 ing programs, preservation of all employment and retirement
454 rights and interest, and any other protections which are necessary
455 or appropriate to minimize the injury to such persons, provided,
456 however, that any such protection shall not be detrimental to the
457 employment or retirement rights and interests of any other per-
458 sons affected by such assistance. The contract, lease, or other
459 arrangement for the granting of any such assistance to a private
460 carrier shall specify the terms and conditions of, the protective
461 arrangements.

462 *Section 9. Assessment Formula.* - If in any year the
463 commonwealth shall be called upon to pay any amount on ac-
464 count of the net cost of service of any transportation authority,
465 the total amount of such net cost of service shall be assessed
466 upon the cities and towns comprising an authority's territory in
467 the proportion which the loss attributable to each route in each
468 such city or town bears to the loss attributable to all such routes
469 in all cities and towns. The loss attributable to each such route in
470 each such city or town shall be determined on the basis of the
471 difference between the revenues collected from such route in
472 such city or town and the cost of providing such route therein.

473 Such determination shall be made by the authority in accor-
474 dance with sound accounting practice and guidelines developed
475 in consultation with the department.

476 *Section 10. Payments by commonwealth; Assessment Pro-*
477 *cedure; Temporary Borrowing; Reimbursement of Surplus.* - If

478 as of the last day of June in any year there was any net cost of
479 service, an authority shall notify the state treasurer of
480 the amount of such net cost of service and all other facts
481 required by the treasurer in order to proceed in accordance
482 with the provisions of this chapter to assess such net cost.
483 Upon notification of the amount of such net cost the common-
484 wealth shall pay over to the authority said amount.

485 The state treasurer may borrow, from time to time, on the
486 credit of the commonwealth such amounts as may be necessary
487 to make payments required of the commonwealth under this
488 section or under section eleven and to pay any interest or
489 other charges incurred in borrowing such money, and may issue
490 notes of the commonwealth therefor, bearing interest payable
491 at such times and at such rates as shall be fixed by him. Such
492 interest and other charges shall be included in the assessments
493 under this chapter in proportion to the respective assessments
494 on the cities and towns constituting the authority for the net
495 cost of service of the period to which any such payment
496 relates. No note issued under this paragraph shall mature more
497 than two years from its date but notes payable earlier may be
498 refunded one or more times, provided that no refunding note
499 shall mature more than two years from the date of the original
500 loan being refunded. Such notes shall be issued for such
501 maximum term of years, not exceeding two years, as the
502 governor may recommend to the general court in accordance
503 with section three of Article LXII of the Amendments to the
504 Constitution of the Commonwealth.

505 Pending any payment from the state treasurer to the authority
506 and at any other time when the authority in the opinion of the
507 administrator has not sufficient cash to make the payments re-
508 quired of it in the course of its duties as such payments become
509 due, the authority may temporarily borrow money and issue
510 notes of the authority therefor.

511 All assessments made under this chapter shall be made as
512 provided in section twenty of chapter fifty-nine of the General
513 Laws.

514 If in any year the income received by the authority, in-
515 cluding but not limited to revenues from leasing, advertising,
516 parking, sale of capital assets, gifts and grants, exceeds the

517 expenses incurred by the authority, including but not limited
518 to expenses for wages, contracts for service by others, mainte-
519 nance, debt service, taxes, rentals, payments to any govern-
520 mental body and all other costs, the authority shall determine
521 the amount of such excess. Such excess shall be placed in a
522 reserve fund up to such amount as shall be determined by the
523 authority with the approval of the advisory board. Any amount
524 of excess not placed in such reserve fund shall be applied to
525 reimbursing the commonwealth for any amounts which it may
526 have paid under the provisions of this section, and the com-
527 monwealth shall thereupon distribute the amounts so received
528 among the cities and towns constituting the authority in up to
529 the amounts which they were respectively assessed in the
530 previous fiscal year. All remaining amounts in excess shall be so
531 distributed up to the amounts assessed in each fiscal year im-
532 mediately preceding, commencing with the most recent such
533 year.

