

# HOUSE . . . . . No. 110

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Bill accompanying the petition of R. M. Washburn for legislation to increase the powers of the Board of Railroad Commissioners. Railroads. January 1.

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## The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Thirteen.

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### AN ACT

To increase the Powers of the Board of Railroad Commissioners.

*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. Whenever the board of railroad commis-  
2 sioners, hereinafter called the board, shall be of opinion,  
3 after a hearing had upon its own motion or upon com-  
4 plaint, that the rates, fares or charges or any of them de-  
5 manded, exacted, charged or collected by any person, firm,  
6 association, company or corporation now or hereafter sub-  
7 ject to its jurisdiction, and hereinafter called a carrier,  
8 for the transportation of persons or property within the  
9 commonwealth, or the regulations or practices of such  
10 carrier affecting such rates, are unjust, unreasonable, un-

11 justly discriminatory or unduly preferential or in any  
12 wise in violation of any provision of law, or that the  
13 rates, fares or charges or any of them chargeable by any  
14 such carrier are insufficient to yield reasonable compen-  
15 sation for the service rendered and are unjust and un-  
16 reasonable, the board, with due regard among other  
17 things to a reasonable return upon capital, shall deter-  
18 mine the just and reasonable rates, fares and charges  
19 to be charged for the service to be performed, and shall  
20 fix the same by order to be served upon every carrier by  
21 whom such rates, fares and charges or any of them are  
22 thereafter to be observed.

1 SECTION 2. Whenever the board shall be of opinion,  
2 after a hearing had upon its own motion or upon com-  
3 plaint, that the regulations, practices, equipment, appli-  
4 ances, or service of any carrier in respect to transportation  
5 of persons or property within the commonwealth are un-  
6 just, unreasonable, unsafe, improper or inadequate, the  
7 board shall determine the just, reasonable, safe, adequate  
8 and proper regulations, practices, equipment, appliances  
9 and service thereafter to be in force, to be observed and to  
10 be used in such transportation of persons and property,  
11 and shall fix and prescribe the same by order to be served  
12 upon every carrier to be bound thereby, and thereafter it  
13 shall be the duty of every carrier to observe and obey  
14 every requirement of every such order so served upon it,  
15 and to do everything necessary or proper in order to  
16 secure absolute compliance with and observance of every  
17 such order by all its officers, agents and employees.

1 SECTION 3. Rates and facilities constitutionally fixed  
2 and determined by statute shall not be revised or regulated  
3 by the board.

1 SECTION 4. Whenever the board shall be of opinion,  
2 after a hearing had upon its own motion or upon com-  
3 plaint, that the number of men forming a train crew of  
4 any train operating in the commonwealth is not sufficient  
5 to operate said train for the safety of the public and the  
6 employees of the railroad, they shall thereupon order such  
7 changes as they may deem necessary.

1 SECTION 5. The board may appoint a counsel to the  
2 board, whose salary shall not exceed five thousand dol-  
3 lars per annum, and such attorneys as it may deem ad-  
4 visable, for such terms of office or employment as it may  
5 deem proper, who shall act under the direction of  
6 the attorney-general in the performance of their legal  
7 duties. The board may appoint or employ such en-  
8 gineers, accountants, statisticians, assistants, inspec-  
9 tors, clerks and other subordinates as it may deem  
10 advisable, on such terms of office or employment as it  
11 may deem proper. The board may expend such sums to  
12 procure opinions, advice, plans, surveys, appraisals,  
13 audits, examinations, statistics, information, apparatus,  
14 instruments, books, tables, maps, drawings, supplies  
15 and sundries, and for travel within or without the com-  
16 monwealth and expense incidental thereto, as it may  
17 from time to time deem requisite in the performance of  
18 its duties. The board may, from any appropriations  
19 authorized by the general court for the use of the board,  
20 expend such sums as it deems necessary in the perform-  
21 ance of its duties under the provisions of this act.

1 SECTION 6. The supreme judicial court shall have  
2 jurisdiction in equity to enforce compliance with any  
3 order issued by the board under authority of this act, and  
4 shall hear and determine any proceedings under this act

5 in preference to all other civil business except election  
6 cases.

1 SECTION 7. So much of section nine of chapter four  
2 hundred and sixty-three, Part I, of the acts of the year  
3 nineteen hundred and six, as amended by chapter three  
4 hundred and forty-three of the acts of the year nineteen  
5 hundred and nine, and so much of sections one and two  
6 of chapter seven hundred and fifty-five of the acts of the  
7 year nineteen hundred and eleven and of any other act  
8 as is inconsistent herewith, is hereby repealed.

1 SECTION 8. This act shall take effect upon its passage.