

SENATE No. 2199

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Barrett

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act amending the statutory responsibilities of the Department of Public Utilities and establishing a commission on transportation safety oversight and regulation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/31/2023</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/3/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/3/2023</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/15/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/6/2023</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>3/23/2023</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Plymouth and Bristol</i>	<i>5/4/2023</i>
<i>Nick Collins</i>	<i>First Suffolk</i>	<i>6/5/2023</i>

SENATE No. 2199

By Mr. Barrett, a petition (accompanied by bill, Senate, No. 2199) of Michael J. Barrett, Lindsay N. Sabadosa, John F. Keenan, Jason M. Lewis and other members of the General Court for legislation to amend the statutory responsibilities of the Department of Public Utilities and establishing a commission on transportation safety oversight and regulation. Transportation.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act amending the statutory responsibilities of the Department of Public Utilities and establishing a commission on transportation safety oversight and regulation.

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 4A of chapter 25 of the General Laws is hereby amended by
2 striking out the words “No public hearing on a discontinuance of service by a common carrier of
3 passengers by motor vehicle shall take place until the expiration of thirty days from notice
4 thereof to the public in the city, town or area affected thereby, and such notice shall be given in
5 the manner provided by section three of chapter thirty A.”

6 SECTION 2. Section 5C of said chapter 25 is hereby repealed.

7 SECTION 3. Section 7 of said chapter 25 is hereby repealed.

8 SECTION 4. Section 8 of said chapter 25 is hereby repealed.

9 SECTION 5. Section 10B of said chapter 25 is hereby amended by striking out the words
10 “, or a contract filed under section seven of chapter one hundred and fifty-nine B, and for filing

11 an application for a permit for special service, under section eleven A of chapter one hundred
12 and fifty-nine A”

13 SECTION 6. Said section 10B of said chapter 25 is hereby further amended by striking
14 out the words “, other than one required to be filed under section seven of chapter one hundred
15 and fifty-nine B, required by law to be filed with the department, and for filing an appeal to the
16 commission from a ruling or decision of the director of the transportation division, under section
17 twelve F of this chapter”

18 SECTION 7. Said section 10B of said chapter 25 is hereby further amended by striking
19 out the words “For filing each application for a certificate of public convenience and necessity
20 under chapter one hundred and fifty-nine A, for the issuance of a license for charter service
21 under chapter one hundred and fifty-nine A, or”

22 SECTION 8. Section 12F of said chapter 25 is hereby repealed.

23 SECTION 9. Section 12G of said chapter 25 is hereby repealed.

24 SECTION 10. Section 12R of said chapter 25 is hereby repealed.

25 SECTION 11. Section 23 of said chapter 25 is hereby repealed.

26 SECTION 12. Section 3(i) of chapter 161A of the General Laws is hereby amended by
27 striking out the words “department of telecommunications and energy” and inserting in place
28 thereof the following words:- commission on transportation safety oversight and regulation
29 established in chapter 22F.

30 SECTION 13. Said section 3(i) of said chapter 161A is hereby further amended by
31 striking out, in line 84, the word “department” and inserting in place thereof the following word:-
32 commission

33 SECTION 14. The General Laws are hereby amended by inserting after chapter 22E the
34 following chapter:-

35 Chapter 22F. Section 1. (a) There is hereby established the commission on transportation
36 safety oversight and regulation, hereinafter the commission, composed of 7 members. The
37 commission shall be an independent public entity not subject to the supervision or control of any
38 other executive office, department, commission, board, bureau, agency or political subdivision of
39 the commonwealth.

40 (b) The commission shall include: 1 member, who shall be appointed by the governor
41 from a list of 3 nominees created jointly by the attorney general and the executive director of the
42 MBTA Advisory Board and who shall serve as chair; and 6 other members, 3 of whom shall be
43 appointed by the president of the senate, at least 1 of whom shall have experience in
44 transportation safety, operations or planning or a relevant engineering discipline and at least 1 of
45 whom shall have experience in public finance, and 3 of whom shall be appointed by the speaker
46 of the house, at least 1 of whom shall have experience in transportation safety, operations or
47 planning or a relevant engineering discipline and at least 1 of whom shall have experience in
48 public finance.

49 (c) The person initially appointed by the governor as chair shall serve for a term of 3
50 years. The person initially appointed by the president of the senate with experience in
51 transportation safety, operations or planning or a relevant engineering discipline shall serve for a

52 term of 4 years. The person initially appointed by the president of the senate with experience in
53 public finance shall serve for a term of 5 years. The other person initially appointed by the
54 president of the senate shall serve for a term of 2 years. The person initially appointed by the
55 speaker of the house with experience in transportation safety, operations or planning or a
56 relevant engineering discipline shall serve for a term of 5 years. The person initially appointed by
57 the speaker of the house with experience in public finance shall serve for a term of 4 years. The
58 other person initially appointed by the speaker of the house shall serve for a term of 2 years.
59 After initial appointments, members shall serve for terms of 5 years.

60 (d) Members shall be eligible for reappointment.

61 (e) Members may be removed by a majority vote of the governor, president of the senate
62 and speaker of the house for substantial neglect of duty, inability to discharge the powers and
63 duties of office, gross misconduct or conviction of a felony.

64 (f) Any vacancy occurring on the commission shall be filled within 90 days by the
65 original appointing authority. A person appointed to fill a vacancy occurring other than by
66 expiration of a term of office shall be appointed for the unexpired term of the member they
67 succeed.

68 (g) The commission shall elect a vice chair. The vice chair shall act as chair in the
69 absence of the chair or in the event of a vacancy in that position.

70 (h) 4 members of the commission shall constitute a quorum, and 4 affirmative votes shall
71 be required for any action or recommendation of the commission; the chair or any 4 members of
72 the commission may call a meeting.

73 (i) Meetings of the commission shall be held as frequently as the commission determines,
74 but in no event less than quarterly.

75 (j) Meetings of the commission shall be subject to sections 18 to 25, inclusive, of chapter
76 30A. The commission shall also be subject to all other provisions of said chapter 30A, and
77 records pertaining to the administration of the commission shall be subject to section 42 of
78 chapter 30 and section 10 of chapter 66. All moneys of the commission shall be considered
79 public funds for purposes of chapter 12A. Except as otherwise provided in this section, the
80 operations of the commission shall be subject to chapter 268A and chapter 268B.

81 (k) The commission shall adopt a policy on conflict of interest consistent with the
82 regulations issued under 49 USC § 5329, as they may be revised from time to time, which,
83 among other things, places appropriate separation between members, employees, contractors and
84 agents of the commission and the Massachusetts Bay Transportation Authority, hereinafter the
85 Authority.

86 (l) Members of the commission shall be compensated for work performed for the
87 commission at such rate as the secretary of administration and finance shall determine and shall
88 be reimbursed for their expenses.

89 Section 2. (a) The commission shall employ an executive director, a general counsel and,
90 subject to appropriation, may employ such other staff, including but not limited to, engineers,
91 accountants, statisticians, investigators, attorneys, clerks and assistants, as are necessary to carry
92 out its duties pursuant to this chapter and may determine their salaries and duties; provided, that
93 the total amount of all such salaries shall not exceed the sum appropriated therefor by the general
94 court. The staff shall serve at the pleasure of the commission and shall not be subject to the

95 provisions of chapter 31 or section 9A of chapter 30. The executive director shall be responsible
96 for the administrative operation of the commission and shall perform such other tasks as the
97 commission shall determine. The general counsel shall be the chief legal officer of the
98 commission. The commission may also employ, subject to appropriation, the services of experts
99 and consultants as are necessary to carry out its duties pursuant to this chapter.

100 (b) The commission may assign to all employees, contractors or agents such duties as it
101 shall from time to time deem advisable, but all acts of such employees, contractors or agents
102 shall be done under the supervision and control of, and subject to revision by, the commission.

103 Section 3. The chair shall have and exercise supervision and control over all the affairs of
104 the commission. They shall preside at all hearings at which they are present and shall designate a
105 commissioner to act as chair in their absence. They shall not, except as is otherwise provided
106 herein, be charged with any administrative functions. In order to promote efficiency in
107 administration, they shall from time to time make such division or redivision of the work of the
108 commission among the commissioners as they deem expedient. All of the commissioners shall, if
109 so directed by the chair, participate in the hearing and decision of any matter coming before the
110 commission. In the hearing of all matters other than those of formal or administrative character
111 coming before the commission, at least 4 commissioners shall participate, and in the decision of
112 all such matters, at least 4 commissioners shall participate; provided, that any such matter may
113 be heard, examined and investigated by an employee of the commission designated and assigned
114 thereto by the chair with the concurrence of 3 other commissioners. Such employee shall make a
115 report in writing relative to every such matter to the commission for its decision thereon. For the
116 purposes of hearing, examining and investigating any such matter, such employee shall have all

117 of the powers conferred upon a commissioner. In every such case, the concurrence of a majority
118 of the commissioners participating in the decision shall be necessary therefor.

119 Section 4. For the purpose of this chapter, the commission shall be authorized and
120 empowered to:

121 (a) develop a plan of operation, which shall include, but not be limited to, operating
122 procedures;

123 (b) make, amend and repeal rules and regulations for the management of its affairs;

124 (c) make all contracts and execute all instruments necessary or convenient for carrying on
125 its business, including, but not limited to, contracts or instruments associated with agreements or
126 transactions with any federal, state or municipal agency, other public institution or private
127 individual, partnership, firm, corporation, association or other entity, including, but not limited
128 to, professional service firm;

129 (d) acquire, own, hold, dispose of and encumber personal property and lease real property
130 in the exercise of its powers and performance of its duties;

131 (e) seek and receive grant funding from the federal government, departments or agencies
132 of the commonwealth and private foundations;

133 (f) maintain a prudent level of reserve funds to protect the solvency of any trust funds
134 under its operation and control;

135 (g) enter into interdepartmental agreements with any other state agencies it considers
136 necessary to implement this chapter;

137 (h) adopt an official seal and alter the same;

138 (i) sue and be sued in its own name, plead and be impleaded;

139 (j) establish lines of credit and establish 1 or more cash and investment accounts to
140 receive payments for services rendered, appropriations from the commonwealth and for all other
141 business activity authorized by this chapter except as limited by any applicable provision of the
142 Employee Retirement Income Security Act of 1974; and

143 (k) approve the use of its trademarks, brand names, seals, logos and similar instruments
144 by participating carriers, employers or organizations.

145 Section 5. The commission shall, pursuant to the provisions of chapter 30A, promulgate
146 rules and regulations to facilitate the conduct of its operations, perform its functions and govern
147 its proceedings.

148 Section 6. The commission shall secure the public's interest in the safe and reliable
149 operation throughout the commonwealth of mass transportation systems and common carriers by
150 (a) overseeing the safety and operations of the Authority, and serving as the state safety oversight
151 agency for Massachusetts, pursuant to 49 USC § 5329; (b) regulating the rates and practices of
152 common carriers used to transport passengers and property, including trucks, railways, buses,
153 household moving companies, towing companies and hazardous waste companies; (c) licensing
154 all intrastate Massachusetts-based motor bus companies; and (d) overseeing rideshare
155 companies, rideshare services and rideshare drivers in Massachusetts.

156 Section 7. The commission shall: (a) with respect to its oversight of safety and operations
157 for the Authority:

158 (1) develop, adopt, revise and distribute a written state safety oversight program standard
159 that complies with 49 CFR Part 674, as it may be revised from time to time;

160 (2) review, approve, oversee and enforce the adoption and implementation of the
161 Authority's Public Transportation Agency Safety Plan, as defined in 49 CFR Part 674;

162 (3) investigate any allegation of noncompliance by the Authority with said Public
163 Transportation Agency Safety Plan;

164 (4) audit every 3 years the compliance of the Authority with said Public Transportation
165 Agency Safety Plan or conduct such an audit on an ongoing basis over a 3-year time frame;

166 (5) investigate or require an investigation of any hazard, as defined in 49 CFR Part 674,
167 incident as defined in 49 CFR Part 674, or accident as defined in 49 CFR Part 674;

168 (6) require, review, approve, oversee and enforce the adoption and implementation by the
169 Authority of any corrective action plans, as defined in 49 CFR Part 674, that the commission
170 deems appropriate;

171 (7) publish on its website all adopted accident reports, required by 49 CFR Part 674,
172 triennial review reports, required by 49 CFR Part 674, and open corrective action plans;

173 (8) prepare and publish annually a status report on the safety and operations of the
174 Authority, which report shall include, among other information and materials that may be
175 required by the commission or state and federal law and regulation, status updates of outstanding
176 corrective action plans, commission directives and ongoing investigations; provided, that the
177 commission shall supply a copy of said report to the governor, the board of directors of the
178 Authority, the clerks of the house of representatives and the senate and the chairs of the joint

179 committee on transportation; provided further, that the commission shall publish a copy of said
180 report on its website; and

181 (9) implement and enforce other federal and state laws and regulations relating to the
182 safety and operations of the Authority;

183 (b) promulgate, and revise from time to time, rules and regulations for the transportation
184 by rail of hazardous materials in the commonwealth, which regulations shall be consistent with
185 any federal regulations in effect;

186 (c) (1) audit from time to time, at its discretion, all companies subject to its jurisdiction,
187 which audits may include, but shall not be limited to, a review of the following documents: all
188 financial statements, the balance sheet, the income statement, the statement of cash flows, the
189 statement of retained earnings, the notes to the financial statements, information in annual tax
190 returns, documents concerning reconciling mechanisms related to rates, prices, charges or costs
191 and savings related to a merger, acquisition or consolidation within 3 years after the merger,
192 acquisition or consolidation and documents concerning service quality statistics and service
193 quality performance at least every 3 years or whenever service quality penalties equal to or
194 exceed 50 percent of the maximum;

195 (2) upon written complaint of the attorney general requesting an independent audit of a
196 company subject to the commission's jurisdiction, commence a proceeding within 30 days of
197 receipt of said complaint for the purpose of ordering the requested audit in a reasonable time,
198 which audit shall be filed promptly with the commission and shall be paid for by the company
199 that is the subject of the audit;

200 (d) perform such functions as are necessary for the administration and enforcement of
201 chapter 159A;

202 (e) promulgate, and revise from time to time, rules and regulations and perform such
203 other functions as are necessary for the administration, implementation and enforcement of
204 chapter 159A½; and

205 (f) perform such functions as are necessary for the administration and enforcement of
206 chapter 159B.

