

HOUSE No. 3064

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 26, 1955.

The committee on Metropolitan Affairs to whom was referred the petition (accompanied by bill, House, No. 3037) of John J. Beades, Mario Umana, Philip G. Bowker, John E. Sheldon and another relative to the membership of trustees and the powers of the advisory board of the Metropolitan Transit Authority, report (in part) the accompanying bill (House, No. 3064).

For the committee,

WILLIAM FRANCIS KEENAN.

Representatives KERR of Belmont and CAMPBELL of Wakefield dissenting.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE MEMBERSHIP OF THE BOARD OF TRUSTEES AND THE POWERS OF THE ADVISORY BOARD OF THE METROPOLITAN TRANSIT AUTHORITY.

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 544 of the acts of 1947 is hereby
2 amended by striking out section 2, as most recently
3 amended by section 1 of chapter 197 of the acts of 1953,
4 and inserting in place thereof the following section:—
5 *Section 2.* The affairs of the authority shall be man-
6 aged by a board of five trustees, hereafter in this act
7 called the trustees, who shall be appointed by the gov-
8 ernor with the advice and consent of the council, of
9 whom one shall be experienced in the transportation
10 field, one in labor relations, and one in administrative
11 and financial matters, and two of whom shall have been
12 recommended by the advisory board of the Metropolitan
13 Transit Authority. The trustees initially appointed here-
14 under shall serve for terms of one, two, three, four and
15 five years, respectively, as the governor shall provide
16 in their respective appointments. As the term of a
17 trustee expires, his successor shall be appointed by the
18 governor, with like advice and consent, for a term of
19 five years. All trustees appointed hereunder shall hold
20 office until the qualification of their respective successors.
21 The governor shall designate from time to time one of
22 the trustees as chairman. Any trustee may be removed
23 for cause by the governor, with like advice and consent.
24 Any vacancy in the office of a trustee shall be filled, for
25 the unexpired term, by the governor, with like advice
26 and consent. Section three of chapter twelve of the
27 General Laws shall not apply to said board of trustees.

1 SECTION 2. Section 1 of chapter 404 of the acts of 1952
2 is hereby amended by striking out the last sentence and
3 inserting in place thereof the following three sentences:—
4 When requested by said board or by the trustees of said
5 authority the members of the board hereby established
6 may appear before said trustees with reference to mat-
7 ters pertaining to the fixing of rates of fare and charges
8 for service. No general increase in rates of fare as dis-
9 tinguished from an increase in rates of fare or charges
10 for special service shall be established by the trustees
11 unless approved by the affirmative vote of said board as
12 herein provided. Upon request of the board or of the
13 trustees of said authority the members of said board
14 may also appear before said trustees with reference to
15 matters pertaining to the character and extent of the
16 services and facilities furnished by said authority for the
17 purpose of enabling the members of said board to advise
18 said trustees and to express to them their views and rec-
19 ommendations relative to said matters.

1 SECTION 3. Section 11 of said chapter 544 is hereby
2 amended by striking out the first paragraph and insert-
3 ing in place thereof the following paragraph:—
4 The trustees, subject to the approval of the depart-
5 ment and the advisory board of the Metropolitan Transit
6 Authority, shall from time to time fix such rates of fare
7 and charges for service furnished or operated as in their
8 judgment will produce as much income as is feasible con-
9 sidering the effect of such rates of fares and charges for
10 service upon the use of the service furnished or operated
11 and the economic welfare of the territory constituting
12 the authority and considering all other factors deemed
13 pertinent by the trustees; provided, however, that rates
14 of fare and charges for service shall at all times be so
15 fixed that they shall not produce in any year an income
16 of more than two million dollars in excess of the amount
17 necessary to meet the cost of the service in such year
18 and the restoration of the reserve fund provided for by
19 section thirteen to the amount originally established for

20 such fund; and provided, further, that rates of fare and
21 charges for service may at all times be so fixed that they
22 may produce sufficient income to meet at least that por-
23 tion of the cost of the service which is determined by
24 excluding from the cost of the service the following: —
25 (1) payments of interest and payments in reduction of
26 principal on the bond of the authority issued to the dis-
27 trict under section seven A; (2) payments of interest on
28 the bond of the authority executed and delivered to the
29 district under paragraph (c) of section eight A and pay-
30 ments of all sums payable by the authority on its note
31 executed and delivered to the district under said para-
32 graph (c); (3) payments of interest (with credit or
33 charge, if any, for amortization of premium, discount
34 and expense) and payments of principal on bonds and
35 notes of the authority issued to the district under sec-
36 tion twenty-two; (4) payments of interest (with credit
37 or charge, if any, for amortization of premium, discount
38 and expense) on all bonds of the authority issued to the
39 district under paragraph (j) of section eight A and under
40 section six of chapter six hundred and forty-nine of the
41 acts of nineteen hundred and forty-nine; (5) payments
42 of rentals and other charges under leases or contracts
43 for use of subway and rapid transit facilities owned by
44 the commonwealth.

1 SECTION 4. The board of trustees of the Metro-
2 politan Transit Authority in existence immediately
3 prior to the passage of this act shall be abolished, and
4 the terms of office of the members thereof shall termi-
5 nate, upon the qualification of the board of trustees
6 initially appointed under section one of this act; and
7 upon such qualification the board of trustees so in
8 existence shall forthwith deliver all books, records, and
9 papers in its custody to the board of trustees so ap-
10 pointed. The board of trustees provided for by section
11 one of this act shall have all the powers and duties of
12 the board of trustees in existence immediately prior to
13 the passage of this act, including, without limiting the

14 generality of the foregoing, the powers and duties vested
15 in said board by the second paragraph of section two of
16 chapter five hundred and forty-four of the acts of nine-
17 teen hundred and forty-seven to its amendment by
18 section one of chapter 197 of the acts of nineteen hundred
19 and fifty-three.

1 SECTION 5. This act shall take effect upon its passage.

