

HOUSE No. 1956

By Mr. Sirianni of Winthrop, petition of the Construction Truck Owners Association, Inc., and Ralph E. Sirianni, Jr., that provision be made for public hearings relative to changes in certificates issued by the Department of Public Utilities. Public Safety.

The Commonwealth of Massachusetts

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

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

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