207 Section 8. With respect to its duties relative to common carriers, the commission may
208 expend annually such sums as it may from time to time deem necessary to perform its duties,
209 including to procure opinions, advice, plans, surveys, appraisals, audits, examinations, statistics,
210 information, apparatuses, instruments, books, tables, maps, drawings, supplies and sundries and
211 to travel within or without the commonwealth and to cover expenses incidental thereto. The
212 commission may also from time to time cause to be made a compilation with annotations of the
213 statutes of the commonwealth relating to common carriers.

214 Section 9. With respect to its oversight of safety and operations for the Authority, the
215 commission may:

216 (a) conduct or cause to be conducted through the issuance of subpoenas or other
217 reasonable means, inspections, investigations, examinations or testing of Authority employees,
218 contractors or agents, property, equipment, facilities, rolling stock or operations of the Authority
219 rail system, including, but not limited to, electronic information and databases;

220 (b) enter upon the Authority rail or bus system and, upon reasonable notice and a finding
221 by the chair that the need exists to oversee safety and operations for the Authority, upon any
222 lands, waters or premises adjacent to the Authority rail or bus system, for the purpose of
223 conducting inspections, investigations, examinations or testing, which entry shall not be deemed
224 a trespass; provided, that the commission shall make reasonable reimbursement for any actual
225 damage resulting to any such adjacent lands, water, or premises resulting from such activities;

226 (c) compel the Authority's compliance with any corrective action plan or order of the
227 commission by such means as the commission deems appropriate, including but not limited to,
228 by: (1) issuing fines with funds going into the Transit Safety Fund; (2) directing the Authority to
229 prioritize spending on safety-critical items; (3) removing safety hazards from the Authority rail
230 or bus system; or (4) compelling the Authority, in compliance with this chapter, to restrict,
231 suspend or prohibit service on all or part of the Authority rail or bus system;

232 (d) direct the Authority to suspend or disqualify from performing in any safety sensitive
233 position an individual who is alleged to or who has violated safety rules, regulations, policies or
234 laws; provided, that "safety sensitive position" shall mean any position held by an Authority
235 employee, contractor or agent designated in the Public Transportation Agency Safety Plan for the
236 Authority and approved by the commission as directly or indirectly affecting the safety of the
237 passengers or employees of the Authority; and

238 (e) take such other action, consistent with its powers, as the commission may deem
239 necessary to oversee safety and operations for the Authority.

240 Section 10. Upon request of the mayor of a city, the member of the select board of a
241 town, member of the general court or 20 customers of the company affected, a public hearing

242 ordered by the commission, to be held in connection with any change in rates or reduction in or
243 discontinuance of service, shall be held in the city or town or area wherein the company affected
244 does business or in which any decision of the commission would apply. No public hearing on a
245 discontinuance of service by a common carrier of passengers by motor vehicle shall take place
246 until the expiration of 30 days from notice thereof to the public in the city, town or area affected
247 thereby, and such notice shall be given in the manner provided by section 3 of chapter 30A. The
248 commission shall, at least 14 days prior to holding any public hearing under this section, notify
249 in writing the mayor of each city and the members of the select board of each town in which the
250 company does business of the time and place of such hearing.

251 Section 11. When so requested by any interested party, the commission shall rule upon
252 any question of substantive law properly arising in the course of any proceeding before the
253 commission or any member or members thereof, and any interested party aggrieved by such
254 ruling may object thereto and may secure a review as hereinafter provided. Any failure or refusal
255 of the commission to rule upon such question at or prior to the entry of a final order or decision
256 shall be taken and recorded as a ruling adverse to the party requesting the ruling. An appeal as to
257 matters of law from any final decision, order or ruling of the commission may be taken to the
258 supreme judicial court by an aggrieved interested party by the filing of a written petition praying
259 that the order of the commission be modified or set aside in whole or in part.

260 Such petition for appeal shall be filed with the secretary of the commission within 20
261 days after the date of service of the decision, order or ruling of the commission or within such
262 further time as the commission may allow upon request filed prior to the expiration of the 20
263 days after the date of service of said decision, order or ruling. The commission shall serve such
264 decision, order or ruling upon all interested parties by mailing, postpaid, within 1 day of its being

265 entered, and service shall be presumed to have occurred in the normal course of delivery of such
266 mail. Within 10 days after such petition has been filed, the appealing party shall enter the appeal
267 in the supreme judicial court sitting in Suffolk county by filing a copy thereof with the clerk of
268 said court and therewith a certificate that they are of the opinion that there is such probable
269 ground for the appeal as to make it a fit subject for judicial inquiry and that it is not intended for
270 delay; and double costs may be assessed by the court upon any such party whose petition shall
271 appear to the court not to be a fit subject for judicial inquiry or shall appear to be intended for
272 delay.

273 The record on appeal shall include 1 copy of the petition of the appellant or other original
274 papers and the decision, order or ruling of the commission; and if and to the extent that either the
275 commission or the appellant or any other party to the proceedings so requests within 20 days
276 from filing the petition for appeal with the commission, it shall include 1 copy of the exhibits and
277 documents introduced in the proceeding before the commission, the official report of the
278 proceedings and the findings of fact of the commission. The secretary of the commission shall
279 make an estimate of the expense of the preparation and transmission of the necessary papers and
280 copies of papers aforesaid and shall give the appellant notice in writing of the amount of such
281 estimate. The appellant, within 20 days after the date of such notice from the secretary, shall pay
282 them the amount of such estimate and such further amount beyond such estimate as the secretary
283 shall find to be then due for such preparation. The secretary then without delay shall prepare the
284 papers and copies of papers aforesaid for transmission, and when they are ready, shall give
285 notice in writing of such fact to the appellant who, within 5 days after the date of such notice,
286 shall pay to the secretary any balance then due therefor. The record on appeal shall then be
287 certified to the supreme judicial court by the secretary of the commission. The commission or the

288 supreme judicial court or any justice or judge thereof may for cause shown extend the time for
289 doing any of the acts required by this paragraph. The supreme judicial court may order the
290 transmission of the original or a copy of any paper not appearing in the record, or appearing
291 therein in an abbreviated form, if at any time such omitted paper or any omitted part of such
292 abbreviated paper becomes material.

293 Each claim of appeal shall set forth separately and particularly each error of law asserted
294 to have been made by the commission. Upon the entry of the appeal, it shall be heard and
295 determined by the court, which shall have jurisdiction to affirm, modify or set aside such
296 decision, order or ruling of the commission in whole or in part or remand the proceeding to the
297 commission with instructions subject to review by the full court upon appeal.

298 Any decision, order or ruling of the commission shall be effective and may be enforced
299 according to its terms, and the operation or enforcement thereof shall not be suspended or stayed
300 by the entry of an appeal therefrom. The procedure before the court, except as otherwise set forth
301 herein, shall be that prescribed by its rules, which shall state upon what terms the operation or
302 enforcement of the decision, order or ruling shall be stayed. Any stock, bonds, debentures,
303 convertible debentures, coupon notes, notes or other evidences of indebtedness issued pursuant
304 to and in accordance with a decision, order or ruling of the commission shall, if issued more than
305 60 days after the date of service of such decision, order or ruling, be valid and binding in
306 accordance with their terms notwithstanding whether such decision, order or ruling of the
307 commission is later modified or set aside in whole or in part unless the operation or enforcement
308 of such decision, order or ruling has been suspended or stayed by the court prior to such
309 issuance.

310 The burden of proof shall be upon the appealing party to show that the decision, order or
311 ruling of the commission appealed from is invalid.

312 No evidence beyond that contained in the record shall be introduced before the court,
313 except that in cases where issues of confiscation or of constitutional right are involved, the court
314 may order such additional evidence as it deems necessary for the determination of such issues to
315 be taken before the commission and to be adduced at the hearing in such manner and upon such
316 terms and conditions as the court may deem proper. Whenever the court shall order additional
317 evidence to be taken, the commission shall promptly hear and report such evidence to the court
318 so that the proof may be brought as nearly as reasonably possible down to the date of its report
319 thereof to the court. The commission may, after hearing such evidence, modify its findings as to
320 facts and its original decision or orders by reason of the additional evidence so taken, and it shall
321 file with the court such amended decision or orders and such modified or new findings. If the
322 commission modifies or amends its original decision or orders, the appealing party or any other
323 party aggrieved by such modified or amended decision or order may file with the court, within
324 such time as the court may allow, a specification of any errors of law claimed to have been made
325 by the commission in such modified decision or orders, which specification of errors shall
326 thereupon be considered by the court in addition to the errors of law asserted in the claim of
327 appeal.

328 The supreme judicial court shall also have jurisdiction upon application of the
329 commission to enforce all orders of the commission.

330 Section 12. In all investigations and inquiries authorized by law to be made by the
331 commission and in all proceedings before it, any commissioner may summon witnesses,

332 administer oaths or take testimony. The fees of such witnesses for attendance and travel shall be
333 the same as for witnesses before the superior court and shall be paid by the commonwealth upon
334 the certificate of the commission filed with the comptroller. The fees of such witnesses need not
335 be paid or tendered to them prior to their attendance and testimony. Subpoenas may be issued at
336 the instance of a complainant, respondent or any other party to any proceeding before the
337 commission under such rules as it may establish, in which case, the cost of service and the fees
338 of witnesses shall be borne by the party at whose instance the witness is summoned, and such
339 fees shall be paid to the witnesses as provided in the case of witnesses before the superior court.

340 Section 13. Notwithstanding the provisions of clause twenty-sixth of section 7 of chapter
341 4 and section 10 of chapter 66, the commission may protect from public disclosure trade secrets,
342 confidential, competitively sensitive or other proprietary information provided in the course of
343 proceedings conducted pursuant to this chapter. There shall be a presumption that the
344 information for which such protection is sought is public information, and the burden shall be
345 upon the proponent of such protection to prove the need for such protection. Where such a need
346 has been found to exist, the commission shall protect only so much of the information as is
347 necessary to meet such need. The commission shall promulgate procedural rules and regulations
348 consistent with this section as it deems necessary to implement the provisions hereof.

349 Section 14. Except when a fee is required by another provision of law and except in the
350 case of a filing by the commonwealth or any of its political subdivisions, the commission shall
351 charge and collect fees as determined annually by the commissioner of administration under the
352 provision of section 3B of chapter 7 in the following instances:

353 (a) for filing a tariff having intrastate application only, schedule or amendment thereto or
354 a contract filed under section 7 of chapter 159B and for filing an application for a permit for
355 special service under section 11A of chapter 159A;

356 (b) for filing each annual report or any contract, other than one required to be filed under
357 section 7 of chapter 159B, required by law to be filed with the commission;

358 (c) for filing each application for a certificate of public convenience and necessity under
359 chapter 159A, for the issuance of a license for charter service under said chapter 159A or for
360 exemption from a zoning ordinance; or

361 (d) for any other approval or authority of the commission.

362 The commission shall designate 1 of its employees to receive all fees collected under this
363 section who shall give bond to the state treasurer in the sum of 10,000 dollars.

364 Section 15. There shall be established and placed within the commission a separate fund
365 to be known as the Unified Carrier Registration Trust Fund. The fund shall be credited with
366 application fees collected pursuant to section 10 of chapter 159B and income derived from the
367 investment of amounts credited to the fund. All amounts credited to the fund shall be held in trust
368 and shall be available for expenditure, without further appropriation, by the commission for the
369 regulation of motor carriers pursuant to said chapter 159B. Any unexpended balance in the fund
370 at the close of a fiscal year shall remain in the fund and shall be available for expenditure in
371 subsequent fiscal years.

372 Annually, not later than December 1, the commission shall issue a report to the clerks of
373 the house of representatives and the senate, the chairs of the house and senate committees on

374 ways and means and the chairs of the joint committee on transportation on the fund's activities
375 including, but not limited to, amounts credited to the fund, amounts expended from the fund and
376 any unexpended balance.

377 Section 16. Notwithstanding any general or special law to the contrary, any funds not
378 expended prior to the effective date of this act in the Department of Public Utilities Unified
379 Carrier Registration Trust Fund, established in section 12R of chapter 25, shall be transferred by
380 the comptroller from said fund to the Unified Carrier Registration Trust Fund established in this
381 chapter.

382 Section 17. There shall be established and placed within the commission a separate fund
383 to be known as the Transit Safety Fund. The fund shall be credited with fines collected pursuant
384 to section 7 of chapter 22F and income derived from the investment of amounts credited to the
385 fund. All amounts credited to the fund shall be held in trust and shall be available for
386 expenditure, without further appropriation, by the commission for activities related to its
387 oversight of safety and operations for the Authority. Any unexpended balance in the fund at the
388 close of a fiscal year shall remain in the fund and shall be available for expenditure in subsequent
389 fiscal years.

390 Annually, not later than December 1, the commission shall issue a report to the clerks of
391 the house of representatives and the senate, the chairs of the house and senate committees on
392 ways and means and the chairs of the joint committee on transportation on the fund's activities
393 including, but not limited to, amounts credited to the fund, amounts expended from the fund and
394 any unexpended balance.

