

**Chap. 337.** AN ACT PROHIBITING PILING SNOW ON FIRE HYDRANTS SO AS TO CONCEAL THE SAME OR COVER THEIR OUTLETS.

*Be it enacted, etc., as follows:*

Chapter 148 of the General Laws is hereby amended by inserting after section 27A the following section:—

*Section 27B.* No person other than an employee in the service of the commonwealth or any political subdivision thereof or in the service of an independent contractor acting for the commonwealth or any such subdivision shall pile, push or plow snow or ice on or against any fire hydrant or other similar device used for fire protection which is located in any public or private way so as to conceal such hydrant or device or cover any outlet thereof. Whoever violates this section shall be punished by a fine of not more than one hundred dollars.

*Approved April 13, 1962.*

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**Chap. 338.** AN ACT CHANGING THE NAME OF THE TRAFFIC DEPARTMENT IN THE CITY OF BOSTON TO THE TRAFFIC AND PARKING DEPARTMENT, AND CONFERRING AND IMPOSING ON THE COMMISSIONER OF TRAFFIC AND PARKING ADDITIONAL POWERS AND DUTIES WITH RESPECT TO PUBLIC OFF-STREET PARKING FACILITIES IN SAID CITY.

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 263 of the acts of 1929 is hereby amended by striking out section 1, as most recently amended by section 1 of chapter 755 of the acts of 1960, and inserting in place thereof the following section:— *Section 1.* There shall be in the city of Boston, hereinafter called the city, a department, known as the traffic and parking department, which shall be under the charge of a board, known as the traffic and parking commission, hereinafter called the commission, consisting of an officer, known as the commissioner of traffic and parking, appointed by the mayor for a term expiring on the first Monday of the January following the next biennial municipal election at which a mayor is elected, who shall be chairman of the commission, and four other officers, known as associate commissioners of traffic and parking. The police commissioner, the fire commissioner, the commissioner of public works and the commissioner of real property of the city shall be, *ex officio*, the associate commissioners of traffic and parking.

The commissioner of traffic and parking shall receive such annual salary as shall from time to time be fixed by the city council with the approval of the mayor. The associate commissioners of traffic and parking shall receive no compensation for their services as associate commissioners of traffic and parking.

**SECTION 2.** Section 1A of said chapter 263, inserted by section 1 of chapter 253 of the acts of 1957, is hereby amended by striking out, in line 1, the words "traffic commissioner" and inserting in place thereof the words:— commissioner of traffic and parking, — and by inserting after the word "traffic", in line 7, the words:— and parking.

**SECTION 3.** Section 1B of said chapter 263, inserted by section 1 of said chapter 253, is hereby amended by striking out, in line 1, the words "traffic commissioner" and inserting in place thereof the words:— commissioner of traffic and parking.

SECTION 4. Section 2 of chapter 263 of the acts of 1929 is hereby amended by striking out the first sentence, as amended by section 2 of said chapter 253, and inserting in place thereof the following sentence: — For the purpose of conserving the public convenience in the use of the streets, ways, highways, roads and parkways under the control of the city, the commission shall have exclusive authority to adopt, amend, alter and repeal rules, which shall be reasonable and not repugnant to law, regulating the time, place and manner of parades, processions, and other organized formations of persons or vehicles, other than funeral processions and picket lines, in or upon all or any such streets, ways, highways, roads and parkways, and prescribing that no person shall take part in any parade, procession or other organized formation of persons or vehicles, other than a funeral procession or a picket line, in or upon any such street, way, highway, road or parkway unless the commissioner of traffic and parking has granted a permit for such parade, procession or formation; provided, however, that no rule prescribing a permit shall be valid unless it also requires the issuance of the permit in all cases except where the time, place and manner are not in conformity with rules adopted hereunder and except where the permit would conflict as to time or place with a permit previously issued; and provided, further, that, notwithstanding anything to the contrary in chapter two hundred and twenty-two of the acts of nineteen hundred and forty-nine, no fee shall be charged for any such permit.

SECTION 5. Section 2A of said chapter 263, as appearing in section 1 of chapter 84 of the acts of 1960, is hereby amended by striking out, in line 2, the words "traffic commissioner" and inserting in place thereof the words: — commissioner of traffic and parking, — and by inserting after the word "traffic", in line 15, the words: — and parking.

SECTION 6. Said chapter 263 is hereby further amended by striking out section 2B, inserted by section 5 of chapter 253 of the acts of 1957, and inserting in place thereof the following section: — *Section 2B.* Whenever the traffic and parking commission is not in session, the commissioner of traffic and parking shall have all authority of the commission under section two notwithstanding that the matter may admit of delay; provided, that any rule or regulation promulgated by said commissioner in exercising the power vested in him by this section may be amended or repealed at any time by the commission.

SECTION 7. Said chapter 263 is hereby further amended by striking out section 2C, as amended by chapter 7 of the acts of 1958, and inserting in place thereof the following section: — *Section 2C.* Within thirty days after the filing with the traffic and parking commission by twenty-five registered voters of the city a petition for a public hearing relative to any rule or regulation adopted or proposed to be adopted by the commission or promulgated by the commissioner of traffic and parking under section two B, the commission shall hold such a hearing on such rule or regulation; and final action on such rule or regulation shall be determined only by vote of a majority of the entire membership of the commission.

No rule or regulation adopted by the traffic and parking commission or promulgated by the commissioner of traffic and parking under section two B shall take effect until published in the City Record.

