

By Mr. Smith of Lynn, petition of James E. Smith relative to regulating private passenger carriers. Transportation.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Seventy-Six.

**AN ACT FURTHER REGULATING PRIVATE PASSENGER CARRIERS.**

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

1 To amend 161a, section 5 by striking clause k and inserting:—  
2 (k) Any private company lawfully providing mass transporta-  
3 tion service in the area constituting the authority at the time the  
4 authority is established may continue so to operate the same  
5 route or routes and levels of service as theretofore, and may  
6 conduct such further operations as the authority may permit in  
7 the future with a contract which shall be reviewed and renewed, if  
8 the authority deems appropriate, on an annual basis. The  
9 authority may revoke a contract on sufficient grounds after a  
10 public and/or administrative hearing on said revocation;  
11 provided, that the authority shall in all respects have the same  
12 powers and duties in respect to such private carriers as are  
13 provided by law for the department of public utilities except as to  
14 safety of equipment and operations, schedules and routes not  
15 being, however, considered safety of equipment and operations  
16 for the purposes of this paragraph; and provided, further, that  
17 whenever the authority desires to add new routes for service in  
18 any area, it shall give preference in the operation of such routes to  
19 the private carrier then serving such area unless the authority  
20 concludes that such carrier has not demonstrated an ability to  
21 render such service according to the standards of the authority,  
22 that such service can be operated directly by the authority at  
23 substantially lesser expense to the authority and the public than if  
24 operated by such private carrier, or that for substantial and  
25 compelling reasons in the public interest operation by such  
26 private carrier is not feasible.

- 27 In communities serviced by the authority and private carriers;  
28 all passenger service provided by private carriers must be  
29 comparable to service provided by the authority, with regard to  
30 fares and public convenience.