

By Mr. Toomey of Cambridge, petition of Edward A. Cyr, Kenneth E. Reeves (mayor), Timothy J. Toomey, Jr., and others (with the approval of the mayor and city council) relative to the licensing of certain motor carriers in the city of Cambridge. Government Regulations. [Local Approval Received.]

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety-Three.

AN ACT RELATIVE TO LICENSING OF CERTAIN MOTOR CARRIERS IN THE CITY OF CAMBRIDGE.

*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. Notwithstanding any Massachusetts General  
2 Laws or Special Acts to the contrary, in Cambridge, no person  
3 shall operate a motor vehicle in the city for the carriage of  
4 passengers for hire, in such a manner as to afford a means of  
5 transportation similar to that afforded by public transportation  
6 authorities, by indiscriminately receiving and discharging  
7 passengers along the route on which the vehicle is operated or may  
8 be running, or by transporting passengers for hire as a business  
9 between fixed and regular termini, without first obtaining a license  
10 therefor from the Cambridge License Commission pursuant to  
11 Chapter 122 of the Acts of 1930. Within forty-five days of  
12 receiving an application for a license to operate such a motor  
13 vehicle on a fixed route, the Cambridge License Commission shall  
14 consult with the Director of Traffic and Parking, hold a public  
15 hearing on the application, and transmit its decision to the City  
16 Manager. A hearing and advertising fee of \$110.00 may be charged  
17 the applicant for each application submitted. This fee may be  
18 amended from time to time as determined by the License Commis-  
19 sion.

1 SECTION 2. The City Manager shall, following receipt of the  
2 License Commission's decision as described above, transmit such  
3 decision to the Cambridge City Council which shall vote whether  
4 or not to accept the decision of the License Commission. In  
5 transmitting the License Commission's decision to the Council,  
6 the Manager shall indicate his own approval or disapproval of  
7 the decision.

1 SECTION 3. Any application for a license to operate a motor  
2 vehicle on a fixed route is to be submitted in the first instance  
3 to the License Commission. Any such application which is  
4 received by the City Clerk shall be immediately transmitted to the  
5 License Commission for attention in accordance with the provi-  
6 sions of this Act.

1 SECTION 4. If an application for a license is not acted, upon  
2 within 60 days of receipt of the application by the License  
3 Commission or is denied by the City Council, the applicant may  
4 appeal to the Department of Public Utilities within five days of  
5 receipt of the denial or upon expiration of the 60 day period, upon  
6 a petition in writing setting forth all the material facts in the case.  
7 The City of Cambridge, Clerk's Office, License Commission and  
8 Solicitor's Office and any other interested parties, shall be notified  
9 of any hearings held by the Department of Public Utilities with  
10 regard to the appeal. If the Department of Public Utilities agrees  
11 with the decision made by the City Council, the decision shall be  
12 affirmed and notice given thereof to the City Clerk's Office,  
13 License Commission and City Solicitor's Office and interested  
14 parties. If the Department of Public Utilities disagrees with the  
15 decision of the City Council, it shall so state its recommendations  
16 in writing to the City Council for the City Council to refer back  
17 to the License Commission for consideration. There shall be a  
18 hearing by the License Commission as to the Department of  
19 Public Utilities recommendations. The License Commission shall  
20 then make its recommendations to the City Council through the  
21 City Manager for decision. The City Council may then issue an  
22 order specifying the route or routes on which a motor vehicle(s)  
23 subject to this section may be operated and the number of vehicles  
24 which may be operated under such license or deny such appli-  
25 cation with reasons specifying the public need or harm to the

26 common good. If the City Council shall still deny the petition after  
27 reviewing the recommendations made by the Department of  
28 Public Utilities, no further appeal may be made to the Department  
29 of Public Utilities. Consideration should be made to fulfilling the  
30 needs of the Cambridge citizens, as well as tourists and students  
31 to this area while using, to the best of its ability, the local  
32 transportation industry to meet these needs for transportation.

1 SECTION 5. Every such license shall specify the route or  
2 routes over which the motor vehicles used thereunder may be  
3 operated, and shall be on a form approved by the Massachusetts  
4 Department of Public Utilities; provided that a variance from a  
5 form so approved shall not affect the validity of the license if the  
6 form used is in substantial conformity with the approved form.  
7 A licensee shall not operate motor vehicles for the purposes  
8 specified in section one otherwise than upon routes specified in  
9 the license or licenses issued to him; provided, that in the event  
10 of the closing of the whole or a portion of such route by public  
11 authority or of interference with the operation thereon by street  
12 repairs, fire, accident, unusual and severe traffic congestion or  
13 other emergency, a licensee may temporarily operate such vehicles  
14 by a reasonably direct and convenient detour.

1 SECTION 6. After public notice and hearing, the Cambridge  
2 License Commission may, for good and sufficient reasons to be  
3 stated in the order of revocation, revoke in whole or in part such  
4 a license issued by the Commission.

1 SECTION 7. No motor vehicle shall be operated under any  
2 license issued under this act until such licensee, in addition to  
3 complying with all orders, rules and regulations of the licensing  
4 authority, shall have deposited with the state treasurer a bond,  
5 running to him in such sum as the Massachusetts Department of  
6 Public Utilities may reasonably require in accordance with the  
7 relevant terms of General Laws, Chapter 159A.

1 SECTION 8. In determining whether or not to issue a license  
2 pursuant to this act, the city shall also make a determination of  
3 whether or not the public convenience and necessity require such  
4 operation.

1 SECTION 9. In the event of the decease, incompetency,  
2 insolvency, bankruptcy or corporate reorganization, under the  
3 bankruptcy law of the United States, of a holder of a license issued  
4 pursuant to this act, the Cambridge License Commission, subject  
5 to the review and approval of the City Manager and the City  
6 Council, may, upon application of the assignee, trustee, or  
7 personal representative, conditionally transfer such license to him  
8 pending decision by the city as to the fitness, willingness and  
9 ability of said transferee to conduct the operations or business  
10 authorized by said license. In the event of the decease,  
11 incompetency, insolvency, or bankruptcy of a member of a  
12 partnership holding such license, the Commission, upon appli-  
13 cation of the surviving partners, assignee, trustee, receiver or  
14 personal representative of the deceased, incompetent, insolvent or  
15 bankrupt partner, may make a like conditional transfer to the  
16 surviving or remaining partners.

1 SECTION 10. Any license granted pursuant to this act may be  
2 assigned and transferred in whole or in part, with the approval  
3 and the consent of the License Commission, after a public hearing,  
4 at which hearing it shall be established to the satisfaction of said  
5 Commission that the proposed transfer and assignment are  
6 consistent with the public interest, that the public convenience and  
7 necessity require it, and that the transferee is fit, willing and able  
8 properly to conduct the operation or business authorized by said  
9 license, provided however that no such license shall be transferred  
10 except in connection with the bona fide sale to the transferee of  
11 the business of the transferor theretofore conducted in connection  
12 with the license. Any holder of a license granted pursuant to this  
13 act shall also be bound by the restrictions on ownership of stock  
14 or shares in other carriers as provided in General Laws, Chapter  
15 159A.

1 SECTION 11. No person shall drive any motor vehicle under  
2 authority of this act unless he or she shall, in addition to being  
3 duly licensed by the registrar of motor vehicles to operate such  
4 motor vehicles, be licensed by the Massachusetts Department of  
5 Public Utilities pursuant to General Laws, Chapter 159A,  
6 Section 9.