

SENATE No. 1520

The Commonwealth of Massachusetts

SENATE, December 11, 1967.

The committee on Bills in the Third Reading, to whom was referred the Senate Bill establishing a recreational tramway safety board in the department of public safety, with authority to formulate rules and regulations for the safe installation, maintenance and operation of recreational tramways (Senate, No. 809), reports recommending that the same be amended by substituting therefor a new draft entitled "An Act establishing the recreational tramway board in the department of public safety and providing for the inspection and licensing of such tramways" (Senate, No. 1520), and that, when so amended, the same will be correctly drawn.

For the committee,

JOHN E. HARRINGTON, JR.

The Commonwealth of Massachusetts

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

AN ACT ESTABLISHING THE RECREATIONAL TRAMWAY BOARD IN THE DEPARTMENT OF PUBLIC SAFETY AND PROVIDING FOR THE INSPECTION AND LICENSING OF SUCH TRAMWAYS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 143 of the General Laws is hereby amended by in-
2 serting after section 71G the following eight sections under
3 the caption RECREATIONAL TRAMWAYS: —

4 *Section 71H.* There shall be in the department, but not un-
5 der the control of the commissioner, a recreational tramway
6 board, in this section and sections seventy-one I to seventy-
7 one O, inclusive, called the board, consisting of the commis-
8 sioner, *ex officio*, or a member of the department designated
9 by him from time to time, and four persons appointed by the
10 governor, of whom one shall be a person who owns or operates
11 a rope tow, one a person who owns or operates a recreational
12 tramway other than a rope tow, one a representative of ski
13 clubs or other organizations of persons who patronize recrea-
14 tional tramways, and one a representative of companies writing
15 liability insurance on recreational tramways. The governor
16 shall from time to time designate one of the appointive mem-
17 bers to serve as chairman.

18 Each appointive member of the board shall receive thirty-
19 one dollars and twenty-five cents for each day or portion
20 thereof spent in the performance of his official duties; pro-
21 vided, that the total sum paid to any such appointive member
22 thereof shall not exceed twelve hundred and fifty dollars in
23 any one year. Each member shall receive from the common-
24 wealth the expenses necessarily incurred by him in the per-
25 formance of his official duties.

26 The commissioner shall provide the board with such clerical

27 and other assistance and inspectional personnel as may be
28 necessary to carry out the duties of the board.

29 *Section 711.* As used in sections seventy-one H to seventy-
30 one O, inclusive, the following words shall, unless the context
31 otherwise requires, have the following meanings:

32 "Recreational tramway", a device used to transport passen-
33 gers uphill on skis, or in cars on tracks or suspended in the
34 air, by the use of steel cables, chains or belts or by ropes, and
35 usually supported by trestles or towers with one or more spans.
36 The term recreational tramway shall include the following:

37 (1) Two-car aerial passenger tramway, a device used to
38 transport passengers in two open or enclosed cars attached
39 to, and suspended from, a moving wire rope, or attached
40 to a moving wire rope and supported on a standing wire rope,
41 or similar devices.

42 (2) Multi-car aerial passenger tramway, a device used to
43 transport passengers in several open or enclosed cars attached
44 to, and suspended from, a moving wire rope, or attached
45 to a moving wire rope and supported on a standing wire
46 rope, or similar devices.

47 (3) Skimobile, a device in which a passenger car running
48 on steel or wooden tracks is attached to and pulled by a steel
49 cable, or similar devices.

50 (4) Chair lift, a type of transportation on which passen-
51 gers are carried on chairs suspended in the air and attached
52 to a moving cable, chain or link belt supported by trestles
53 or towers with one or more spans, or similar devices.

54 (5) J bar, T bar or platter pull, so-called, and similar types
55 of devices, means of transportation which pull skiers riding
56 on skis by means of an attachment to a main overhead cable
57 supported by trestles or towers with one or more spans.

58 (6) Rope tow, a type of transportation which pulls the
59 skiers riding on skis as the skiers grasp the rope manually,
60 or similar devices.

61 "Operator", a person, including the commonwealth or any
62 political subdivision thereof, who owns or controls the opera-
63 tion of a recreational tramway.

64 "Board", the recreational tramway board.

65 *Section 71J.* After a hearing, the board shall adopt, and
 66 may from time to time, amend or revoke, rules and regula-
 67 tions for the construction, operation and maintenance of rec-
 68 reational tramways and for the inspection, licensing and cer-
 69 tification of inspectors thereof. The attorney general shall
 70 assist the board in framing such rules and regulations.

71 *Section 71K.* No recreational tramway shall be operated
 72 unless a license for such operation has been issued by the
 73 board. Such license shall be issued for a term of not longer
 74 than one year, upon application therefor on a form furnished
 75 by the board, and upon a determination by the board that the
 76 recreational tramway conforms to the rules and regulations of
 77 the board. In making such determination the board may rely
 78 upon the report of an inspector certified by it in accordance
 79 with its rules and regulations.

80 *Section 71L.* Each application for a license or a renewal
 81 thereof shall, except as hereinafter provided, be accompanied
 82 by a fee in accordance with the following schedule:

<i>Type of Tramway</i>	<i>Original License</i>	<i>Renewal</i>
1. Two-car aerial passenger tramway	\$275.00	\$75.00
2. Multi-car aerial passenger tramway	\$125.00	\$50.00
3. Skimobile	\$125.00	\$50.00
4. Chairlift	\$125.00	\$50.00
5. J Bar, T Bar, or platter pull	\$100.00	\$50.00
6. Rope tows	\$ 35.00	\$20.00

83 If such application is accompanied by a report of an inspector
 84 certified by the board, containing such information as the
 85 board may by rule or regulation prescribe, such fees shall be
 86 ten dollars for a license or a renewal thereof for a rope tow
 87 and twenty-five dollars for a license or a renewal thereof for
 88 any other type of recreational tramway.

89 *Section 71M.* Any operator who is aggrieved by any order
 90 of the board may appeal therefrom to the superior court. No
 91 such appeal shall suspend the operation of the order made by
 92 the board; provided that the superior court may suspend the
 93 order of the board pending the determination of such appeal

94 whenever, in the opinion of the court, justice may require
95 such suspension. The superior court shall hear such appeal at
96 the earliest convenient day and shall enter such decree as
97 justice may require.

98 *Section 71N.* Whoever violates any provision of section
99 seventy-one K, or any rule or regulation made under the pro-
100 visions of section seventy-one J shall be punished by a fine of
101 not more than one hundred dollars, except that any person
102 who operates a recreational tramway after the license therefor
103 has been suspended or revoked, shall be punished by a fine of
104 fifty dollars for each day of such operation.

105 *Section 71 O.* Recreational tramways shall not be subject
106 to the provisions of chapters one hundred and fifty-nine, one
107 hundred and sixty, one hundred and sixty-one or one hundred
108 and sixty-two, and shall not be subject to the jurisdiction or
109 control of the department of public utilities.