534 *Section 11. Payments by Commonwealth on Account.* — If
535 during any fiscal year an authority, in the opinion of the
536 administrator has not sufficient cash to make the payments
537 required of it in the course of its duties, the authority may,
538 from time to time during such year, certify to the state
539 treasurer an amount which together with all amounts
540 previously paid in such year to the authority under this section
541 shall not exceed the net cost of service as estimated by the
542 authority for that portion of such year which has expired up
543 to the date of such certification; and the commonwealth shall
544 thereupon pay over to the authority the amount so certified. If
545 payments made by the commonwealth during any fiscal
546 year under this section exceed the net cost of service as of the
547 last day of such year, such excess shall be repaid to the
548 commonwealth by the authority at the time the authority
549 notifies the state treasurer of the amount of such net cost or,
550 if there is no such net cost, at the time the authority ascertains
551 that fact. Any amounts which the commonwealth shall be
552 called upon to pay the authority under this section during any
553 fiscal year, less any repayment thereof to the common-
554 wealth under this section, shall be treated as payments on

555 account of the amount which the commonwealth shall be
556 called upon to pay under the preceding section with respect to
557 net cost of service as of the last day of such fiscal year; and
558 the interest and other charges incurred by the state treasurer in
559 borrowing money under this section shall be treated as interest
560 incurred by the state treasurer in borrowing money under the
561 preceding section. In order to meet any payment required of
562 the commonwealth under this section the state treasurer may
563 borrow at any time, in anticipation of the assessments to be
564 levied in the following year under the preceding section, upon
565 the cities and towns constituting the authority such sums of
566 money as may be necessary to make aid payments and he shall
567 repay any sum so borrowed as soon after said assessments are
568 paid as is expedient.

569 If at any time any principal or interest is due or about to
570 come due on any bond or note issued by the authority, and
571 funds to pay the same are not available, the administrator shall
572 certify to the state treasurer the amount required to meet such
573 obligations and the commonwealth shall thereupon pay over to
574 the authority the amount so certified. If the commonwealth
575 shall not make such payment within a reasonable time, the
576 authority or any holder of an unpaid bond or note issued by
577 the authority, acting in the name and on behalf of the au-
578 thority, shall have the right to require the commonwealth to
579 pay the authority the amount remaining unpaid, which right
580 shall be enforceable as a claim against the commonwealth. The
581 authority or any such holder of an unpaid bond or note may
582 file a petition in the superior court to enforce such claim or
583 intervene in any such proceeding already commenced and the
584 provisions of chapter two hundred and fifty-eight shall apply to
585 such petition insofar as it related to the enforcement of a claim
586 against the commonwealth. Any such holder who shall have
587 filed such a petition may apply for an order of said court
588 requiring the authority to apply funds received by the au-
589 thority on its claim against the commonwealth to the payment
590 of the petitioner's unpaid bond or note, and said court if it
591 finds such amount to be due him shall issue such an order.

592 *Section 12. Audit of Accounts by State Auditor.* — The
593 department of the state auditor shall annually make an audit of
594 the accounts of each authority and make a report thereon to the
595 secretary, the governor and the general court. In making such
596 audits, said department of the state auditor may call upon any
597 of the departments, commissions, officers and agencies of the
598 commonwealth for such information as may be needed in the
599 course of making such audits. The state auditor may employ
600 such auditors, accountants and other assistants as he deems
601 necessary for carrying out his duties under this section, and
602 chapter thirty-one and the rules made thereunder shall not
603 apply to such employees. The commonwealth shall be re-
604 imburged by the authority for the cost of the audit.

605 *Section 13. Taxes, Excises or Assessments; Ex-*
606 *emptions.* — An authority and all its real and personal property
607 shall be exempt from taxation and from betterments and
608 special assessments; and an authority shall not be required to
609 pay any tax, excise or assessment to or for the commonwealth
610 or any of its political subdivisions; nor shall an authority be
611 required to pay any fee or charge for any permit or license
612 issued to it by the commonwealth, by any department, board
613 or officer thereof, or by any political subdivision of the com-
614 monwealth, or by any department, board or officer of such
615 political subdivision. Bonds and notes issued by an authority,
616 their transfer and the income therefrom, including any profit
617 made on the sale thereof, shall at all times be free from taxation
618 within the commonwealth.

619 *Section 14. Commencement of operation of a Regional*
620 *Transportation Authority.* — An authority described in section
621 two of this chapter shall be deemed to be established (a) after
622 twenty per cent of the votes on the advisory board have recorded
623 themselves in favor of calling a meeting to vote on the establish-
624 ment of the authority, (b) notice of the meeting has been sent by
625 a member municipality of the authority to every other member
626 municipality at least two weeks prior to said meeting and (c) the
627 advisory board has sent the governor written notification that the
628 advisory board has voted to establish the authority; provided that

629 such notification shall not be given except after a majority of
630 municipalities have voted to establish the authority.

