
The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES,
STATE OFFICE BUILDING, GOVERNMENT CENTER,
100 CAMBRIDGE STREET, BOSTON 02202.

November 4, 1968.

HONORABLE JOHN F. X. DAVOREN, *Secretary of the Commonwealth*, State House,
Boston, Massachusetts 02133.

DEAR MR. SECRETARY:—In accordance with the provisions of section 33 of Chapter 30 of the General Laws, a copy of the recommendations of the Department of Public Utilities for legislation is submitted herewith, together with drafts of bills embodying the legislation recommended. These drafts have been submitted to the Counsel of the House of Representatives, as required by law.

They are: Acts relative to—

- (1) The payment of interest upon deposits by gas, water, electric light or power customers.
- (2) The issuance of drivers' licenses under the law relating to carriers of passengers by motor vehicle.
- (3) Authorizing the Department of Public Utilities to enter into a cooperative agreement with the Interstate Commerce Commission and the United States Department of Transportation relative to highway transportation.
- (4) Regulating the transfer of common carrier rights issued by the Department of Public Utilities.
- (5) Requiring steamship companies to post bonds.
- (6) The issuance of special service or school service bus permits.
- (7) Clarifying the law relative to the issuance of special service or school service bus permits.
- (8) Further regulating the issuance of special service or school service bus permits.
- (9) Requiring refunds by municipal electric plants with earnings in excess of eight per cent per annum.
- (10) Further defining the powers of the Gas Regulatory Board.

(11) Eliminating the need for filing a motor vehicle liability bond when a motor vehicle liability policy is in force.

(12) Establishing rules and regulations by Department of Public Utilities.

(13) Authorizing replacement of a vehicle identification device when necessary.

Respectfully submitted,

HELEN P. ROSS,
Chairman.

RECOMMENDATIONS.

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1. AN ACT RELATIVE TO THE PAYMENT OF INTEREST UPON DEPOSITS BY GAS, WATER, ELECTRIC LIGHT OR POWER CUSTOMERS.

The statute now provides that 4% is to be paid by utilities on deposits held. This amendment seeks to permit the rate to be fixed from time to time by the Department of Public Utilities depending upon the current market.

2. AN ACT RELATIVE TO THE ISSUANCE OF DRIVER'S LICENSES UNDER THE LAW RELATING TO CARRIERS OF PASSENGERS BY MOTOR VEHICLE.

This recommendation for legislation is designed to bring about amendment of the existing law relative to the description of licenses issued by the registrar of motor vehicles insofar as such relates to the issuance of bus drivers licenses by the department of public utilities under Section 9 of chapter 159A of the general laws. At the present time the law requires applicants for D.P.U. licenses to hold "an unlimited" license from the registrar of motor vehicles. The registry has recently established new rules and regulations setting up three new classifications of licenses to be known as "Class 1", "Class 2" and "Class 3" Licenses. Inasmuch as there will no longer be an "unlimited" license issued by the registrar, it is our opinion that the law should be amended so as to conform with the new rules and regulations of the registry of motor vehicles. The recommendation would also require applicants for Drivers licenses to comply with certain requirements of the Department of Public Utilities relative to physical examinations and related matters.

3. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC UTILITIES TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE INTERSTATE COMMERCE COMMISSION AND THE UNITED STATES DEPARTMENT OF TRANSPORTATION RELATIVE TO HIGHWAY TRANSPORTATION.

This recommendation authorizes the Department of Public Utilities to enter into agreements with other states and the Interstate

Commerce Commission to facilitate the enforcement of Chapter 159B of the General Laws relating to Commercial Motor Vehicles.

4. AN ACT FURTHER REGULATING THE TRANSFER OF COMMON CARRIER RIGHTS ISSUED BY THE DEPARTMENT OF PUBLIC UTILITIES.

Under the present statute, a position has been taken that in the case of a transfer of certificates or permits the only requirement is for the transferee to establish financial fitness and ability. This proposed amendment requires the transferee to establish to the satisfaction of the Department its ability to conform to all lawful requirements, orders, rules, and regulations, established under the authority of Chapter 159B. The other change place emphasis on the sale of a "bona fide business" rather than on the "bona fide sale".

5. AN ACT REQUIRING STEAMSHIP COMPANIES TO POST BONDS.

In recent years the Nantasket boat service has been operated by a new corporation formed each year in another state. Service begins about the first of June and terminates at Labor Day Thereafter the ships travel south leaving no address and no person responsible. The proposed amendment will provide the department with some effective means of controlling the operation of these carriers and will afford aggrieved passengers some redress which is not now available to them.

