

SENATE No. 1175

The Commonwealth of Massachusetts

SEPTEMBER, 20, 1965.

The committee on Bills in the Third Reading, to whom was re-committed the Senate Bill relative to the powers of the Massachusetts Bay Transportation Authority in providing mass transportation service (Senate, No. 745, changed and amended), reports recommending that the same be amended by substituting therefor a new draft entitled "An Act excluding operations of the Massachusetts Bay Transportation Authority with equipment owned and operated by said authority from the jurisdiction and control of city, town and certain other licensing authorities" (Senate, No. 1175), 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-Five.

AN ACT EXCLUDING OPERATIONS OF THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY WITH EQUIPMENT OWNED AND OPERATED BY SAID AUTHORITY FROM THE JURISDICTION AND CONTROL OF CITY, TOWN AND CERTAIN OTHER LICENSING AUTHORITIES.

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 161A of the General Laws, inserted
2 therein by section 18 of chapter 563 of the acts of 1964, is
3 hereby amended by striking out paragraph (i) and inserting
4 in place thereof the following paragraph: —

5 (i) To provide mass transportation service, whether directly,
6 jointly or under contract, on an exclusive basis, except as
7 provided in paragraph (k) of section five, in the area consti-
8 tuting the authority and without being subject to the juris-
9 diction and control of the department of public utilities in any
10 manner except as to safety of equipment and operations and,
11 with respect only to operations of the authority with equip-
12 ment owned and operated by the authority, without, except
13 as otherwise provided in this chapter, being subject to the
14 jurisdiction and control of any city or town or other licensing
15 authority; provided that schedules and routes shall not be
16 considered matters of safety subject to the jurisdiction and
17 control of said department. Except as otherwise provided in
18 this chapter, the directors of the authority shall determine
19 the character and extent of the services and facilities to be
20 furnished, and in these respects their authority shall be ex-
21 clusive and shall not be subject to the approval, control or
22 direction of any state, municipal or other department, board
23 or commission. Nothing contained in this paragraph shall be
24 construed as exempting any privately owned or controlled
25 carrier, whether operating independently, jointly or under
26 contract with the authority, from obtaining any license re-
27 quired under section one of chapter one hundred and fifty-
28 nine A.