631 *Section 15.* If any city or town within an authority is
632 assessed in accordance with section nine, the said city or town
633 may place upon the official ballot at any biennial or regular or
634 special city election or annual or special town election next
635 following the last day of June of the year next following the year
636 on account of which such assessment has been made the
637 following question: "Shall this (city, town)
638 continue to be a member of the (name)
639 Regional Transportation Authority?"

Yes	
No	

640 Such question shall not be placed upon the official ballot un-
641 less the city council or town meeting shall have voted that such
642 question be so placed, or a petition signed by not less than five
643 per cent of the registered voters of the city or town, certified as
644 such by the registrars of voters thereof, shall have been filed with
645 the city or town clerk, at least sixty days before the date for any
646 such election. Forms for such petitions shall be made available
647 without cost by the city or town clerk and each form shall bear
648 the following heading: "The undersigned registered voters of the
649 (city or town) hereby petition for the placement upon the
650 official ballot of the question whether this (city, town) shall
651 continue to be a member of the (name) Regional Transportation
652 Authority."

653 The votes upon such a question shall be counted and returned
654 to the city or town clerk in the same manner as votes for
655 candidates in municipal elections. Said clerk shall forthwith
656 notify the authority of the result of the vote. If a majority of the
657 votes cast upon the question shall be in the affirmative, the
658 authority shall forthwith take all steps necessary and appropriate
659 for the termination of membership of such city or town in such
660 authority.

661 *Section 1. Department of Public Utilities.* — In the event of
662 any conflict between the regulatory powers and duties of the
663 department of public utilities in respect to mass transportation
664 service within an area, the department of public utilities shall
665 resolve such dispute and exercise such powers as it deems
666 required in the particular instance.

667 *Section 17. Bonds.* — An authority is hereby authorized to
668 provide by resolution at one time or from time to time for the
669 issue of bonds of the authority for any one or more of the
670 following purposes:

671 (1) To acquire by purchase or otherwise, plan, design, con-
672 struct, reconstruct, alter, recondition and improve for lease to
673 any eligible private company, mass transportation facilities and
674 equipment.

675 (2) To pay any capital costs of the authority, whether or not
676 bonds for any such purchase may also be issued under clause (1)
677 of this section.

678 Bonds may be issued for any costs of the foregoing incurred
679 either before or after the issue of the bonds. Bonds issued under
680 either of the foregoing clauses may be issued in sufficient amount
681 to pay the expenses of issues and to establish such reserves as
682 may be required by any applicable trust agreement or bond
683 resolution.

684 The secretary shall make, and from time to time revise, guide-
685 lines for the allocation and distribution of the principal amount
686 of said bonds, or any part thereof, among the authorities estab-
687 lished by this act.

688 The secretaries of administration and finance and transporta-
689 tion and construction shall adopt rules and regulations governing
690 the procedures by which private companies shall apply for assis-
691 tance pursuant to any agreements financed from proceeds of
692 bonds or bond anticipation notes as provided in paragraph (e) of
693 section five and governing the use of such assistance. Such rules
694 and regulations shall include provisions (a) requiring any private
695 company which receives such assistance to agree to limit its
696 profits and its expenses for salaries and overhead so as to make
697 available as much of its earnings as possible for repayment to the
698 authority of such assistance; (b) requiring such repayment; (c)
699 enabling the authority and the secretary of administration and
700 finance to examine and audit the books and records of such
701 company for the purpose of establishing and enforcing such
702 limitation and repayment; and (d) requiring the authority to
703 transfer to the commonwealth, the commonwealth's share of
704 such repayment.

705 The bonds of each issue shall be dated, shall bear interest at
706 such rates, shall mature at such time or times not exceeding
707 forty years from their date or dates as may be determined by
708 the authority and may be made redeemable before maturity at
709 the option of the authority at such price or prices and under
710 such terms and conditions as may be fixed by the authority
711 prior to the issue of the bonds. The authority shall determine
712 the form of the bonds, including any interest coupons to be
713 attached thereto, and the manner of execution of the bonds,
714 and shall fix the denomination or denominations of the bonds,
715 and the place or places of payment of principal and interest,
716 which may be at any bank or trust company within or without
717 the commonwealth. In case any officer whose signature or a
718 facsimile of whose signature shall appear on any bonds or
719 coupons shall cease to be such officer before the delivery of
720 such bonds, such signature or such facsimile shall nevertheless
721 be valid and sufficient for all purposes, the same as if he had
722 remained in office until such delivery. All bonds issued under
723 the provisions of this act shall have and are hereby declared to
724 have all the qualities and incidents of negotiable instruments
725 under the Uniform Commercial Code. The bonds may be issued
726 in coupon or in registered form, or both, as the authority may
727 determine, and provisions may be made for the registration of
728 any coupon bonds as to principal alone, and also as to both
729 principal and interest, for the reconversion into coupon bonds
730 of any bonds registered as to both principal and interest and
731 for the exchange of coupon and registered bonds. The au-
732 thority may sell such bonds in such manner, either at public or
733 private sale, and for such price as it may determine to be for
734 the best interest of the authority.