395 SECTION 15. Section 10 of chapter 159 of the General Laws is hereby amended by
396 striking out the words “department of public utilities” and inserting in place thereof the following
397 words:- commission on transportation safety oversight and regulation, hereinafter the
398 transportation commission,

399 SECTION 16. Section 11 of said chapter 159 is hereby amended by inserting after the
400 word “department” the following words:- or the transportation commission

401 SECTION 17. Said section 11 of said chapter 159 is hereby further amended by inserting
402 after the word “carriers” the following words:- , with respect to those common carriers subject to
403 their respective jurisdictions,

404 SECTION 18. Section 12 of said chapter 159 is hereby amended by striking out the first
405 paragraph and inserting in place thereof the following paragraph:- The department and the
406 transportation commission shall, so far as may be necessary for the purpose of carrying out the
407 provisions of law relative thereto, have general supervision and regulation of, and jurisdiction
408 and control over, the following services, when furnished or rendered for public use within the
409 commonwealth, except when such services are provided by a municipal lighting plant or
410 cooperative public corporation which provides telecommunications services pursuant to section
411 47E of chapter 164, and in the exercise thereof, the department and the transportation
412 commission shall, so far as may be necessary for the purpose of carrying out the provisions of
413 law relative thereto, take cognizance of all applicable transportation plans and programs adopted
414 by the public works commission pursuant to section five A of chapter sixteen, and all persons,
415 firms, corporations, associations and joint stock associations or companies furnishing or

416 rendering any such service or services, in sections ten to forty-four, inclusive, collectively called
417 common carriers and severally called a common carrier:

418 SECTION 19. Section 13 of said chapter 159 is hereby amended by inserting after the
419 word “department” the following words:- and the transportation commission

420 SECTION 20. Said chapter 159 is hereby further amended by striking out section 14 and
421 inserting in place thereof the following section:- Section 14. Whenever the department or the
422 transportation commission, with respect to those common carriers subject to their respective
423 jurisdictions, shall be of opinion, after a hearing had upon its own motion or upon complaint, that
424 any of the rates, fares or charges of any common carrier for any services to be performed within
425 the commonwealth, or the regulations or practices of such common carrier affecting such rates,
426 are unjust, unreasonable, unjustly discriminatory, unduly preferential, in any wise in violation of
427 any provision of law, or insufficient to yield reasonable compensation for the service rendered, it
428 shall determine the just and reasonable rates, fares and charges to be charged for the service to be
429 performed, and shall fix the same by order to be served upon every common carrier by whom
430 such rates, fares and charges or any of them are thereafter to be observed. Every such common
431 carrier shall obey every requirement of every such order served upon it, and do everything
432 necessary or proper in order to secure absolute compliance with every such order by all its
433 officers, agents and employees. If, upon investigation, the transportation commission finds that
434 in any case it is consistent with the public interests to authorize a common carrier to make its
435 charge for transportation less for a longer than for a shorter distance, it may grant such authority
436 and may from time to time modify or revoke the same.

437 If complaint is made to the transportation commission concerning any rate, fare or charge
438 demanded and collected by any railroad corporation for any service performed and the
439 transportation commission finds after hearing and investigation that an unjustly discriminatory
440 rate, fare or charge has been collected for any service, the transportation commission may order
441 the railroad corporation which has collected the same to make due reparation to the person who
442 has paid the same, with interest from the date of the payment of such unjustly discriminatory
443 amount; but such order of reparation shall cover only payments made within two years before the
444 date of filing the petition seeking to have reparation ordered. Such order may be made without
445 formal hearing whenever the railroad corporation affected shall assent in writing thereto, or file
446 or join in a petition therefor, but in no case shall any such order be made until the transportation
447 commission shall be satisfied by such investigation as may be necessary that the rate, fare or
448 charge collected was in fact unjustly discriminatory.

449 SECTION 21. Said chapter 159 is hereby further amended by striking out section 15 and
450 inserting in place thereof the following section:- Section 15. Except as provided by section two
451 hundred of chapter one hundred and sixty, no common carrier shall, directly or indirectly, issue
452 or give any free service, free tickets, free pass or free transportation for passengers or property
453 between points within the commonwealth; but this section shall not prohibit any railroad
454 corporation or railway company from giving free or reduced rate service to policemen, letter
455 carriers and firemen while in uniform or engaged in the discharge of their duties, or prohibit any
456 common carrier from giving free or reduced rate service to its employees, or in cases of public
457 emergency, or for such charitable purposes as may be approved, with respect to those common
458 carriers subject to their respective jurisdictions, by the department or the transportation
459 commission, nor prohibit any telephone or telegraph company, unless the department shall

460 otherwise order, from giving service at reduced rates to the commonwealth or to any city or
461 town; nor shall this section prohibit the members of the transportation commission, its experts,
462 inspectors and counsel from being transported over the railroads and the railways of the
463 commonwealth free of charge while engaged in the performance of their duties; nor shall this
464 section prohibit the giving by any such common carrier of free or reduced rate service to the
465 classes defined and provided for in the act of congress entitled "An act to regulate commerce"
466 and acts amendatory thereof, or to a blind person identified by a certification of registration
467 under section one hundred and thirty-five of chapter six from the commission of the blind.

468 SECTION 22. Said chapter 159 is hereby further amended by striking out section 16 and
469 inserting in place thereof the following section:- Section 16. If the department or the
470 transportation commission, with respect to those common carriers subject to their respective
471 jurisdictions, is of opinion, after a hearing had upon its own motion or upon complaint, that the
472 regulations, practices, equipment, appliances or service of any common carrier are unjust,
473 unreasonable, unsafe, improper or inadequate, it shall determine the just, reasonable, safe,
474 adequate and proper regulations and practices thereafter to be in force and to be observed, and
475 the equipment, appliances and service thereafter to be used, and shall fix and prescribe the same
476 by order to be served upon every common carrier to be bound thereby. The transportation
477 commission may after such a hearing, order any railway company to build and operate any just
478 and reasonable extensions of its lines for which it may have been or may be granted locations
479 and order from time to time that a railroad company shall operate its lines, of standard gauge, or
480 such parts thereof as the transportation commission shall prescribe, by electric power instead of
481 steam power, and in its order shall prescribe the time within which the work of electrification
482 shall be done. Before making such order, the department or transportation commission,

483 whichever has jurisdiction, shall consider the relative importance and necessity of the changes in
484 any specific regulations, practices, equipment and appliances proposed to be included therein and
485 of other changes which may be brought to its attention in the course of the hearing, the financial
486 ability of the carrier to comply with the requirements of the order, and the effect of the carrier's
487 compliance therewith, upon its financial ability to make such other changes, if any, as may be
488 deemed by the department or transportation commission of equal or greater importance and
489 necessity in the performance of the service which the carrier has professed to render to the
490 public. Every such common carrier shall obey every requirement of every such order so served
491 upon it, and do everything necessary or proper in order to secure absolute compliance with every
492 such order by all its officers, agents and employees. Every such common carrier, railroad or
493 railway company shall submit evidence to the department or transportation commission,
494 whichever has jurisdiction, within thirty days after such order is served upon it that it has
495 complied, or is in the process of complying, with such order. The two preceding sentences shall
496 not be applicable to any particular order issued under this section pending any appeal from such
497 order.

498 SECTION 23. Section 16A of said chapter 159 is hereby amended by striking out the
499 word "department" and inserting in place thereof the following words:- transportation
500 commission

501 SECTION 24. Section 17 of said chapter 159 is hereby amended by inserting after the
502 word "department" the following words:- or the transportation commission

503 SECTION 25. Said chapter 159 is hereby further amended by striking out section 18 and
504 inserting in place thereof the following section:- Section 18. Subject to the powers of the

505 department and the transportation commission to regulate and prescribe rates and charges with
506 respect to those common carriers subject to their respective jurisdictions, a common carrier may
507 make commodity, transit or other classes of rates. The furnishing by any common carrier of any
508 service at the rates and upon the terms and conditions provided for in any existing contract
509 executed prior to July first, nineteen hundred and thirteen, shall not constitute a discrimination
510 unless the department or the transportation commission, whichever has jurisdiction, so
511 determines. The department and the transportation commission, with respect to those common
512 carriers subject to their respective jurisdictions, shall not be prevented from taking such action as
513 they deem proper by any commitment or agreement of a common carrier entered into by reason
514 of any requirement or recommendation of any board or public officers acting under delegated
515 authority from the general court prior to July first, nineteen hundred and thirteen. Unless the
516 transportation commission determines otherwise, common carriers shall be permitted, whether
517 required to do so by law or not, to issue mileage, workingmen's, excursion, school or
518 commutation passenger tickets, or reduced rate tickets for the transportation of children under
519 twelve years of age or of pupils attending school, or joint interchangeable mileage tickets, with
520 special privileges as to the amount of free baggage which may be carried under mileage tickets
521 of five hundred miles or more. All season tickets, before issuance, shall be subject to the
522 approval of the transportation commission as to the form thereof and the conditions named
523 therein.

524 SECTION 26. Said chapter 159 is hereby further amended by striking out section 19 and
525 inserting in place thereof the following section:- Section 19. Every common carrier shall file
526 with the department or the transportation commission, whichever has jurisdiction, and shall
527 plainly print and keep open to public inspection schedules showing all rates, joint rates, fares,

528 telephone rentals, tolls, classifications and charges for any service, of every kind rendered or
529 furnished, or to be rendered or furnished, by it within the commonwealth, and all conditions and
530 limitations, rules and regulations and forms of contracts or agreements in any manner affecting
531 the same, in such places, within such time, and in such form and with such detail as the
532 department or the transportation commission, whichever has jurisdiction, may order; provided,
533 however, that such schedule shall not include a rate, fare, toll or charge for directory assistance
534 service to the commonwealth or its political subdivisions and provided further that such
535 schedules shall not include a rate, fare, toll, or charge to any customers based on the
536 establishment and existence of the 508 area code. In the case of common carriers subject to the
537 interstate commerce commission the forms prescribed for such schedules and the requirements
538 relative to the filing and publication thereof shall conform, as nearly as may be, to the forms
539 prescribed by and the similar requirements of the said commission. No common carrier shall,
540 except as otherwise provided in this chapter, charge, demand, exact, receive or collect a different
541 rate, joint rate, fare, telephone rental, toll or charge for any service rendered or furnished by it, or
542 to be rendered or furnished, from that applicable to such service as specified in its schedule filed
543 with the department or the transportation commission and in effect at the time. Nor shall any
544 common carrier refund, or remit directly or indirectly, any rate, joint rate, fare, telephone rental,
545 toll or charge so specified, or any part thereof, nor extend to any person or corporation any rule,
546 regulation, privilege or facility except such as are specified in the said schedule and regularly and
547 uniformly extended to all persons and corporations under like circumstances for the like, or
548 substantially similar, service. Unless the department or the transportation commission, whichever
549 has jurisdiction, otherwise orders, no change shall be made in any rate, joint rate, fare, telephone
550 rental, toll, classification or charge, or in any rule or regulation or form of contract or agreement

551 in any manner affecting the same as shown upon the schedules filed in accordance with this
552 chapter, except after thirty days from the date of filing a statement with the department or the
553 transportation commission, whichever has jurisdiction, setting forth the changes proposed to be
554 made in the schedule then in force and the time when such changes shall take effect, and such
555 notice to the public as the department or the transportation commission orders, to be given prior
556 to the time fixed in such statement to the department or the transportation commission for the
557 changes to take effect. The department or the transportation commission, whichever has
558 jurisdiction, for good cause shown may allow changes before the expiration of said thirty days,
559 under such conditions as it may prescribe, and may suspend the taking effect of changes under
560 the circumstances and in the manner provided in the following section. At the time when any
561 changes take effect they shall be plainly indicated upon existing schedules, or new schedules
562 shall be printed and filed as the department or the transportation commission may order. This
563 section shall not prevent any telegraph or telephone corporation from continuing to furnish the
564 use of its lines, equipment or service under any contracts in force on July first, nineteen hundred
565 and thirteen, or upon the taking effect of any schedules of rates filed with the department as
566 provided in this chapter, at the rates fixed in such contract; provided, that when any such
567 contracts are or become terminable by notice, the department may direct by order that such
568 contracts shall be terminated by the telegraph or telephone corporation which is a party thereto,
569 and thereupon such contracts shall be terminated by such telegraph or telephone corporation as
570 and when directed by such order. The department or transportation commission, whichever has
571 jurisdiction, may exempt any common carrier from any provision of this section upon a
572 determination by it after notice and a hearing that such an exemption is in the public interest.