Neither this section nor section two of chapter eighty-five of the General Laws shall apply to any rule or regulation adopted by the traffic

and parking commission under section two or promulgated by the commissioner of traffic and parking under section two B which, by its terms, is to be operative for less than sixty-one days.

SECTION 8. Section 2D of said chapter 263, inserted by said section 5 of chapter 253 of the acts of 1957, is hereby amended by striking out, in line 2, the words "traffic commissioner" and inserting in place thereof the words: — commissioner of traffic and parking.

SECTION 9. Section 1 of chapter 140 of the acts of 1934 is hereby amended by inserting after the word "traffic", in line 1, the words:— and parking.

SECTION 10. Section 1 of chapter 474 of the acts of 1946 is hereby amended by striking out, in line 5, the word "board" and inserting in place thereof the words: — commissioner of traffic and parking of the city.

SECTION 11. Said section 1 is hereby further amended by striking out clause (a) and inserting in place thereof the following clause: —

(a) The power to acquire by eminent domain under chapter seventy-nine or chapter eighty A of the General Laws or by purchase, gift, devise or otherwise, but not by lease, and to hold, property, real or personal, or any interest therein except a leasehold estate for the purposes of this act; provided, that the board shall have no power to acquire, except by gift or devise, any property privately held and operated as a garage, which term shall not be construed to include a parking space; provided, further, that the board shall have no power to acquire by eminent domain or by purchase any real estate other than that which the board, with the approval of the commissioner of traffic and parking of the city and the Boston Redevelopment Authority shall have determined should be devoted to the purposes of this act; and provided, further, that no purchase and no award, settlement or agreement for judgment in eminent domain proceedings hereunder shall be made by the city or in its behalf, unless the terms of the proposed purchase, award, settlement or agreement, together with all pertinent facts, shall first have been submitted to the Boston Finance Commission not less than ten days before such purchase, award, settlement or agreement;

SECTION 12. Said section 1 is hereby further amended by striking out clause (c) and inserting in place thereof the following clause: —

(c) The power to clear, grade, surface and resurface any property acquired or used for the purposes of this act, and to construct and maintain thereon such structures and facilities for parking as the board with the approval of the commissioner of traffic and parking of the city shall determine;

SECTION 13. Clause (e) of said section 1, as appearing in section 2 of chapter 612 of the acts of 1948, is hereby amended by inserting after the word "board", in line 25, the words: — and approved by the commissioner of traffic and parking of the city.

SECTION 14. Section 1 of chapter 203 of the acts of 1959 is hereby amended by striking out, in line 8, the words "traffic commissioner" and inserting in place thereof the words: — commissioner of traffic and parking.

SECTION 15. Section 2 of said chapter 203 is hereby amended by striking out, in line 4, the words "traffic commissioner" and inserting in place thereof the words: — commissioner of traffic and parking.

SECTION 16. The first sentence of section 22A of chapter 40 of the General Laws, as appearing in section 1 of chapter 442 of the acts of 1947, is hereby amended by striking out, in line 11, the words "the Boston Traffic Commission" and inserting in place thereof the words: — its traffic and parking commission, or promulgated by its commissioner of traffic and parking, — and by striking out, in lines 16 and 17, the words "the Boston Traffic Commission" and inserting in place thereof the words: — the traffic and parking commission of said city.

SECTION 17. Section 17A of chapter 45 of the General Laws, as most recently amended by chapter 1 of the acts of 1955, is hereby amended by striking out, in line 3, the words "the chairman of its traffic commission" and inserting in place thereof the words: — its commissioner of traffic and parking.

SECTION 18. The first paragraph of section 18 of chapter 90 of the General Laws, as appearing in chapter 341 of the acts of 1960, is hereby amended by inserting after the word "traffic", in line 1, the words: — and parking.

SECTION 19. The last paragraph of said section 18 of said chapter 90, added by chapter 135 of the acts of 1955, is hereby amended by inserting after the word "traffic", in lines 5 and 10, in each instance, the words: — and parking.

SECTION 20. The second sentence of the second paragraph of section 20A of said chapter 90, as amended by section 1 of chapter 233 of the acts of 1961, is hereby further amended by striking out, in line 14, the words "Boston traffic commission or" and inserting in place thereof the words: — traffic and parking commission of the city of Boston or by.

SECTION 21. Said section 20A is hereby further amended by striking out the fifth paragraph, as amended by section 6 of chapter 455 of the acts of 1961, and inserting in place thereof the following paragraph: —

The traffic and parking commission of the city of Boston shall from time to time establish, with the approval of the city council of said city, in accordance with the provisions of the charter of said city, by rule or regulation, a schedule of fines for offenses subject to this section committed in said city; provided, however, that said commission shall not establish under the provisions of this paragraph any fine exceeding fifteen dollars.

SECTION 22. Section 56 of chapter 148 of the General Laws is hereby amended by striking out the first sentence, as appearing in section 1 of chapter 168 of the acts of 1962, and inserting in place thereof the following sentence: — In any city or town which accepts the provisions of this section, no person shall engage in the business of conducting or maintaining an open-air parking space without a license therefor granted, in the city of Boston, by its commissioner of traffic and parking, and in any other city or town, by the local licensing authority, approved in all cases by the head of the fire department.

SECTION 23. Section fifty-six of chapter one hundred and forty-eight of the General Laws, as amended by section twenty-two of this act, shall be applicable to each city or town which has accepted the provisions of section fifty-six of said chapter one hundred and forty-eight, as in effect prior to the effective date of this act, or corresponding provisions of earlier laws.

SECTION 24. This act shall take effect on July first, nineteen hundred and sixty-two.

*Approved April 13, 1962.*