735 The proceeds of such bonds shall be disbursed in such
736 manner and under such restrictions, if any, as the authority
737 may provide. The authority may also provide for the replace-
738 ment of any bonds which shall become mutilated or shall be
739 destroyed or lost. Bonds and bond anticipation notes may be
740 issued under the provisions of this chapter without obtaining
741 the consent of any department, division, commission, board,
742 bureau or agency of the commonwealth, and without any other

743 proceedings or the happening of any other conditions or things
744 than those proceedings, conditions or things which are spec-
745 ifically required by this chapter. Provisions of this chapter
746 relating to the preparation, adoption or approval of plans,
747 programs, projects, budgets and expenditures shall not affect
748 the issue of bonds and notes and the bonds and notes may be
749 issued either before or after such preparation, adoption or
750 approval.

751 While any bonds or notes issued or assumed by the authority
752 remain outstanding, the powers, duties and existence of the
753 authority and the provisions for payments by the common-
754 wealth to the authority shall not be diminished or impaired in
755 any way that will affect adversely the interests and rights of
756 the holders of such bonds or notes.

757 *Section 18. Trust Agreement.* — In the discretion of the au-
758 thority such bonds shall be secured by a trust agreement by
759 and between the authority and a corporate trustee, which may
760 be any trust company or bank having the powers of a trust
761 company within the commonwealth. Either the resolution pro-
762 viding for the issue of bonds or such trust agreement may
763 contain such provisions for protecting and enforcing the rights
764 and remedies of the bondholders as may be reasonable and
765 proper and not in violation of law, including covenants setting
766 forth the duties of the authority in relation to the acquisition,
767 improvement, maintenance, operation, repair and insurance of
768 property, and the custody, safeguarding and application of all
769 moneys and may pledge or assign the revenues to be received,
770 but shall not convey or mortgage any property.

771 *Section 19. Legal Investment.* — Bonds issued under this
772 chapter are hereby made securities in which all public officers
773 and public bodies of the commonwealth and its political sub-
774 divisions, all insurance companies, trust companies in their
775 commercial departments, banking associations, investment com-
776 panies, executors, trustees and other fiduciaries, and all other
777 persons whatsoever who are now or may hereafter be au-
778 thorized to invest in bonds or other obligations of a similar
779 nature may properly and legally invest funds, including capital
780 in their control or belonging to them, and such bonds are

781 hereby made obligations which may properly and legally be
782 made eligible for the investment of savings deposits and the
783 income thereof in the manner provided by paragraph two of
784 section fifty of chapter one hundred and sixty-eight. Such
785 bonds are hereby made securities which may properly and
786 legally be deposited with and received by any state or
787 municipal officer or any agency or political subdivision of the
788 commonwealth for any purpose for which the deposit of bonds
789 or other obligations of the commonwealth now or may here-
790 after be authorized by law.

791 *Section 20. Remedies.* — Any holder of bonds issued under
792 the provisions of this chapter or of any of the coupons ap-
793 pertaining thereto, and the trustee under the trust agreement, if
794 any except to the extent the rights herein given may be
795 restricted by such resolution or trust agreement, may, either at
796 law or in equity, by suit, action, mandamus or other pro-
797 ceedings, protect and enforce any and all rights under the laws
798 of the commonwealth or granted hereunder or under such
799 resolution or trust agreement, and may enforce and compel the
800 performance of all duties required by this chapter or by such
801 resolution or trust agreement to be performed by the authority
802 or by any officer thereof.