573 SECTION 27. Said chapter 159 is hereby further amended by striking out section 20 and
574 inserting in place thereof the following section:- Section 20. Whenever the transportation
575 commission receives notice of any changes proposed to be made in any schedule filed by any
576 common carrier not furnishing the service of transmission of intelligence by electricity under this
577 chapter, it may, either upon complaint or upon its own motion, and after notice, hold a public
578 hearing and make investigation as to the propriety of such proposed changes. Whenever the
579 department receives notice of any changes proposed to be made in any schedule filed under this
580 chapter which represent a general increase in rates by a common carrier furnishing the service of
581 transmission of intelligence by electricity, it shall notify the attorney general of the same
582 forthwith, and shall thereafter hold a public hearing and make an investigation as to the propriety
583 of such proposed changes after first causing notice of the time, place and the subject matter of
584 such hearing to be published at least twenty-one days before such hearing in such local
585 newspapers as the department may select. Pending any such investigation and the decision
586 thereon, the department or the transportation commission, whichever has jurisdiction, may, by
587 order served upon the common carrier affected, suspend, from time to time, the taking effect of
588 such changes, but not for a longer period than ten months in the aggregate beyond the time when
589 the same would otherwise take effect. After such hearing and investigation, the department or the
590 transportation commission, whichever has jurisdiction, may make, in reference to any new rate,
591 joint rate, fare, telephone rental, toll, classification, charge, rule, regulation or form of contract or
592 agreement proposed, such order as would be proper in a proceeding under section fourteen. At
593 any such hearing involving any proposed increase in any rate, joint rate, fare, telephone rental,
594 toll or charge, the burden of proof to show that such increase is necessary to obtain a reasonable
595 compensation for the service rendered shall be upon the common carrier. If, at a hearing

596 involving any proposed decrease in any rate, joint rate, fare, telephone rental, toll or charge
597 demanded by any common carrier, it shall appear to the department or the transportation
598 commission, whichever has jurisdiction, that the said rate, joint rate, fare, telephone rental, toll or
599 charge is insufficient to yield reasonable compensation for the service rendered, it may determine
600 what will be a just and reasonable minimum to be charged, and make an order that the common
601 carrier shall not thereafter demand or collect less than the minimum so prescribed without first
602 obtaining its consent, after a public hearing.

603 SECTION 28. Said chapter 159 is hereby further amended by striking out section 21 and
604 inserting in place thereof the following section:- Section 21. Wherever there is no satisfactory
605 through route for the transportation of passengers or freight at a reasonable rate, the
606 transportation commission may order, after notice and a public hearing had upon complaint, any
607 two or more railroad or railway companies whose lines, owned, operated, leased, or controlled
608 by stock ownership, or otherwise, form a continuous or connecting line of transportation, or
609 could be made to do so by the construction and maintenance of switch connection or interchange
610 track at connecting points, or by transfer of property or passengers at connecting points, to
611 establish through routes and joint rates, fares and charges for the transportation of passengers and
612 property, and for the operation of the cars and other equipment for such transportation, within the
613 commonwealth, as the transportation commission may by order designate; and, if the board of
614 aldermen or selectmen act adversely upon, or fail to act within sixty days from the date of, the
615 filing of a petition, brought by a railway company under section seventy of chapter one hundred
616 and sixty-one for a location of tracks in their city or town upon which the petitioning company
617 may construct the switch connection or interchange track necessary to the establishment of such
618 through routes or transportation, or to the operation of such cars or other equipment, the

619 petitioner or any interested party may, within sixty days thereafter, file such petition with the
620 transportation commission which may, if after notice and a public hearing it is of the opinion that
621 public convenience and necessity so require, grant locations upon which the grantee company
622 may construct the switch connection or interchange track necessary to the establishment of such
623 through routes or transportation, or to the operation of such cars or other equipment; and, if such
624 railroad or railway companies cannot agree as to the division of rates or the conditions under
625 which such through routes or transportation shall be established or such cars or other equipment
626 operated, the transportation commission may, after due hearing, determine and prescribe the
627 proportionate parts of such through rates payable to each of such companies, and the conditions
628 under which through routes or transportation shall be established or such cars or other equipment
629 operated; provided, that a railroad or railway company shall have control of and responsibility
630 for the management and operation of all trains or cars while upon its railroad or railway as fully
631 as if it owned them; and provided, further, that in case of a petition for the establishment of such
632 through routes and transportation by railroad companies, or for locations for the construction of
633 the switch connection or interchange track necessary to the establishment of such through routes
634 and transportation by railway companies, the transportation commission shall give fourteen days'
635 notice of any public hearing held by it under the foregoing provisions of this section, to the
636 petitioners, to the companies affected and to the board of aldermen of the city or the selectmen of
637 the town where the lines of said companies connect or within which a connection between the
638 lines of said companies is proposed to be made. The foregoing provisions of this section shall
639 apply to a railroad company and a steamship company whose lines forms or can be made to form
640 a continuous or connecting line of transportation by transfer of property or passengers at
641 connecting points, whether or not such railroad company and steamship company are commonly

642 owned, operated, leased, or controlled by stock ownership, or otherwise. The transportation
643 commission may, upon reasonable terms and conditions, require and order any railroad or
644 railway company which carries freight in carload lots to establish and maintain for the purpose of
645 receiving or delivering freight in carload lots, a switch connection with any private side track
646 constructed on land adjoining the location of any such railroad or railway, if the transportation
647 commission is of opinion that such connection is reasonable and practicable, can be put in and
648 used with safety, and will furnish sufficient business to justify its construction and maintenance,
649 and the transportation commission may grant to any railroad company the necessary locations in
650 public ways and places for any switch connection ordered by the transportation commission to be
651 constructed by such railway company.

652 SECTION 29. Section 22 of said chapter 159 is hereby amended by striking out the word
653 “department” and inserting in place thereof the following words:- transportation commission

654 SECTION 30. Section 23 of said chapter 159 is hereby amended by striking out the word
655 “department” and inserting in place thereof the following words:- transportation commission

656 SECTION 31. Section 25 of said chapter 159 is hereby amended by inserting after the
657 word

658 “department,” in line 1, the following words:- and the transportation commission

659 SECTION 32. Said section 25 of said chapter 159 is hereby further amended by striking
660 out, in lines 2-3, the words “the department” and inserting in place thereof the following word:-
661 it

662 SECTION 33. Said chapter 159 is hereby further amended by striking out section 26 and
663 inserting in place thereof the following section:- Section 26. The department and the
664 transportation commission may investigate and determine the fair value for any purpose of all the
665 property of any common carrier rendering a public service subject to its supervision, actually
666 used or useful for the convenience of the public, whenever it deems the ascertainment of such
667 value necessary to carry into effect any provision of this chapter, and may at any time make a
668 revaluation of such property. In making any valuation under this section, the department and the
669 transportation commission shall have access to and may use any books, documents or records in
670 the possession of any department or board of the commonwealth or any political subdivision
671 thereof.

672 SECTION 34. Section 27 of said chapter 159 is hereby amended by inserting after the
673 word “department,” in line 1, the following words:- and the transportation commission

674 SECTION 35. Said section 27 of said chapter 159 is hereby further amended by striking
675 out, in line 12, the words “the opinion of the department” and inserting in place thereof the
676 following words:- its opinion

677 SECTION 36. Section 28 of said chapter 159 is hereby amended by striking out, in line 3,
678 the word “department” and inserting in place thereof the following words:- transportation
679 commission

680 SECTION 37. Said section 28 of said chapter 159 is hereby further amended by striking
681 out, in line 7, the word “department” and inserting in place thereof the following words:-
682 transportation commission

683 SECTION 38. Said chapter 159 is hereby further amended by striking out section 29 and
684 inserting in place thereof the following section:- Section 29. An inspector shall, under the
685 direction of the transportation commission, investigate as promptly as may be any accident upon
686 a railroad, railway or motor vehicle of a carrier of passengers under the jurisdiction of the
687 transportation commission, or in which such railroad, railway or motor vehicle is concerned,
688 which causes the death or imperils the life of any person, and shall report thereon to the
689 transportation commission, which shall investigate the cause of any such accident resulting in
690 loss of life, and may investigate any other accident. The inspector shall attend the inquest held in
691 case of any such death by accident and may cause any person who has knowledge of the facts or
692 circumstances connected with such death to be summoned as a witness to testify at the inquest.

693 SECTION 39. Section 30 of said chapter 159 is hereby amended by striking out the word
694 “department” and inserting in place thereof the following words:- transportation commission

695 SECTION 40. Said chapter 159 is hereby further amended by striking out section 31 and
696 inserting in place thereof the following section: Section 31. The department and the
697 transportation commission may, from time to time, prescribe forms of accounts, records and
698 memoranda for the common carriers under its supervision, or for such classes of common
699 carriers as it shall establish. The forms shall conform as nearly as may be to those established by
700 the interstate commerce commission. The accounts of such common carriers shall be kept in
701 accordance with the forms prescribed. The transportation commission shall have access to the list
702 of stockholders of any railroad corporation or railway company and may cause the said list or
703 any part thereof to be copied for its information or for the information of said stockholders. Any
704 railroad corporation or railway company which refuses to submit its books to the examination of

705 the transportation commission or unreasonably neglects to keep its accounts in the method
706 prescribed by the transportation commission shall forfeit not more than five thousand dollars.

707 SECTION 41. Said chapter 159 is hereby further amended by striking out section 32 and
708 inserting in place thereof the following section. Section 32. The department and the
709 transportation commission, with respect to those common carriers subject to their respective
710 jurisdictions, shall prescribe the forms for the annual returns to be made to it by the several kinds
711 of common carriers and may from time to time make changes and additions in any such form;
712 provided, that changes therein or additions thereto requiring any alteration in the method or form
713 of keeping the accounts of such common carriers shall not be effective until after notice thereof
714 shall have been given, at least six months before the beginning of the year or other period for
715 which such changes or additions are prescribed, by the department or the transportation
716 commission, whichever has jurisdiction, to the common carriers affected thereby. The annual
717 returns shall be returns for the year ending on December thirty-first, and shall be transmitted to
718 the department or transportation commission, whichever has jurisdiction, upon blank forms to be
719 furnished by the department or the transportation commission, whichever has jurisdiction, on or
720 before March thirty-first following, or such subsequent date as in any case, for good cause
721 shown, the department or the transportation commission, whichever has jurisdiction, may fix. If
722 a return is defective or appears erroneous, the department or the transportation commission,
723 whichever has jurisdiction, shall forthwith order the common carrier to amend it within fifteen
724 days. The original of each return or amended return, subscribed and sworn to as required by law,
725 shall be preserved in the office of the department or the transportation commission, whichever
726 has jurisdiction.

727 SECTION 42. Section 33 of said chapter 159 is hereby amended by striking out, in line 3,
728 the word “department” and inserting in place thereof the following words:- transportation
729 commission

730 SECTION 43. Said section 33 of said chapter 159 is hereby further amended by striking
731 out, in line 8, the word “department” and inserting in place thereof the following words:-
732 transportation commission

733 SECTION 44. Said chapter 159 is hereby further amended by striking out section 34 and
734 inserting in place thereof the following section:- Section 34. The department and the
735 transportation commission, through its commissioners, members or by employees duly
736 authorized, may examine all books, contracts, records, documents, papers and memoranda of any
737 common carrier subject to its jurisdiction, and by subpoena duces tecum compel the production
738 thereof, or of duly verified copies of the same or any of them, and compel the attendance of such
739 witnesses as the department or the transportation commission, whichever has jurisdiction, may
740 require to give evidence at any such examination.

741 SECTION 45. Said chapter 159 is hereby further amended by striking out section 34A
742 and inserting in place thereof the following section:- Section 34A. (a) The department and the
743 transportation commission, with respect to those common carriers subject to their respective
744 jurisdictions, shall have general supervision of every affiliated company, as hereinafter defined,
745 with respect to all relations, transactions and dealings, direct or indirect, with the carrier with
746 which it is affiliated which affect the operations of such carrier, and shall make all necessary
747 examination and inquiries and keep itself informed as to such relations, transactions and dealings
748 as have a bearing upon the rates, financial condition and practices of such carrier. Such relations,

749 transactions and dealings, including any payments by a carrier to such an affiliated company or
750 by such an affiliated company to a carrier for property owned, leased or used by such carrier or
751 such affiliated company for transportation purposes shall be subject to review and investigation
752 by the department or the transportation commission, whichever has jurisdiction, in any
753 proceeding brought under this chapter or under chapter one hundred and fifty-nine A, one
754 hundred and sixty or one hundred and sixty-one, and the department or the transportation
755 commission, whichever has jurisdiction, may order such affiliated company to be joined as a
756 party respondent with such carrier in such a proceeding.

757 (b) Every affiliated company having such relations, transactions and dealings with the
758 carrier with which it is affiliated shall make such annual or periodic reports, and in such form, as
759 the department or the transportation commission, whichever has jurisdiction, may by regulation
760 prescribe, in order to give it effective supervision over all such relations, transactions and
761 dealings.

762 (c) Officers and employees of the department and the transportation commission, with
763 respect to those common carriers subject to their respective jurisdictions, may be authorized by it
764 to examine the books, contracts, records, documents and memoranda or the physical property of
765 any affiliated company subject to this chapter or chapter one hundred and fifty-nine A with
766 respect to any relations, transactions or dealings, direct or indirect, between such affiliated
767 company and any company so subject, and, for any examination so authorized, shall be entitled
768 to full access to the subject matter thereof. No such officer or employee shall divulge any fact or
769 information coming to his knowledge during the course of such examination unless directed by
770 the department or the transportation commission, whichever has jurisdiction, or by the court, or
771 authorized by law.

772 (d) For the purposes of this section, the words "affiliated companies" shall include any
773 corporation, society, trust, association, partnership or individual (a) controlling a company
774 subject to this chapter, or chapter one hundred and fifty-nine A, either directly, by ownership of a
775 majority of its voting stock or of such minority thereof as to give it substantial control of such
776 company, or indirectly, by ownership of such majority or minority of the voting stock of another
777 corporation, society, trust or association so controlling such company; or (b) so controlled by a
778 corporation, society, trust, association, partnership or individual controlling as aforesaid, directly
779 or indirectly, the company subject to such chapter; or (c) standing in such a relation to a
780 company subject to such chapter that there is an absence of equal bargaining power between the
781 corporation, society, trust, association, partnership or individual and the company so subject, in
782 respect to their dealings and transactions.

783 (e) Whenever, in any proceeding before the department or the transportation commission
784 under section fourteen, twenty, or twenty-four the reasonableness of any payment, charge,
785 contract, or purchase, sale, obligation or other arrangement between a carrier and a company
786 related to it as an affiliated company, as defined in paragraph (d), shall come into question, the
787 burden of establishing and proving the reasonableness of such payment, charge contract,
788 purchase, sale, obligation or other arrangement shall be upon such carrier.

