

HOUSE No. 224

By Mr. Lewis R. Sullivan, Jr., of Boston, petition of James M. Curley, mayor, that the Boston Traffic Commission be abolished and its duties be vested in the Boston Traffic Commissioner. Highways and Motor Vehicles.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-One.

An Act establishing the Boston Traffic Commissioner and defining his Powers and Duties and abolishing the Boston Traffic Commission.

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

1 SECTION 1. Chapter two hundred and sixty-three
2 of the acts of nineteen hundred and twenty-nine is
3 hereby amended by striking out section one and
4 inserting in place thereof the following new section:
5 *Section 1.* There is hereby established in the
6 city of Boston, hereinafter referred to as the city,
7 a traffic commissioner to be known as the Boston
8 traffic commissioner, hereinafter referred to as the
9 commissioner, who shall be appointed by the mayor
10 of the city, shall serve for a term of four years and
11 until the qualification of his successor, shall receive
12 such compensation as shall be established by the
13 mayor and city council of the city and may be
14 removed by the mayor. All expenses of the com-

15 missioner incurred for the purposes of this act shall
16 be paid by the city. For said purposes the com-
17 missioner may, subject to the approval of the mayor,
18 and to chapter thirty-one of the General Laws and
19 rules and regulations made thereunder, employ
20 engineers, experts, assistants and other officers and
21 employees. All statutes and ordinances applicable
22 generally to the departments of the city shall apply
23 to the commissioner except the provisions of section
24 five of said chapter four hundred and eighty-six.
25 Except as otherwise provided herein, all powers and
26 duties now conferred or imposed by law upon the
27 Boston traffic commission are hereby conferred and
28 imposed upon said Boston traffic commissioner.
29 All existing rules and regulations of the Boston
30 traffic commission or any other public board, com-
31 mission or official of the city relating to the control
32 of vehicular traffic shall remain in full force and
33 effect until amended, revised or repealed by the
34 commissioner under this act and any amendment,
35 revision or repeal of such a rule or regulation or
36 the adoption of any new rule or regulation by the
37 commissioner shall not affect any act done, any
38 right accrued, any penalty incurred or any suit,
39 prosecution or proceeding pending at the time of
40 said amendment, revision, repeal or adoption.

1 SECTION 2. Said chapter two hundred and sixty-
2 three of the acts of nineteen hundred and twenty-
3 nine is hereby further amended in section two by
4 striking out said section two and inserting in place
5 thereof the following new section: —

6 *Section 2.* The commissioner shall have exclusive
7 authority except as otherwise herein provided to

8 adopt, amend, alter and repeal rules and regulations
9 not inconsistent with General Laws as modified by
10 this act, relative to vehicular street traffic in the
11 city and to the movement, stopping and standing
12 of vehicles on and their exclusion from all or any
13 streets, ways, highways, roads and parkways under
14 the control of the city, including rules and regula-
15 tions designating any way or part thereof under
16 said control as a through way under and subject to
17 the provisions of section nine of chapter eighty-
18 nine of the General Laws as amended and may pre-
19 scribe penalties not exceeding fifty dollars for the
20 violation of any rule or regulation adopted here-
21 under. No such rule or regulation except such
22 special rules and regulations as are declared by
23 him to be urgently required by considerations of
24 public safety or convenience or such as are of a
25 temporary nature and are to be effective for a period
26 of not more than two weeks shall take effect until
27 published for two successive weeks in the City
28 Record and approved by the mayor. Upon petition
29 of twenty-five registered voters of the city relative
30 to any rule or regulation adopted or proposed to
31 be adopted under this section, the commissioner
32 shall hold a public hearing thereon within thirty
33 days after the filing with him of said petition and
34 shall take final action thereon within thirty days
35 from the date of the final hearing on said petition.
36 The commissioner shall have the power to erect,
37 make, maintain or cause to be erected, made and
38 maintained traffic signs, signals, markings and other
39 devices for the control of such traffic in the city
40 and for informing and warning the public as to the
41 rules and regulations adopted hereunder subject,

42 however, to section two of chapter eighty-five and
43 to sections eight and nine of said chapter eighty-nine
44 of the General Laws as amended. Nothing in this
45 act shall be construed to authorize the commissioner
46 to adopt any rule or regulation excluding the cars
47 of a street railway company from any way or part
48 thereof in which it has a location or to modify or
49 limit any power or authority of the metropolitan
50 district commission, of the state department of
51 public works or of the state department of public
52 utilities or any power now vested in the police com-
53 missioner of the city to regulate street uses under
54 licenses or permits granted by said commissioner.

1 SECTION 3. Said chapter two hundred and sixty-
2 three of the acts of nineteen hundred and twenty-
3 nine is hereby further amended in section three by
4 striking out said section three.

1 SECTION 4. This act shall take effect upon its
2 acceptance during the current year by vote of the
3 city council of the city, subject to the provisions
4 of its charter, but not otherwise.