802 *Section 21. Bond Anticipation Notes.* — An authority is au-
803 thorized to provide by resolution at one time or from time to
804 time for the issue of interest bearing or discounted notes for
805 the purposes and in the amounts that bonds may be issued.
806 The notes shall be payable within three years from their dates,
807 but the principal of and interest on notes issued for a shorter
808 period may be renewed or paid from time to time by the issue
809 of other notes hereunder maturing within the required time
810 from the date of the original loan being refunded. When bonds
811 are issued for the purposes for which the notes were issued, the
812 proceeds of the bonds shall be used to repay the notes, except
813 that interest on the notes may be financed as a current expense
814 to the extent deemed appropriate by the authority. The notes
815 may be secured by a trust agreement or by the provisions of a
816 resolution as in the case of bonds. Bond anticipation notes
817 may be issued either before or after the authorization of the

818 bonds being anticipated. If any bond anticipation note is paid
819 otherwise than from the proceeds of bonds or renewal notes,
820 such payment shall be included in the measure of the net cost
821 of service. But, if bonds or renewal notes are later issued to
822 provide for such payment, there shall be a corresponding offset
823 against the net cost of service.

824 *Section 22. Federal Assistance.* — Each authority is
825 authorized and directed from time to time to take all necessary
826 action to secure any federal assistance which is or may become
827 available to the commonwealth or any of its subdivisions for
828 any of the purposes of this chapter. If any federal law, admin-
829 istrative regulation or practice requires any action relating to
830 such federal assistance to be taken by any department or
831 instrumentality of the commonwealth other than the authority
832 such other department or instrumentality is authorized and
833 directed to take all such action, including without limitation
834 filing applications for assistance, supervising the expenditure of
835 federal grants or loans and making any determinations and
836 certifications necessary or appropriate to the foregoing, and the
837 authority is authorized and directed to take all action necessary
838 to permit such other department or instrumentality to comply
839 with all federal requirements. It is the intent of this section
840 that the provisions of any federal law, administrative regulation
841 or practice governing federal assistance for the purpose of this
842 chapter shall, to the extent necessary to enable the common-
843 wealth or its subdivisions to receive such assistance and not
844 constitutionally prohibited, override any inconsistent provisions
845 of this chapter.

846 *Section 23. Contract Assistance.* — The commonwealth,
847 acting by and through the executive office for administration and
848 finance, may enter into contract or contracts with the authorities
849 created pursuant to this act providing that fifty percent of the
850 net cost of service of each authority shall be paid by the com-
851 monwealth, and shall not be assessed upon the cities and towns
852 constituting the authorities established by section two and
853 section three of this chapter. Such amount, not to be so assessed
854 shall be called contract assistance.

855 Contracts shall provide for payment of debt service by the
856 commonwealth when due except to the extent that the authority
857 shall have previously notified the state treasurer that the revenues
858 of the authority are sufficient for the purpose.

859 Any debt service on bonds issued by an authority, for which
860 contract assistance is provided, shall mature serially beginning
861 not later than ten years after the date of issue and ending not
862 later than forty years after the date of the bonds, so that the
863 amounts payable in the several years for principal and interest
864 combined shall be as nearly equal as in the opinion of the au-
865 thority as is practicable to make them or, in the alternative, in
866 accordance with a schedule providing a more rapid amortization
867 of principal.

868 Any contracts or agreements made between an authority and
869 any private company or carrier for which contract assistance is
870 provided shall be subject to the following limitations: (i) in
871 determining whether assistance is needed under this paragraph
872 with respect to an operating agreement with a private transporta-
873 tion company, and in determining the terms of such assistance,
874 the authority shall review the entire transportation operations of
875 the company and its affiliates and shall make a finding that the
876 assistance will not permit the applicant company to make more
877 than a reasonable return overall; and (ii) that the assistance shall
878 cover only those services determined by the authority to be in
879 the public interest.

880 Any contract under this section shall include such provisions
881 as the secretary deems necessary and desirable to assure the
882 efficient operation of the authority, and the minimum burden on
883 the commonwealth and on the cities and towns within the au-
884 thority, and to insure contract assistance is provided for projects
885 which are consistent with the program for public mass transporta-
886 tion of the authority.

1 SECTION 2. Chapter thirty, section nine A and chapter
2 thirty-one and chapter thirty-two of the General Laws shall not
3 apply to any officer or employee of any authority created by
4 chapter one hundred and sixty-one B of the General Laws, in-
5 serted by section 1 of this act.

1 SECTION 3. The state treasurer shall pay the amounts for
2 contract assistance provided in section twenty-three of chapter
3 one hundred and sixty-one B in accordance with the terms of any
4 contracts or agreements made under said section twenty-three in
5 the manner and from the fund referred to in section twenty-
6 five B of chapter 58 of the General Laws, and from any other
7 transportation fund or other sources which the general court may
8 from time to time make available.