789 (f) The supreme judicial court shall have jurisdiction in equity to enforce compliance
790 with this section and with all orders of the department or the transportation commission made
791 under authority thereof.

792 SECTION 46. Section 35 of said chapter 159 is hereby amended by striking out the word
793 "department" and inserting in place thereof the following words:- transportation commission

794 SECTION 47. Section 36 of said chapter 159 is hereby amended by inserting after the
795 word “department” the following words:- and the transportation commission

796 SECTION 48. Said section 36 of said chapter 159 is hereby further amended by inserting
797 after the word “carriers” the following words:- subject to its jurisdiction

798 SECTION 49. Said chapter 159 is hereby further amended by striking out section 37 and
799 inserting in place thereof the following section:- Section 37. Every order of the department or the
800 transportation commission shall be served upon every person or corporation to be affected
801 thereby, either by personal delivery of a certified copy thereof, or by mailing a certified copy
802 thereof, in a sealed package, postage prepaid, to the person to be affected thereby or, in the case
803 of a corporation, to any officer or agent thereof upon whom a summons may be served under the
804 laws of the commonwealth. Every person and corporation shall notify the department or the
805 transportation commission, whichever has jurisdiction, forthwith, in writing, of the receipt of the
806 certified copy of every order so served, and in the case of a corporation such notification shall be
807 signed and acknowledged by a person or officer duly authorized by the corporation to admit such
808 service. Within a time specified in the order, every person and corporation upon whom it is
809 served shall, if so required in the order, notify the department or the transportation commission,
810 whichever has jurisdiction, in like manner whether the terms of the order are accepted and will
811 be obeyed. Every such order shall take effect at a time therein specified and shall continue in
812 force either for a period designated therein or until changed or abrogated by the department or
813 the transportation commission, whichever has jurisdiction.

814 SECTION 50. Section 38 of said chapter 159 is hereby amended by striking out the word
815 “department” and inserting in place thereof the following words:- transportation commission

816 SECTION 51. Said chapter 159 is hereby further amended by striking out section 39 and
817 inserting in place thereof the following section:- Section 39. If in the judgment of the department
818 or the transportation commission any common carrier subject to its jurisdiction violates or
819 neglects in any respect to comply with the provisions of any law, and after written notice by the
820 department or the transportation commission, whichever has jurisdiction, continues such
821 violation or neglect, or neglects to make returns as required by law, or to amend the same when
822 lawfully required so to do, the department or the transportation commission, whichever has
823 jurisdiction, shall forthwith present the facts to the attorney general for action.

824 SECTION 52. Said chapter 159 is hereby further amended by striking out section 40 and
825 inserting in place thereof the following section:- Section 40. Whenever the department or the
826 transportation commission is of opinion that a common carrier subject to its supervision is failing
827 or omitting or about to fail or omit to do anything required by law or by its order, or is doing
828 anything or about to do anything or permitting anything or about to permit anything to be done,
829 contrary to or in violation of the law or of any of its orders, it shall direct its counsel to begin,
830 subject to the supervision of the attorney general, an action or proceeding in the supreme judicial
831 court in its name for the purpose of having such violations or threatened violations stopped and
832 prevented either by mandamus or injunction.

833 SECTION 53. Section 41 of said chapter 159 is hereby amended by inserting after the
834 word "department," in line 1, the following words:- and the transportation commission

835 SECTION 54. Said section 41 of said chapter 159 is hereby further amended by inserting
836 after the word "department," in line 13, the following words:- and the transportation commission

837 SECTION 55. Section 43 of said chapter 159 is hereby amended by striking out the word
838 “shall” and inserting in place thereof the following words:- and the transportation commission
839 shall each

840 SECTION 56. Section 44 of said chapter 159 is hereby amended by inserting after the
841 word “department,” in line 1, the following words:- or the transportation commission

842 SECTION 57. Said section 44 of said chapter 159 is hereby further amended by striking
843 out, in line 4, the words “the department” and inserting in place thereof the following word:- it

844 SECTION 58. Section 50 of said chapter 159 is hereby amended by striking out the word
845 “department” and inserting in place thereof the following words:- transportation commission

846 SECTION 59. Section 51 of said chapter 159 is hereby amended by striking out, in lines
847 9-10, the word “department” and inserting in place thereof the following words:- transportation
848 commission

849 SECTION 60. Said section 51 of said chapter 159 is hereby further amended by striking
850 out, in line 13, the word “department” and inserting in place thereof the following words:-
851 transportation commission

852 SECTION 61. Section 52 of said chapter 159 is hereby amended by striking out, in line 1,
853 the word “department” and inserting in place thereof the following words:- transportation
854 commission

855 SECTION 62. Said section 52 of said chapter 159 is hereby further amended by striking
856 out, in lines 7-8, the word “department” and inserting in place thereof the following words:-
857 transportation commission

858 SECTION 63. Section 54 of said chapter 159 is hereby amended by striking out, in line 8,
859 the word “department” and inserting in place thereof the following words:- transportation
860 commission

861 SECTION 64. Said section 54 of said chapter 159 is hereby further amended by striking
862 out, in line 10, the word “department” and inserting in place thereof the following words:-
863 transportation commission

864 SECTION 65. Section 57 of said chapter 159 is hereby amended by striking out the word
865 “department” and inserting in place thereof the words:- transportation commission

866 SECTION 66. Section 58 of said chapter 159 is hereby amended by striking out the word
867 “department” and inserting in place thereof the words:- transportation commission

868 SECTION 67. Said chapter 159 is hereby further amended by striking out section 59 and
869 inserting in place thereof the following section:- Section 59. If a public way and a railroad cross
870 each other, and the board of aldermen of the city or the selectmen of the town where the crossing
871 is situated, or the department of highways, if the crossing and its approaches are in direct
872 continuation of a state highway, or the directors of the railroad corporation, or the directors of a
873 railway company having tracks on said way, deem it necessary for the security or convenience of
874 the public that an alteration not involving the abolition of a crossing at grade should be made in
875 the crossing, the approaches thereto, the location of the railroad or way, or in a bridge at the
876 crossing, they shall apply to the board of county commissioners, or, if the crossing is situated, in
877 whole or in part, in Boston, to the transportation commission, which shall, after public notice,
878 hear all parties interested, and, if it decides that such alteration is necessary, shall prescribe the
879 manner and limits within which it shall be made, and shall forthwith certify its decision to the

880 parties and to said transportation commission. If a state highway and a railroad cross each other
881 and the department of highways, after public notice and a hearing of all parties interested,
882 decides that it is necessary for the security or convenience of the public that an alteration as
883 aforesaid should be made in the crossing, the approaches thereto, the location of the railroad or
884 way, or in a bridge at the crossing, and if no application under the foregoing provisions of this
885 section relative to said crossing is then pending, said department of highways may order such
886 alteration, prescribing in such order the manner and limits within which such alteration shall be
887 made, and shall forthwith certify its decision to the parties and to said transportation
888 commission; provided, that a party aggrieved by a decision or order of said department of
889 highways hereunder may appeal to the transportation commission in the same manner as in the
890 case of an appeal under section one hundred and eleven of chapter one hundred and sixty by a
891 person aggrieved by a decision or order of the county commissioners, and the provisions of
892 sections one hundred and eleven to one hundred and thirteen, inclusive, of said chapter shall
893 apply to appeals hereunder except that for the purposes of this section, reference in said sections
894 one hundred and eleven to one hundred and thirteen, inclusive, to the county commissioners shall
895 refer to the department of highways.

896 Hearings by the department of highways shall be held in the county where such crossing
897 is situated and a copy of its decision and of the plan of said alteration shall be filed by it in the
898 office of the county commissioners of the said county. This proceeding may include any case
899 where there is need of the rebuilding of a highway bridge or any structural change or renewal in
900 order to strengthen or improve it. If any railway company is authorized to lay and use tracks
901 upon the said way, the said company shall bear such part of the expense of building, rebuilding,
902 changing, renewing, repairing or improving a bridge forming a part of said way, or of altering or

903 improving the approaches thereto, as the commission provided for in sections sixty-one and
904 sixty-two deem just.

905 SECTION 68. Said chapter 159 is hereby further amended by striking out section 61 and
906 inserting in place thereof the following section:- Section 61. A commission of three disinterested
907 persons, appointed as provided in the following section, shall determine which party shall carry
908 such decision into effect and which party shall pay the charges and expenses of making such
909 alteration and the future charges for keeping such bridge or crossing and the approaches thereto
910 in repair, as well as the costs of the application to the county commissioners, or the
911 transportation commission, and of the hearing before said commission of three disinterested
912 persons; and it may apportion all such charges, expenses and costs between the railroad
913 corporation, the railway company having tracks on said way, and the counties, cities or towns
914 where said crossing is situated and other cities and towns which may be specially benefited; and
915 if the crossing and its approaches are in direct continuation or a part of a state highway, the
916 commonwealth may be included in such apportionment and its share shall be paid from the
917 annual appropriation for maintenance and repair of state highways; provided, that the parties in
918 interest may waive the appointment of the commission of three disinterested persons and
919 determine the foregoing by written agreement to be filed in the proceeding. If a railway company
920 is authorized to lay and use tracks upon any bridge in a highway built, repaired or altered as
921 above provided for, or the approaches to which are altered or improved as above provided for,
922 the said commission of three disinterested persons shall determine what part of the charges and
923 expenses of making such changes or improvements, or of keeping such bridge or crossing and
924 approaches in good condition, shall be paid by said railway company.

925 SECTION 69. Said chapter 159 is hereby further amended by striking out section 62 and
926 inserting in place thereof the following section:- Section 62. Unless the parties in interest agree
927 as provided in section sixty-one, upon application of the county commissioners, the
928 transportation commission, the department of highways, the board of aldermen, the selectmen or
929 the directors of the railroad corporation or of the railway company for the appointment of such
930 commission of three disinterested persons, the superior court shall cause notice thereof to be
931 given to the other parties interested fourteen days at least before the time fixed for the hearing;
932 and thereupon, after hearing, shall appoint such commission of three disinterested persons, one
933 member of which shall be a member of and designated by the transportation commission. The
934 commission of three disinterested persons shall meet as soon as may be after its appointment,
935 and, after notice to and a hearing of the parties, shall make a written award and return it to said
936 court.

937 SECTION 70. Said chapter 159 is hereby further amended by striking out section 65 and
938 inserting in place thereof the following section:- Section 65. The department of highways shall
939 proceed to make an investigation of crossings where a public or private way and a railroad cross
940 each other at grade, in sections sixty-five to eighty-two, inclusive, referred to as grade crossings.
941 Said department shall annually on or before October first file with the transportation commission
942 lists of grade crossings the abolition of which it suggests for early consideration, to which lists
943 additional grade crossings may from time to time be added by said department of highways.
944 Such lists shall state the names of the grade crossings, the names of the corporations operating
945 the railroads crossed and the counties, cities and towns in which such crossings are located. The
946 department of highways shall receive all petitions for the abolition of grade crossings from the
947 aldermen of the city, the selectmen of the town, or the county commissioners of the county,

948 where such a crossing exists, or the board of directors of the railroad corporation operating the
949 railroad crossed, and after a hearing, due notice of which shall have been given to said railroad
950 corporation, city or town and county, may in its discretion place said crossing on one of said
951 lists. The transportation commission, after due notice to the department of highways, the counties
952 and municipalities in which such crossings are located and the railroad corporations operating
953 the railroads crossed, shall proceed to hold public hearings upon such lists and such additional
954 grade crossings as the department of highways shall have notified it to include. Upon the
955 completion of such hearings the transportation commission by order shall designate a program of
956 grade crossings the abolition of which shall be considered; provided, that such program order
957 may be amended or revised from time to time by the transportation commission on request of the
958 department of highways. In establishing such program the transportation commission shall take
959 into consideration the relative security and convenience of the public likely to result from the
960 abolition of each particular grade crossing included therein as compared with the abolition of
961 other grade crossings. Such program order shall state with respect to each grade crossing the
962 name of the crossing, the name of the railroad corporation operating the railroad crossed, and the
963 names of the counties, cities and towns in which the crossing is located. A copy of such program
964 order and amendments and revisions thereof shall be filed in the office of the transportation
965 commission and of the department of highways.

