

By Mr. Nordberg of Reading, petition of Mary B. Newman (Secretary of Manpower Affairs) and Nils L. Nordberg that employers be authorized to provide for the mass transportation of their employees. Transportation.

The Commonwealth of Massachusetts

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

AN ACT TO PROVIDE FOR THE MASS TRANSPORTATION OF EMPLOYEES BY AN EMPLOYER.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is in part to avert and minimize the effects of the energy crisis, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health, safety and convenience.

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. Section 11A of Chapter 159A of the General
2 Laws, as most recently amended by Chapter 561 of the Acts of
3 1971 is hereby further amended by striking out the second, third
4 and fourth paragraphs, and inserting in place thereof the
5 following:—

6 No person shall operate any motor vehicle carrying ten or
7 more persons, including the driver, upon any public way in
8 special service, school service or employment service, as herein-
9 after defined, unless he shall have obtained from the department
10 a permit to render such special service, school service or
11 employment service, certifying that the rendering of such special
12 service, school service or employment service is consistent with
13 the public interest, and public convenience requires it. "Special
14 service" is hereby defined as the transportation, by motor vehicle

15 over a route other than one certified to the applicant under
16 section seven, for any special purpose, event or occasion or series
17 of events or occasions, of a number of passengers to whom the
18 carrier itself, or some person in its behalf, has sold or intends to
19 sell tickets for transportation service, whether such tickets are for
20 transportation alone or are in the form of combination tickets.
21 The application for a special service permit shall designate the
22 specific point or points of origin and destination proposed to be
23 served, and in no case shall any such event or occasion extend
24 beyond a specific twenty-four hour period. "School service" is
25 hereby defined as the transportation, by motor vehicle over a
26 route other than one certified to the applicant under section
27 seven, of children to and from school and summer day camp.
28 "Employment service" is hereby defined as the transportation,
29 by motor vehicle over a route other than one certified to the
30 applicant, under section seven, by an employer, of employees of
31 said employer to and from their place of employment. No special
32 service, school service or employment service permit shall be
33 issued in any city or town as the point of origin other than to the
34 holder of a certificate under section seven who has a certificated
35 route in said city or town, unless there is no such certificate
36 holder in such city or town, or unless the holder of said
37 certificate is not fit, willing and able properly to perform the
38 special service, school service or employment service applied for,
39 and no such permit shall be issued to operate over a route over
40 which or approximately over which a carrier has a certificate to
41 operate under section seven, if said carrier is fit, willing and able
42 properly to perform the special service, school service or
43 employment service applied for. The department may grant or
44 refuse to grant a permit for such special service, school service or
45 employment service, upon application, after not less than seven
46 days' notice by mail directed to holders of certificates issued
47 under section seven and of permits issued under this section,
48 serving the cities or towns of origin and destination named in
49 such application. In the event that the department considers that
50 any objection filed with it before the return date warrants
51 further consideration, it shall hold such hearing on such notice as
52 it may require, and shall thereupon grant or refuse to grant such
53 permit. Special service permits shall be granted only to the holder
54 of a license issued under this section authorizing him to engage in
55 the business of rendering charter service and the department
56 may, after notice and hearing, revoke such permit for cause. Such

57 special service, school service or employment service shall not be
58 subject to section one.

59 The department may make suitable and reasonable rules,
60 orders and regulations covering the operation of motor vehicles
61 both under section one and in such charter service, special
62 service, school service or employment service, and may revise,
63 alter, amend or annul the same. The department shall also
64 establish minimum mileage rates for any such charter service
65 operated in intrastate commerce within the commonwealth, and
66 may revise, alter, amend or annul such rates, and in determining
67 such rates the department shall consider as part of the rate base
68 the elements of waiting service and type of equipment employed.
69 The terms "charter service", "special service", "school service"
70 and "employment service" shall not include the transportation of
71 school children to and from school pursuant to a written
72 contract with a municipality or municipal board or with the
73 authorities of such school, provided that the charges for such
74 transportation are borne by such municipality or municipal
75 board or school and provided, further, that no special charges for
76 such transportation are made by the municipality or municipal
77 board or such school on account of the children transported; or
78 the operation of a motor vehicle so used and owned and operated
79 by such authorities; or the operation of sight-seeing automobiles
80 licensed under chapter three hundred and ninety-nine of the acts
81 of nineteen hundred and thirty-one.

82 Sections six, eight, nine, eleven, thirteen, fourteen and fifteen
83 shall apply to the operation of charter service under a license
84 granted under this section and to special service, school service or
85 employment service under a permit issued under this section, but
86 vehicles for which vehicle permits have been issued under section
87 eight and drivers who hold drivers' licenses under section nine
88 shall not be required to have additional vehicle permits and
89 drivers' licenses for operation in charter service or special service.

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