1 SECTION 4. Clause (a) of section 25B of chapter 58 of the
2 General Laws, as appearing in section 1 of chapter 1075 of the
3 acts of 1971, is hereby amended by inserting at the end thereof
4 the following words: — and from time to time when required, the
5 contract assistance to regional transportation authorities, pro-
6 vided under section twenty-three of chapter one hundred and
7 sixty-one B.

1 SECTION 5. Paragraph (c) of said section twenty-five B, as
2 appearing in section 2 of chapter 563 of the acts of 1964, is
3 hereby amended by inserting after the word “sixty-one” in line
4 4, the following words: — , to each regional transportation
5 authority established under chapter one hundred and sixty-
6 one B.

1 SECTION 6. Section 7B of chapter 71 of the General Laws,
2 inserted by section 8 of chapter 563 of the acts of 1964, is
3 hereby amended by inserting after the letter “a”, in line 8, the
4 words: — or chapter one hundred and sixty-one B.

1 SECTION 7. Section 19 of chapter 6A of the General Laws,
2 as most recently added by chapter 704 of the acts of 1969, is
3 hereby amended by striking out the last sentence in the first
4 paragraph thereof and inserting the following sentence in place
5 thereof: — The Massachusetts Bay Transportation Authority,
6 the Massachusetts Port Authority, the Massachusetts Turnpike
7 Authority and any regional transportation authorities estab-
8 lished under the provisions of chapter one hundred and sixty-
9 one B of the General Laws shall also be within the executive
10 office of transportation and construction.

1 SECTION 8. Section 10 of chapter 40A of the General
2 Laws and sections 28, 59 to 64 both inclusive, 83 to 85 both
3 inclusive, and 92 to 104 both inclusive, of chapter 159 of the
4 General Laws; and sections 89, 103 and 113 of chapter 161 of
5 the General Laws, all as now or hereinafter amended, shall
6 apply to the transportation authorities created by this chapter,
7 is property and employees in the same manner as though each
8 were a street railway company.

1 SECTION 9. Nothing in this act shall be deemed to autho-
2 rize or permit any authority established by this act to directly
3 operate any mass transportation service.

1 SECTION 10. Section 56 of chapter 148 of the General
2 Laws is hereby amended by striking out the last sentence, as
3 most recently amended by chapter 444 of the acts of 1965; and
4 inserting in place thereof the following sentence: — The pro-
5 visions of this section shall not apply to any open-air parking
6 space established under paragraph (g) of section three of chapter
7 one hundred and sixty-one A or under paragraph (g) of section
8 six of chapter one hundred and sixty-one B and maintained or
9 conducted by the Massachusetts Bay Transportation Authority
10 or by an authority created under chapter one hundred and sixty-
11 one B or a lessee or licensee thereof.

1 SECTION 11. Chapter one hundred and sixty-one of the
2 General Laws is hereby amended by striking out section 152A as
3 appearing in section 15 of chapter 563 of the acts of 1964 and
4 inserting in place thereof the following section: —
5 *Section 152A* Notwithstanding the provisions of section
6 151 of this chapter, the commonwealth acting by and through
7 the secretary of administration may enter into a contract or con-
8 tracts with the trustees of a transportation area created under the
9 provisions of sections one hundred and forty-three through one
10 hundred and fifty-eight of this chapter whereby the common-
11 wealth agrees to reimburse the cities and towns comprising the
12 area for fifty percent of the financial deficit resulting from the

13 operation of the area for any financial year. Contracts made by
14 transportation areas with private carrier companies for which
15 contract assistance is provided shall be within the limitations and
16 subject to the terms of section twenty-three of chapter one
17 hundred and sixty-one B so far as applicable and such contracts
18 shall be eligible for contract assistance as herein provided.

1 SECTION 12. The provisions of this act are severable, and if
2 any of its provisions shall be held unconstitutional or invalid by
3 any court of competent jurisdiction, the decision of such court
4 shall not affect or impair any of the remaining provisions.

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HOUSE OF REPRESENTATIVES

COMMITTEE ON THE BUDGET

REPORT ON THE BUDGET FOR THE FISCAL YEAR 1964

The Committee on the Budget has the honor to submit to the House of Representatives its report on the budget for the fiscal year 1964. The budget is a statement of the Government's financial plan for the coming year, and it is the responsibility of the Congress to review and approve it. The Committee has held numerous public hearings and has received many suggestions from the public. The budget for 1964 is a balanced budget, and it is expected to result in a surplus of \$1.5 billion. The Committee believes that this budget is a sound and responsible one, and it recommends that the House approve it.

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