966 SECTION 71. Said chapter 159 is hereby further amended by striking out section 70 and
967 inserting in place thereof the following section:- Section 70. The department of highways shall
968 proceed to consider the abolition of grade crossings in the order established by the program
969 orders as adopted and amended or revised under section sixty-five, and shall hold public hearings
970 on each such grade crossing abolition, due notice of which shall be given to such railroad

971 corporations, counties, cities and towns as may be required by law to bear part of the cost of
972 abolition. After hearing as aforesaid, it shall by order determine the manner and limits of the
973 grade crossing abolition, what part, if any, of an existing public or private way shall be
974 discontinued, and whether or not a new way shall be substituted therefor, the grade for the
975 railroad and the way, the changes to be made in the location and grades of a street railway having
976 a location in the part of such public way where the crossing exists or in ways connecting
977 therewith, the general method of construction, and what land or other property it considers
978 necessary to be taken, including, in its discretion, an easement in land adjoining the location of a
979 public or private way, or of a railroad, consisting of a right to have the land of the location
980 protected by having the surface of such adjoining land slope from the boundary of the location in
981 a manner specified by it; provided, that so much of any such order as relates to the foregoing
982 shall not be effective unless the consent of the transportation commission thereto shall first be
983 obtained, but no consent shall be given by said transportation commission to an order requiring a
984 change in the grade of a railroad or street railway until the carrier interested, if it so requests, has
985 been given an opportunity to be heard before said transportation commission on the sole question
986 of such change. The department of highways shall determine in such order when the work shall
987 be commenced, who shall do the work and how much shall be done by each. All such work not
988 done in whole or in part by the department of highways shall be done under its general
989 supervision. Except as otherwise provided in this section and section eighty, the total cost of the
990 alterations aforesaid, including therein, in addition to the cost of construction, all damages on
991 account thereof, but excluding the actual cost to a street railway of changing its railway or
992 location to conform to the order of abolition, which shall be borne by it, and also moneys allotted
993 under the provisions of the national industrial recovery act or other federal statutes and enabling

994 state legislation for expenditure on such alterations from funds designated by the federal
995 authorities exclusively for grade crossing abolitions shall be apportioned, by a board of five
996 members constituted as hereinafter provided, among the railroad or railroads affected, the
997 commonwealth, the county and the city or town where the crossing is situated, equitably and in
998 accordance with the relative benefit to be derived by each from such alterations; provided, that if
999 in any case funds sufficient to cover the said total cost are allotted as aforesaid under the
1000 provisions of the said national industrial recovery act or other federal statutes and enabling state
1001 legislation, no such apportionment shall be made; and, provided further, that any of said parties
1002 aggrieved by said apportionment may petition the supreme judicial court, which shall appoint
1003 three commissioners to make such apportionment, subject to the approval of the court. Said
1004 board shall consist of the attorney general, the chair of the transportation commission and
1005 another member of said transportation commission designated by said chair, and the
1006 commissioner of highways and one of his associate commissioners designated by said
1007 commissioner. If the crossing is of a railroad and a private way, and no crossing of a public way
1008 is abolished in connection therewith, the total cost as aforesaid shall be paid by the parties
1009 affected by the abolition in such proportion as said department of highways may establish. Said
1010 department may require the railroad corporation or corporations and the cities, towns and
1011 counties affected by any such grade crossing abolition, or any of them, to cause to be prepared
1012 and submitted to it plans, specifications and estimates of the cost of such abolition. A copy of
1013 any order made under this section, after so much thereof as is required hereby to be consented to
1014 by the transportation commission has been consented to as hereinbefore provided, shall be filed
1015 in the office of the department of highways and of the transportation commission, and a copy
1016 thereof shall be served on the state comptroller, the railroad corporation or corporations, the

1017 county and city or town affected by such abolition. The department of highways shall include in
1018 its budget estimate in each year a sum sufficient to meet the cost of such portion of any abolition
1019 or abolitions of grade crossings, to be undertaken during the following year, as is to be paid by
1020 the commonwealth, counties and municipalities.

1021 SECTION 72. Section 73 of said chapter 159 is hereby amended by striking out the
1022 words “department of telecommunications and energy” and inserting in place thereof the
1023 following words:- transportation commission

1024 SECTION 73. Section 74 of said chapter 159 is hereby amended by striking out, in line 4,
1025 the words “department of telecommunications and energy” and inserting in place thereof the
1026 following words:- transportation commission

1027 SECTION 74. Said section 74 of said chapter 159 is hereby further amended by striking
1028 out, in lines 18-19, the words “department of telecommunications and energy” and inserting in
1029 place thereof the following words:- transportation commission

1030 SECTION 75. Said section 74 of said chapter 159 is hereby further amended by striking
1031 out, in line 22, the words “department of telecommunications and energy” and inserting in place
1032 thereof the words:- transportation commission

1033 SECTION 76. Said section 74 of said chapter 159 is hereby further amended by striking
1034 out, in line 48-49, the words “department of telecommunications and energy” and inserting in
1035 place thereof the words:- transportation commission

1036 SECTION 77. Said chapter 159 is hereby further amended by striking out section 78 and
1037 inserting in place thereof the following section:- Section 78. All accounts of expense incurred by

1038 the railroad corporations or the city or town shall from time to time be submitted to the
1039 department of highways which shall audit the same, including any expense incurred by the
1040 commonwealth for or in connection with a state highway, and report thereon to the state
1041 comptroller. Said department shall upon request of any of the parties to the proceeding
1042 investigate the amounts presented for allowance by the commonwealth or any city or town or
1043 any railroad corporation as expended in the payment of damages for land taken or affected by
1044 reason of the proposed alteration, which have been paid by the party primarily liable therefor, as
1045 provided in section seventy-five, unless it appears that all the parties to the proceeding for the
1046 abolition of the grade crossing have assented in writing to the payment or settlement so made by
1047 the party primarily liable; and if said department determines that the amount so paid is in excess
1048 of what in its opinion should have been properly paid therefor, it shall allow only such portion of
1049 the amount so paid as it may deem to be just and reasonable. In case of any dispute as to the
1050 propriety or reasonableness of the whole or a part of any account of the expense, the
1051 transportation commission, upon application of any party to the proceedings, shall determine the
1052 amount thereof, if any, to be allowed, and its determination shall be final. The department of
1053 highways shall, from time to time, issue its orders for payments on the part of each railroad
1054 corporation, not exceeding the amount apportioned to it by said transportation commission, and
1055 for the payment by the commonwealth of a sum not exceeding the amounts apportioned to it and
1056 to the county and city or town; and such county and city or town shall repay to the
1057 commonwealth the amount apportioned to it, with interest thereon at the rate of four per cent per
1058 annum in such instalments and at such times within ten years thereafter as said transportation
1059 commission, with the approval of the state comptroller, having regard to the financial condition
1060 of the county, city or town, shall determine.

1061 SECTION 78. Section 79 of said chapter 159 is hereby amended by striking out the
1062 words “department of telecommunications and energy” and inserting in place thereof the
1063 following words:- transportation commission

1064 SECTION 79. Said chapter 159 is hereby further amended by striking out section 80 and
1065 inserting in place thereof the following section:- Section 80. If the board of aldermen of a city or
1066 the selectmen of a town where a public way and a railroad cross each other and the directors of
1067 the railroad corporation deem it necessary for the security and convenience of the public that
1068 alteration should be made in such crossing, in the approaches thereto, in the location of the
1069 railroad or public way or in the grades thereof, or in a bridge at such crossing, or that such
1070 crossing should be discontinued with or without building a new way in substitution therefor, and
1071 they agree as to the alterations to be made, a written instrument signed, in behalf of a city, by the
1072 mayor, authorized by the board of aldermen, or in behalf of a town, by the chairman of the
1073 selectmen, authorized by vote of the town, and by the president of the railroad corporation,
1074 authorized by its directors, specifying the manner and limits within which the alterations shall be
1075 made, and by which party the work shall be done, or how it shall be apportioned between the city
1076 or town and the railroad corporation, the general method of construction, the grades for the
1077 railroad and the public way, and also what land or other property it is necessary to take, and what
1078 portion, if any, of an existing public way is to be discontinued, and how the cost thereof shall be
1079 apportioned between the city or town and the railroad corporation, shall be valid and binding on
1080 the city or town and the railroad corporation, respectively, and have the same force and effect as
1081 an order of the department of highways under section seventy, if the transportation commission,
1082 after notice to all parties interested by advertisement and a public hearing, approves of the
1083 alterations set forth in the agreement as necessary for the convenience and security of the public;

1084 provided, that the department of highways, acting on behalf of the commonwealth, may, if in its
1085 judgment it seems advisable, join in such an agreement to abolish any grade crossing, thereby
1086 engaging the commonwealth to pay to the parties entitled thereto under the agreement, such
1087 amount as said department deems just, and such an agreement in which the commonwealth so
1088 joins shall be valid and binding on the commonwealth as well as the other parties thereto, and
1089 shall have the same force and effect as an order of said department under said section seventy,
1090 after approval as aforesaid by the transportation commission. Said agreement, when approved by
1091 the transportation commission and filed in its office, shall establish the locations as thus altered,
1092 and if it is necessary to take land or an easement therein to provide such new locations, the
1093 department of highways, in case of the abolition of a grade crossing to the cost of which the
1094 commonwealth is to contribute, otherwise the transportation commission, shall take the same by
1095 eminent domain on behalf of the commonwealth, of the city or town, and of the railroad
1096 corporation, respectively, under chapter seventy-nine. Except as otherwise provided in this
1097 section, so much of section seventy-four as relates to the taking of land, and so much of section
1098 seventy-five as relates to the right of any person to recover damages sustained in consequence of
1099 such taking or of the alterations made in pursuance of said order shall apply to the taking of land
1100 and to damages sustained under an agreement made pursuant to this section. The crossing and
1101 approaches shall be maintained and kept in repair as provided in section seventy-seven, unless
1102 the parties agree otherwise. If the agreement provides for the abolition of a grade crossing to the
1103 cost of which the commonwealth is to contribute, the department of highways shall keep itself
1104 informed of the progress and character of the work and of the amounts reasonably expended for
1105 work done or for damages, so far as rendered necessary for the abolition of the grade crossing;
1106 and for that purpose it may employ any necessary agents, and, from time to time, as it may

1107 consider proper, shall issue certified statements of the amount legally and properly expended for
1108 such abolition of a grade crossing. A street railway company or county or other party which
1109 would be affected by the alteration of a crossing as aforesaid may join in any agreement under
1110 this section.

1111 SECTION 80. Said chapter 159 is hereby further amended by striking out section 83 and
1112 inserting in place thereof the following section:- Section 83. Every railroad corporation and
1113 railway company shall, upon request of the transportation commission, and at least once in two
1114 years, cause an examination of its tracks and roadbed and of its tunnels and bridges and of the
1115 approaches thereto to be made by a competent engineer, who shall report the result of his
1116 examination, his conclusions and recommendations to the corporation or company, and it shall
1117 forthwith transmit a copy of the report to the transportation commission. Before a railway
1118 company builds a bridge, it shall first submit the plans thereof to the transportation commission
1119 for approval. Upon the completion of a new bridge, the railroad corporation or railway company
1120 shall forthwith cause such examination and report to be made and transmitted to the
1121 transportation commission. The report shall furnish such information, in such detail and with
1122 such drawings or prints, as may be requested in writing by the transportation commission. The
1123 transportation commission may make further examination of the bridge structure if necessary or
1124 expedient. This section shall not exempt a corporation from making other and more frequent
1125 examination of its bridges and the approaches thereto.

1126 SECTION 81. Section 84 of said chapter 159 is hereby amended by striking out the word
1127 “department” and inserting in place thereof the words:- transportation commission

1128 SECTION 82. Said chapter 159 is hereby further amended by striking out section 87 and
1129 inserting in place thereof the following section:- Section 87. The by-laws of such corporation
1130 shall be approved by the transportation commission, and shall prescribe the manner in which,
1131 and the officers and agents by whom, the purpose of its incorporation may be carried out, and
1132 also the manner in which its property may be invested. Such corporation shall annually, and as
1133 often as may be required by the transportation commission, render to it such statements of its
1134 membership and financial transactions and such other information relative thereto as the
1135 transportation commission may consider necessary for a proper exhibit of its business and
1136 standing. The transportation commission may verify such statement by an examination of the
1137 books and papers of the corporation; and whoever, having charge or custody of such books and
1138 papers, neglects to comply with this section shall be punished by a fine of not more than five
1139 hundred dollars.

1140 SECTION 83. Section 102 of said chapter 159 is hereby amended by striking out the
1141 word “department” and inserting in place thereof the following words:- transportation
1142 commission

1143 SECTION 84. Section 105 of said chapter 159 is hereby amended by inserting after the
1144 word “department,” in line 2, the following words:- or the transportation commission

1145 SECTION 85. Said section 105 of said chapter 159 is hereby further amended by
1146 inserting after the word “department,” in line 7, the following words:- or the transportation
1147 commission

1148 SECTION 86. Section 1 of chapter 159A of the General Laws is hereby amended by
1149 striking out the words “department of telecommunications and energy” and inserting in place

1150 thereof the following words:- commission on transportation safety oversight and regulation,
1151 hereinafter the transportation commission,

1152 SECTION 87. Section 2 of said chapter 159A is hereby amended by striking out the
1153 words “department of telecommunications and energy” and inserting in place thereof the
1154 following words:- transportation commission

1155 SECTION 88. Said chapter 159A is hereby further amended by striking out section 3 and
1156 inserting in place thereof the following section:- Section 3. If a person desiring to operate any
1157 motor vehicle for the purposes and in the manner aforesaid over a route covering at least twenty
1158 miles holds a license therefor in the terminal municipalities and also a license in all but one of
1159 the intervening municipalities, or, in case seven or more municipalities intervene, in all but one
1160 or two thereof, the transportation commission, on petition of such person, shall act as the
1161 licensing authority in the one or two municipalities, as the case may be, in which such person's
1162 application for such an original license has not been favorably acted upon within three months
1163 after the filing thereof. The transportation commission, before issuing such a license, shall give a
1164 public hearing thereon after notice to the licensing authority of such a municipality, and if the
1165 transportation commission finds that public convenience and necessity require that the applicant
1166 be allowed to operate motor vehicles through such a municipality and over a route as aforesaid, it
1167 may issue a license therefor and shall specify therein the route or routes over which such motor
1168 vehicles shall be operated therein, but operation under such a license shall be limited to through
1169 traffic without stopping in such municipality for taking on or discharging passengers, except in
1170 case of a railroad or railway company operating a bus line as a part of its system.

