

# SENATE . . . . . No. 1170

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## The Commonwealth of Massachusetts

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SENATE, July 2, 1968.

The committee on Bills in The Third Reading, to whom was referred the 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. 675), 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. 1170), 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-Eight.

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 SECTION 1. Chapter 143 of the General Laws is hereby  
2 amended by inserting after section 71G the following eight  
3 sections under 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, or a member of the department designated by him  
9 from time to time, and four persons appointed by the governor  
10 for terms of four years, of whom one shall be a person who  
11 owns or operates a rope tow, one a person who owns or oper-  
12 ates a recreational tramway other than a rope tow, one a  
13 representative of ski clubs or other organizations of persons  
14 who patronize recreational tramways, and one a representative  
15 of companies writing liability insurance on recreational tram-  
16 ways. The governor shall from time to time designate one of  
17 the appointive members 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 71I.* 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>
84 1. Two-car aerial 85 passenger tramway	\$275.00	\$75.00
86 2. Multi-car aerial 87 passenger tramway	\$125.00	\$50.00
88 3. Skimobile	\$125.00	\$50.00
89 4. Chairlift	\$125.00	\$50.00
90 5. J Bar, T Bar, or platter pull	\$100.00	\$50.00
91 6. Rope tows	\$ 35.00	\$20.00

92 If such application is accompanied by a report of an inspector  
93 certified by the board, containing such information as the  
94 board may by rule or regulation prescribe, such fees shall be  
95 ten dollars for a license or a renewal thereof for a rope tow  
96 and twenty-five dollars for a license or a renewal thereof for  
97 any other type of recreational tramway.

98 *Section 71M.* Any operator who is aggrieved by any order  
99 of the board may appeal therefrom to the superior court. No  
100 such appeal shall suspend the operation of the order made by  
101 the board; provided that the superior court may suspend the

102 order of the board pending the determination of such appeal  
103 whenever, in the opinion of the court, justice may require  
104 such suspension. The superior court shall hear such appeal at  
105 the earliest convenient day and shall enter such decree as  
106 justice may require.

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

114 *Section 71O.* Recreational tramways shall not be subject  
115 to the provisions of chapters one hundred and fifty-nine, one  
116 hundred and sixty, one hundred and sixty-one or one hundred  
117 and sixty-two, and shall not be subject to the jurisdiction or  
118 control of the department of public utilities.

1 SECTION 2. Of the four members originally appointed by  
2 the governor under section seventy-one H of chapter one hun-  
3 dred and forty-three of the General Laws, inserted by section  
4 one of this act, one shall be appointed for a term of four  
5 years, one for a term of three years, one for a term of two  
6 years, and one for a term of one year, and thereafter their  
7 successors shall be appointed for terms of four years.

102 order of the board pending the establishment of such system.  
 103 whenever, in the opinion of the board, justice so requires.  
 104 such suspension. The superior court shall hear and determine  
 105 the earliest convenient day, and shall enter such decree as  
 106 justice may require.  
 107 Section 116. Whoever violates any provision of section  
 108 seventy-one or of any rule or regulation made under the pro-  
 109 visions of section seventy-one shall be punished as a fine of  
 110 not more than one hundred dollars, except that any person  
 111 who operates a recreational facility after the hours therein  
 112 has been suspended or revoked shall be punished by a fine of  
 113 fifty dollars for each day of such operation.  
 114 Section 120. Recreational conveyances shall not be subject  
 115 to the provisions of chapters one hundred and fifty-two, one  
 116 hundred and fifty-one and chapter one hundred and fifty-one  
 117 and six hundred and thirty-two, but shall be subject to the provisions of  
 118 chapter one hundred and thirty-two.

1 Section 2. Of the four members originally appointed by  
 2 the governor under section seventy-one of chapter one hun-  
 3 dred and forty-three of the General Laws, one shall be appointed  
 4 one of the set, one shall be appointed for a term of two  
 5 years, one for a term of three years, one for a term of two  
 6 years, and one for a term of one year, and thereafter should  
 7 successors shall be appointed for terms of four years.

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