6. AN ACT RELATIVE TO THE ISSUANCE OF SPECIAL SERVICE OR SCHOOL SERVICE BUS PERMITS.

This proposed legislation would amend Section 11A of Chapter 159A of the General Laws by eliminating the provision requiring the Department to establish minimum mileage rates for special service and school service operations. The Department has previously established minimum rates and charges governing the operation of motor vehicles engaged in charter service which include, among things, the seating capacity of the vehicles used, the distance between points on a mileage basis and also the element of waiting time and dead-head mileage, so-called. None of these factors are present in special service or school service operations

and there is but little similarity in the respective operations, especially in view of the fact that special service and school service operations are not competitive.

7. AN ACT CLARIFYING THE LAW RELATIVE TO THE ISSUANCE OF SPECIAL SERVICE OR SCHOOL SERVICE BUS PERMITS.

This recommendation of the Department would eliminate the necessity of having the Department notify the carriers serving the point of destination of the filing of any application to perform special service or school service. At the present time the Department is required to serve notice of such filings upon the common carriers and holders of permits in both the point of origin and point of destination. It is our opinion that the carriers at the point of destination are not adversely affected by such operations and that the carriers which the law seeks to protect are those serving the points of origin.

8. AN ACT FURTHER REGULATING THE ISSUANCE OF SPECIAL SERVICE OR SCHOOL SERVICE BUS PERMITS.

This proposed legislation would amend existing law by having the same requirement which now applies to charter service extended to cover special service or school service operations. At the present time the section of Section 11A of Chapter 159A of the General Laws relating to charter service applies to motor vehicles "carrying ten or more persons, including the driver". This proposal would extend this provision of law to vehicles operated in special service and school service and also bring the definition of "school buses" under the Department of Public Utilities in line with the existing definition of school buses operating under the Registry of Motor Vehicles (Chapter 90 of the General Laws) which defines a school bus as a vehicle "having permanent seating accommodations for and carrying more than nine persons in addition to the operator".

9. AN ACT REQUIRING REFUNDS BY MUNICIPAL ELECTRIC PLANTS WITH EARNINGS IN EXCESS OF EIGHT PER CENT PER ANNUM.

This is a departmental recommendation and would require a municipal electric plant with earnings in excess of 8% per year to be

refused to the consumers in a manner approved by the Department. The present law requires a maximum rate of return of 8% but the law is silent as to the use of income over 8% and contains no provisions to enforce the maximum limitation.

10. AN ACT FURTHER DEFINING THE POWERS OF THE GAS REGULATORY BOARD.

The purpose of this amendment is to clarify the status of the gas regulatory board, created by chapter 737 of the acts of 1960, wherein the legislature left silent the question of the supervising agency over said board. There has been confusion and ambiguity as to the department's jurisdiction over said board since its creation by the acts of 1960. It appears that the legislative intent at the time of the creation of this board was that said board should be under the control and supervision of this department although this intent was not spelled out in the language of the bill. Various attempts have been made since 1960 to exclude the department jurisdiction by legislative amendment. Each of these bills was defeated during some course of the legislative process. It is the opinion of this department that this board should not be autonomous and should have supervision over budget matters as well as the physical structure itself. The department, since the inception of this board has supervised said board in every aspect and it is our opinion that passage of this amendment would clarify the judicial question to the satisfaction of all concerned.

11. AN ACT ELIMINATING THE NEED FOR FILING A MOTOR VEHICLE LIABILITY BOND WHEN A MOTOR VEHICLE LIABILITY POLICY IS IN FORCE.

This proposed legislation provides in the alternative a method for licensing motor carriers of passengers for hire under chapter 159A of the General Laws by authorizing the carrier to present to the department satisfactory evidence of personal injury liability insurance in such sum as the department may reasonably require providing indemnity of protection equal, except as to amount, to motor vehicle liability policies as defined in section thirty-four A of chapter ninety. This proposed legislation obviates the necessity of the filing of a bond which is required presently by section six of chapter one hundred and fifty-nine A and D.P.U. 11168 dated

March 11, 1955. In any event a motor carrier of passengers for hire to be licensed under chapter one hundred and fifty-nine A of the General Laws may by the filing of a required bond, or by the terms of this proposed legislation present evidence of satisfactory personal injury liability insurance.

12. AN ACT ESTABLISHING RULES AND REGULATIONS BY DEPARTMENT OF PUBLIC UTILITIES.

There is no specific authorization in Chapter 164 to make regulations thereunder.

13. AN ACT AUTHORIZING REPLACEMENT OF A VEHICLE IDENTIFICATION DEVICE WHEN NECESSARY.

On December 31, 1971, metal interstate plates will no longer be permissible. Massachusetts now has legislation authorizing the issuance of decals but there is no statutory provision relating to replacements. This recommendation will cure the difficulty.