1171 SECTION 89. Section 4 of said chapter 159A is hereby amended by striking out, in line
1172 26, the word “department” and inserting in place thereof the following words:- transportation
1173 commission

1174 SECTION 90. Said section 4 of said chapter 159A is hereby further amended by striking
1175 out, in lines 28-29, the word “department” and inserting in place thereof the following words:-
1176 transportation commission

1177 SECTION 91. Section 5 of said chapter 159A is hereby amended by striking out, in line
1178 1, the word “department” and inserting in place thereof the following words:- transportation
1179 commission

1180 SECTION 92. Said section 5 of said section 159A is hereby further amended by striking
1181 out, in line 7, the word “department” and inserting in place thereof the following words:-
1182 transportation commission

1183 SECTION 93. Said section 5 of said chapter 159A is hereby further amended by striking
1184 out, in line 10, the word “department” and inserting in place thereof the following words:-
1185 transportation commission

1186 SECTION 94. Said chapter 159A is hereby further amended by striking out section 6 and
1187 inserting in place thereof the following section:- Section 6. No motor vehicle shall be operated
1188 under any license issued under this chapter until the licensee, in addition to complying with all
1189 orders, rules and regulations of the licensing authority, shall have deposited with the state
1190 treasurer a bond, running to him in such sum as the transportation commission may reasonably
1191 require, with a surety or sureties or other security approved by the state treasurer and by the
1192 transportation commission, conditioned to pay any final judgment obtained against the principal

1193 named in the bond for any injury to person or property or for damages for causing the death of
1194 any person by reason of any negligent or unlawful act, on the part of said principal, his or its
1195 agents, employees or drivers, in the use or operation of any such motor vehicle. Any person so
1196 injured or damaged, or his executor or administrator, or the executor or administrator of any
1197 person whose death was so caused, may enforce payment of such judgment by suit on said bond
1198 in the name of the state treasurer, and in such suit the court may make any appropriate order for
1199 the application of any security deposited as aforesaid. If any liability insurance policy filed as
1200 security for any such bond, or any such bond with a surety company as surety, shall be cancelled
1201 or a renewal policy or bond is not filed prior to the expiration thereof, or if the state treasurer or
1202 the transportation commission at any time after notice and hearing shall determine that the
1203 sureties on any such bond or the security therefor is not sufficient, or if the transportation
1204 commission shall in its discretion determine and notify the licensee that a larger bond is required,
1205 no such motor vehicle shall thereafter be operated until the licensee has furnished other or
1206 additional security approved by the state treasurer and by the transportation commission. No
1207 security other than as herein provided shall be required of any such licensee.

1208 SECTION 95. Said chapter 159 is hereby further amended by striking out section 7 and
1209 inserting in place thereof the following section:- Section 7. No person shall operate a motor
1210 vehicle under a license issued as aforesaid unless he has also obtained from the transportation
1211 commission a certificate declaring that public convenience and necessity require such operation.
1212 The transportation commission may, after public hearing, issue or refuse to issue such a
1213 certificate, or may issue the same for the partial exercise only of the privilege sought. Such
1214 certificate shall specify the route or routes over which the motor vehicles to be used thereunder
1215 may operate, and may prescribe the period during which the rights granted therein or in such

1216 license may be exercised, and may attach to the exercise of said rights such terms and conditions
1217 as the transportation commission shall deem that public convenience and necessity may require.
1218 The transportation commission, after notice and hearing, may revoke any such certificate for
1219 cause, and may, in like manner, revise any provisions thereof and any of the terms and
1220 conditions of such certificate or license. Upon such revocation, or upon the termination of the
1221 period covered by such certificate, the right of any person to operate thereunder shall
1222 immediately terminate. The transportation commission may adopt rules prescribing the manner
1223 and form in which applications for certificates or for any modification of outstanding certificates
1224 shall be made.

1225 In the event of the decease, incompetency, insolvency, bankruptcy or corporate
1226 reorganization, under the bankruptcy law of the United States, of a holder of a certificate of
1227 public convenience and necessity, or charter license issued under section eleven A, the
1228 transportation commission, upon application of the assignee, trustee or personal representative,
1229 shall conditionally transfer such certificate or charter license to him pending decision by the
1230 transportation commission as to the fitness, willingness and ability of said transferee to conduct
1231 the operations or business authorized by said certificate or charter license. In the event of the
1232 decease, incompetency, insolvency or bankruptcy of a member of a partnership holding such
1233 certificate, the transportation commission, upon application of the surviving or remaining
1234 partners, or assignee, trustee, receiver or personal representative of the deceased, incompetent,
1235 insolvent or bankrupt partner, may make a like conditional transfer to the surviving or remaining
1236 partners.

1237 SECTION 96. Said chapter 159 is hereby further amended by striking out section 7A and
1238 inserting in place thereof the following section:- Section 7A. Any certificate of public

1239 convenience and necessity granted by the transportation commission pursuant to section seven
1240 and chapter three hundred and seventy-eight of the acts of nineteen hundred and forty-seven and
1241 any license or permit granted pursuant to sections one, three and eleven A, may be assigned and
1242 transferred in whole or in part, with the approval and consent of the transportation commission,
1243 after a public hearing, at which hearing it shall be established to the satisfaction of the
1244 transportation commission that the proposed transfer and assignment are consistent with the
1245 public interest, that public convenience and necessity require it, and that the transferee is fit,
1246 willing and able properly to conduct the operation or business authorized by said certificate,
1247 provided, however, that no certificate, license or permit shall be transferred except in connection
1248 with the bona fide sale to the transferee of the business of the transferor theretofore conducted in
1249 connection with the certificate, permit and license or any part thereof sought to be transferred.
1250 Notice of such public hearing shall be given to the holders of licenses issued under section
1251 eleven A in the city or town into which said change is sought to be made, and to holders of
1252 certificates issued under section seven and doing business in such city or town.

1253 No person, firm, trust or corporation subject to the jurisdiction of the transportation
1254 commission shall hereafter purchase, acquire, take or hold, directly or indirectly, any part of the
1255 capital stock of any carrier subject to the provisions of this chapter, nor shall any person, any
1256 associated group of persons or any firm, trust or corporation, who or which is not subject to the
1257 jurisdiction of the transportation commission, acquire, take or hold, directly or indirectly, more
1258 than fifty per cent of the voting capital stock of a carrier subject to this chapter, unless authorized
1259 so to do by the transportation commission. No consent shall be given by the transportation
1260 commission to the acquisition as aforesaid unless it shall have been shown that such acquisition
1261 is consistent with the public interest, and if such consent is given in whole or in part the

1262 transportation commission may impose such terms and conditions as it shall deem to be in the
1263 public interest. Nothing herein contained shall be construed to prevent the holding of any stock
1264 heretofore lawfully acquired by a person, firm, trust or corporation, or, upon the surrender or
1265 exchange of said stock pursuant to an agreement of consolidation or merger or a reorganization
1266 plan, to prevent the purchase, acquisition, taking or holding of the voting capital stock of the new
1267 corporation organized pursuant to such agreement or plan to take over the property of any
1268 corporation whose stock has been thus surrendered or exchanged, or to prevent the purchase,
1269 acquisition, taking or holding of any further issue of stock, provided such further issue does not
1270 increase the proportion of voting capital stock held by such person, firm, trust or corporation. For
1271 the purposes of this section only the word "carrier" shall be construed to include any person,
1272 partnership, corporation or association owning or operating a motor vehicle actually used for the
1273 transportation of school children under a contract with a municipality or municipal board or for
1274 the transportation of school children in a school bus as defined in section one of chapter ninety to
1275 or from events of public interest. No person or associated group of persons owning or controlling
1276 more than fifty per cent of the stock of any corporate common carrier subject to the jurisdiction
1277 of the transportation commission under this chapter shall engage in business as a carrier as so
1278 defined without the consent of the transportation commission.

1279 SECTION 97. Said chapter 159 is hereby further amended by striking out section 8 and
1280 inserting place thereof the following section:- Section 8. No motor vehicle shall be operated
1281 under a license issued under the provisions of this chapter without a permit from the
1282 transportation commission, except that a motor vehicle of an interstate carrier being used
1283 simultaneously in both interstate operations and intrastate operations under the operating
1284 authority of a certified intrastate carrier may be operated without such permit, provided that such

1285 motor vehicle is equipped to comply with the rules and regulations promulgated by the
1286 transportation commission governing the operation of such vehicle. Such permit shall not be
1287 issued until an inspector of the transportation commission finds that such motor vehicle, in
1288 respect to type, construction, equipment and operating condition, conforms to the rules and
1289 regulations promulgated by the transportation commission under the provisions of this chapter.
1290 The transportation commission shall charge fees for the issuance of an original permit and for the
1291 renewal thereof, the amount of which shall be determined annually by the commissioner of
1292 administration under the provision of section three B of chapter seven for the filing thereof. Such
1293 permit may be revoked or suspended by the transportation commission at any time when it
1294 appears to the transportation commission that the motor vehicle covered by such permit does not
1295 conform to said rules and regulations. No other permit, license or registration shall be required
1296 for any such motor vehicle, except as provided in chapter ninety.

1297 The intrastate carrier, under whose certificate the interstate carrier is operating, shall be
1298 responsible and shall annually certify to the transportation commission that every motor vehicle
1299 of the interstate carrier operated under this section complies in all respects to the rules and
1300 regulations promulgated by the transportation commission.

1301 SECTION 98. Said chapter 159A is hereby further amended by striking out section 9 and
1302 inserting in place thereof the following section:- Section 9. No person shall drive any motor
1303 vehicle under authority of this chapter unless he shall, in addition to being duly licensed by the
1304 registrar of motor vehicles to operate such motor vehicles, be licensed by the transportation
1305 commission. No such license shall be issued by the transportation commission to any person who
1306 has not attained age eighteen or who has not qualified in accordance with the transportation
1307 commission's requirements or to any person who has attained age seventy unless such person,

1308 within ninety days of his seventieth birthday, and twice in each year thereafter at intervals not
1309 less than three nor more than six months apart, passes a physical examination in accordance with
1310 requirements established by the transportation commission. The transportation commission shall
1311 charge fees for the examination, issuance, and renewal of such license, the amount of which shall
1312 be determined annually by the commissioner of administration under the provision of section
1313 three B of chapter seven for the filing thereof, and said transportation commission may revoke or
1314 suspend such a license at any time for such cause as may seem to it sufficient. No other license
1315 or permit than as specified or referred to in this section shall be required for any such driver.

1316 SECTION 99. Said chapter 159A is hereby further amended by striking out section 10
1317 and inserting in place thereof the following section:- Section 10. Any person engaged in the
1318 operation of motor vehicles under a license and certificate as provided in this chapter is hereby
1319 declared to be a common carrier. The transportation commission shall have general supervision
1320 and regulation of, and jurisdiction and control over such common carriers to the same extent as it
1321 has over railway companies, except as to the issue of securities by persons whose securities are
1322 not subject to the jurisdiction of the transportation commission. The transportation commission
1323 may, from time to time, prescribe forms of accounts, records and memoranda for such common
1324 carriers and their accounts shall be kept in accordance with the forms prescribed.

1325 Each such person not required to file a return by any provision of law other than this
1326 section shall annually, on or before such date as the transportation commission fixes, make to the
1327 transportation commission, in a form prescribed by it, a return for the year ending on December
1328 thirty-first next preceding. The form shall correspond as nearly as may be to those established by
1329 the interstate commerce commission for this type of common carrier and shall provide for the
1330 proper certification of the accuracy thereof. Each such person shall at all times, upon request,

1331 furnish any information required by the transportation commission or its duly authorized
1332 employees relative to the condition, management and operation of such person as a common
1333 carrier, and shall comply with all lawful orders of the transportation commission. Every such
1334 common carrier neglecting to make such annual return within the time prescribed as aforesaid, or
1335 to amend said return within fifteen days of the date of any notice to do so, or neglecting to
1336 furnish any information lawfully required as aforesaid, shall forfeit five dollars for each day
1337 during which such neglect continues; and if such person unreasonably refuses or neglects to
1338 make said return or amendment he shall forfeit not more than five hundred dollars. Failure to
1339 comply with this section shall be a cause for revocation or suspension of a certificate under
1340 section seven.

1341 SECTION 100. Section 11 of said chapter 159A is hereby amended by striking out, in
1342 line 1, the word “department” and inserting in place thereof the following words:- transportation
1343 commission

1344 SECTION 101. Said section 11 of said chapter 159A is hereby further amended by
1345 striking out, in line 6, the word “department” and inserting in place thereof the following word:-
1346 transportation commission

1347 SECTION 102. Said chapter 159A is hereby further amended by striking out section 11A
1348 and inserting in place thereof the following section:- Section 11A. No person shall operate or
1349 offer to provide service by means of any motor vehicle carrying ten or more persons, including
1350 the driver, upon any public way in charter service, as hereinafter defined, unless he shall have
1351 obtained from the transportation commission a license to engage in the business of rendering
1352 such service and certifying that the rendering of such service is consistent with the public

1353 interest, that public convenience and necessity require it and that the applicant is fit, willing and
1354 able properly to perform such service. "Charter service" is hereby defined as the transportation of
1355 groups of persons who, pursuant to a common purpose and under a single contract, and at a fixed
1356 charge for the vehicle have acquired the exclusive use of the vehicle for the duration of a
1357 particular trip or tour and in such a manner as not to be subject to section one. The transportation
1358 commission may, after public hearing, grant or refuse to grant a license to engage in the business
1359 of rendering charter service, and may, after notice and hearing, suspend or revoke such a license
1360 for cause. Notice of such public hearing shall be given to each holder of a license issued under
1361 this section who is doing business in the city or town in which the proposed service is to be
1362 located or in contiguous cities or towns and to each holder of a certificate issued under section
1363 seven who is doing business in such city or town. Any such license shall remain in force except
1364 while so suspended, until so revoked.

