

By Mr. Carey of Revere, petition of the Dump Truck Owners Association, Inc., and Raymond E. Carey that provision be made for public hearings relative to changes in certificates issued by the Department of Public Utilities. Transportation.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR PUBLIC HEARINGS RELATIVE TO CHANGES IN CERTIFICATES ISSUED BY THE DEPARTMENT OF PUBLIC UTILITIES.

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 3 of chapter 159B of the General Laws is hereby
2 amended by striking out subdivision (b) and inserting in
3 place thereof the following:—
4 (b) Certificates shall be issued as provided in paragraph
5 (a) of this section only after notice and a public hearing as
6 hereinafter provided, and at the time of issuance, and from
7 time to time thereafter, the exercise of the privileges granted
8 by the certificate shall be subject to such reasonable terms,
9 conditions and limitations as the public convenience and
10 necessity may require, including such terms, conditions and
11 limitations as to the extension of the route or routes of the
12 carrier as are necessary to carry out, with respect to his
13 operations, the general orders, rules and regulations adopted
14 and established by the department under authority of this
15 chapter; provided, that no such terms, conditions or limita-
16 tions shall restrict the right of the carrier to add to his
17 equipment and facilities over the routes, between the termini,
18 or within the territory specified in the certificate, as the
19 development of the business and the demands of the public
20 shall require. A hearing under this paragraph shall be held

21 twice a month in the city of Boston and once a month in each
22 of the cities of Fall River, Lowell, Pittsfield, Springfield and
23 Worcester and in each of the towns of Greenfield and
24 Plymouth; at a time and place to be determined by the
25 department. An alphabetical city and town list of all carriers
26 holding certificate with the department at the time of
27 application for a new issuance shall be furnished to the party
28 or parties declaring the present and future public convenience
29 and necessity on behalf of the applicant to enable that party
30 or parties to factually testify at the subsequent public
31 hearing as to the availability of all present certificate holders
32 to render the services needed in the area applied for in the
33 certificate. A written notice of such hearing shall be mailed
34 by the department at least seven days before the date fixed
35 therefor to the applicant, to the commissioner of public
36 works, to every railroad and electric railway company serving
37 any part of the route proposed to be served by the applicant,
38 and to each person filing with the department a written
39 request for such notice; and a copy of such notice, including a
40 list of the applications to be heard, shall be posted, at least
41 seven days before the date fixed for the hearing, in the office
42 of the department, in the office of the commercial motor
43 vehicle division, and in the building wherein such hearing is
44 to be held. Under such general or special rules and regula-
45 tions as the commissioners may prescribe, a common carrier
46 by motor vehicle operating under any such certificate may
47 occasionally deviate from the route which, and the fixed
48 termini between which, he is authorized to operate under
49 the certificate.