1365 No person shall operate any motor vehicle carrying ten or more persons, including the
1366 driver, upon any public way in special service, or school service, as hereinafter defined, unless
1367 he shall have obtained from the transportation commission a permit to render such special
1368 service, or school service, certifying that the rendering of such special service or school service
1369 is consistent with the public interest, and public convenience requires it. "Special service" is
1370 hereby defined as the transportation by motor vehicle over a route other than one certified to the
1371 applicant under section seven, for any special purpose, event or occasion or series of events or
1372 occasions, or under contract to a business establishment or for the transportation of employees to
1373 a place of employment, of a number of passengers to whom the carrier itself, or some person in
1374 its behalf, has sold or intends to sell tickets for transportation service, whether such tickets are
1375 for transportation alone or are in the form of combination tickets. The application for a special

1376 service permit shall designate the specific point or points of origin and destination proposed to be
1377 served. "School service" is hereby defined as the transportation, by motor vehicle over a route
1378 other than one certified to the applicant under section seven, of children to and from school and
1379 summer day camp. No special service or school service permit shall be issued in any city or town
1380 as the point of origin other than to the holder of a certificate under section seven who has a
1381 certificated route in said city or town, unless there is no such certificate holder in such city or
1382 town, or unless the holder of said certificate is not fit, willing and able properly to perform the
1383 special service or school service applied for, and no such permit shall be issued to operate over a
1384 route over which or approximately over which a carrier has a certificate to operate under section
1385 seven, if said carrier is fit, willing and able properly to perform the special service or school
1386 service applied for. The transportation commission may grant or refuse to grant a permit for such
1387 special service, or school service, upon application, after not less than seven days' notice by mail
1388 directed to such holders of certificates issued under section seven and of permits issued under
1389 this section serving the cities or towns of origin named in such application as might, in the
1390 judgment of the transportation commission, be interested in such service. In the event that the
1391 transportation commission considers that any objection filed with it before the return date
1392 warrants further consideration, it shall hold such hearing on such notice as it may require, and
1393 shall thereupon grant or refuse to grant such permit. Special service permits shall be granted only
1394 to the holder of a license issued under this section authorizing him to engage in the business of
1395 rendering charter service and the transportation commission may, after notice and hearing,
1396 revoke such permit for cause. Such special service or school service shall not be subject to
1397 section one.

1398 The transportation commission may make suitable and reasonable rules, orders and
1399 regulations covering the operation of motor vehicles both under section one and in such charter
1400 service, special service, or school service, and may revise, alter, amend or annul the same. The
1401 transportation commission shall also establish minimum mileage rates for any such charter
1402 service operated in intrastate commerce within the commonwealth, and may revise, alter, amend
1403 or annul such rates, and in determining such rates the transportation commission shall consider
1404 as part of the rate base the elements of waiting service and type of equipment employed. The
1405 terms "charter service", "special service" or "school service" shall not include the transportation
1406 of school children to and from school pursuant to a written contract with a municipality or
1407 municipal board or with the authorities of such school, provided that the charges for such
1408 transportation are borne by such municipality or municipal board or school and provided, further,
1409 that no special charges for such transportation are made by the municipality or municipal board
1410 or such school on account of the children transported; or the operation of a motor vehicle so used
1411 and owned and operated by such authorities; or the operation of sight-seeing automobiles
1412 licensed under chapter three hundred and ninety-nine of the acts of nineteen hundred and thirty-
1413 one.

1414 Sections six, eight, nine, eleven, thirteen, fourteen and fifteen shall apply to the operation
1415 of charter service under a license granted under this section and to special service or school
1416 service under a permit issued under this section, but vehicles for which vehicle permits have
1417 been issued under section eight and drivers who hold drivers' licenses under section nine shall
1418 not be required to have additional vehicle permits and drivers' licenses for operation in charter
1419 service or special service.

1420 No licensee under this section shall change his address, place of business, the place where
1421 his buses or any of them are usually garaged, or his base of operations from one city or town to
1422 another, unless such change shall be approved by the transportation commission after a public
1423 hearing and notice to the holders of other licenses under this section in the city or town into
1424 which said change is sought to be made, and in the adjacent cities and towns thereto, and to
1425 holders of certificates issued under section seven, who are doing business in such city or town,
1426 and unless a finding is made by said transportation commission that such change is consistent
1427 with the public interest and that public convenience and necessity require such change.

1428 This section shall not be construed so as to prohibit the use of school buses under contract
1429 to a school system in transporting pupils to and from summer school and school sponsored
1430 extracurricular activities.

1431 SECTION 103. Said chapter 159A is hereby further amended by striking out section 12
1432 and inserting in place thereof the following section:- Section 12. The licensing authority in any
1433 city or town may, in respect of matters not treated of in the provisions of law governing the
1434 operation of motor vehicles under this chapter or rules established by the transportation
1435 commission, adopt rules and regulations governing such operation. After the adoption of any
1436 such rules and regulations, any person operating such a motor vehicle as authorized by this
1437 chapter, or a railway or railroad company operating a railway or railroad in such city or town, or
1438 any twenty residents thereof, may petition the transportation commission for the alteration,
1439 amendment or revocation of any such rule or regulation.

1440 The transportation commission, upon such petition, after notice to the licensing authority
1441 and a hearing, may alter, amend or revoke such rule or regulation and establish in place thereof

1442 rules and regulations thereafter to be observed in such city or town. Thereafter the transportation
1443 commission, upon its own initiative or upon petition of the mayor of such city or the selectmen
1444 of such town, or of any person so operating any such motor vehicle in such city or town, or of a
1445 railway or railroad company operating a railway or railroad in such city or town, or of any
1446 twenty residents thereof, after notice to the licensing authority of such city or town, may alter,
1447 amend or revoke any rule or regulation established by the transportation commission, and may
1448 adopt rules and regulations in substitution thereof. Rules and regulations prescribed by the
1449 transportation commission under this section shall not be subject to amendment or repeal by a
1450 city or town or by the licensing authority thereof.

1451 SECTION 104. Said chapter 159A is hereby further amended by striking out section 15
1452 and inserting in place thereof the following section:- Section 15. Whoever violates any provision
1453 of this chapter for which no other penalty is provided, or any order, rule or regulation adopted or
1454 established thereunder, or any lawful requirement, condition, limitation or restriction contained
1455 in any certificate, permit or license, shall be punished for a first offence by a fine of not more
1456 than one hundred dollars, and for any subsequent offence by a fine of not more than two hundred
1457 dollars; and the supreme judicial court and the superior court shall have jurisdiction in equity to
1458 restrain any such violation upon petition of the transportation commission, any licensing
1459 authority, ten citizens of any city or town affected by such violation, or any interested party.

1460 Any licensing authority, ten citizens of any city or town affected by violation of any part
1461 of this section, or any interested party affected by such violation, may file with the transportation
1462 commission a complaint of any such violation, and the transportation commission shall
1463 investigate such complaint and may hold a hearing on the question of revocation of the
1464 certificate, permit or license of any person operating a motor vehicle under any provision of this

1465 chapter complained against, and thereafter modify, suspend or revoke such certificate, permit or
1466 license, and the transportation commission may institute in any court of the commonwealth,
1467 county or district wherein the carrier has a place of business such action, suit or complaint as
1468 may be necessary to enforce compliance with any provision of this chapter or any rule,
1469 regulation or order of the transportation commission thereunder, or any lawful requirement,
1470 condition, limitation or restriction contained in any certificate, permit or license.

1471 SECTION 105. Section 1 of chapter 159A1/2 of the General Laws is hereby amended by
1472 striking out the words ““Department”, the department of public utilities.”

1473 SECTION 106. Said section 1 of said chapter 159A1/2 is hereby further amended by
1474 striking out the words ““Division”, the division established in section 23 of chapter 25.”

1475 SECTION 107. Said section 1 of said chapter 159A1/2 is hereby further amended by
1476 inserting after the second paragraph the following paragraph:- “Commission”, the commission
1477 on transportation safety oversight and regulation.

1478 SECTION 108. Said chapter 159A1/2 is hereby further amended by striking out section 2
1479 and inserting in place thereof the following section:- Section 2. (a) The commission shall have
1480 jurisdiction over transportation network companies to ensure the safety and convenience of the
1481 public, as expressly set forth in this chapter.

1482 (b) In consultation with the registry of motor vehicles, the commission shall provide for
1483 the establishment of removable decals to be issued by transportation network companies, in a
1484 form and manner prescribed by the commission, to transportation network drivers to designate a
1485 vehicle as a transportation network vehicle for law enforcement and public safety purposes. The
1486 decal shall be applied to both the front and back panels of a vehicle at all times while the vehicle

1487 is providing transportation network services. A transportation network driver who provides
1488 transportation network services using the digital network of more than 1 transportation network
1489 company shall display the respective decals for each transportation network company while the
1490 vehicle is providing transportation network services. A transportation network driver who ceases
1491 to be certified to provide transportation network services for any reason shall return the decal
1492 within 14 days of that cessation to the respective transportation network company in the manner
1493 and form prescribed by the commission.

1494 (c) In consultation with the commissioner of insurance, the commission shall implement
1495 the insurance policy requirements established in section 228 of chapter 175.

1496 (d) A transportation network company shall provide clear and conspicuous transportation
1497 fare estimates to riders at all times, including during surge pricing, high volume and high
1498 demand times. Fare estimates shall include a clear rate estimate or the amount of the price
1499 increase resulting from surge pricing or increased demand.

1500 (e) A transportation network company and driver shall not raise base fares during a
1501 federal or a governor-declared state of emergency.

1502 (f) In consultation with state police, local law enforcement and the registry of motor
1503 vehicles, the commission shall ensure the safety and annual inspection of transportation network
1504 vehicles, including a transportation network vehicle inspection pursuant to section 7A of chapter
1505 90. A transportation network driver shall obtain a transportation network vehicle inspection at
1506 the driver's next annual emissions testing or within 12 months of obtaining a transportation
1507 network driver certificate, whichever comes first.

1508 (g) The commission shall ensure the accommodation of riders with special needs. A
1509 transportation network company shall not impose additional charges or increase fares when
1510 providing services to persons with disabilities and all transportation network drivers shall comply
1511 with applicable laws, rules and regulations relating to the accommodation of service animals.

1512 (h) A transportation network company shall not be subject to the commission's rate or
1513 common carrier requirements pursuant to chapters 159, 159A or 159B.

1514 (i) A transportation network company shall provide a driver's name, picture and the
1515 license plate number of the vehicle in use to a rider on any digital network used to facilitate a
1516 pre-arranged ride.

1517 (j) In consultation with the commission, the Massachusetts Department of
1518 Transportation's highway division shall provide for the issuance of electronic toll transponders
1519 set at the commercial vehicle rate to be issued by transportation network companies to
1520 transportation network drivers. The electronic toll transponders shall be used each time a
1521 transportation network driver provides transportation network services on a toll road, bridge or
1522 tunnel; provided, however, that the issuance of an electronic toll transponder pursuant to this
1523 subsection shall not prohibit a transportation network driver from establishing or maintaining an
1524 electronic toll transponder account for personal use.

1525 (k) In consultation with the commission, a transportation network company shall provide
1526 its ride data to the Massachusetts Department of Transportation and the department shall cross-
1527 reference that data with its toll data to ensure that tolls incurred by a driver providing
1528 transportation network services through a digital network are paid at the commercial rate through
1529 the pay by plate system and through the electronic transponder system.

1530 (l) A transportation network company shall notify the commission upon receipt of
1531 information that a driver utilizing its network has violated a law or rule or regulation related to
1532 the provision of transportation network services or that the driver is not suitable to provide
1533 transportation network services.

1534 (m) If, after the commission issued a background check clearance certificate, the
1535 commission is notified by a transportation network company, law enforcement or government
1536 entity that a driver is unsuitable and the commission verifies the unsuitability, the commission
1537 shall immediately revoke or suspend the background check clearance certificate and shall notify
1538 the driver and each transportation network company who issued the driver a driver certificate
1539 that the background check clearance certificate has been revoked or suspended. The commission
1540 shall issue rules and regulations to establish a process for a driver to appeal a revocation or
1541 suspension. The rules or regulations shall include an opportunity for a hearing.

1542 A driver aggrieved by a final order or decision of the commission pursuant to this
1543 subsection or subsection (d) of section 3 may institute proceedings for judicial review in the
1544 superior court within 30 days after receipt of such order or decision. Any proceedings in the
1545 superior court shall, insofar as applicable, be governed by section 14 of chapter 30A, and may be
1546 instituted in the superior court for the county: (i) where the parties or any of them reside or have
1547 their principal place of business within the commonwealth; (ii) where the commission has its
1548 principal place of business; or (iii) of Suffolk. The commencement of such proceedings shall not,
1549 unless specifically ordered by the court, operate as a stay of the commission's order or decision.

1550 SECTION 109. Section 3 of said chapter 159A1/2 is hereby amended by striking out the
1551 second paragraph and inserting in place thereof the following paragraph:- (b) A transportation

1552 network company shall apply for a permit to be issued and annually renewed by the commission.
1553 No transportation network company shall operate without a permit issued to it by the
1554 commission.

1555 SECTION 110. Said section 3 of said chapter 159A1/2 is hereby further amended by
1556 striking out the third paragraph and inserting in place thereof the following paragraph:- (c) No
1557 application for a permit may be granted or renewed unless the commission determines that the
1558 rendering of transportation network services by the applicant is consistent with the public
1559 interest. At a minimum, each applicant for a permit shall verify the following:

1560 SECTION 111. Said section 3 of said chapter 159A1/2 is hereby further amended by
1561 striking out the tenth paragraph and inserting in place thereof the following paragraph:- (vii) that
1562 the applicant has a process in place to ensure that it shall: (1) maintain and update, pursuant to
1563 regulations promulgated by the commission, a roster of each transportation network driver
1564 certified by the applicant to provide pre-arranged rides using the transportation network
1565 company's digital network; (2) upon request and with appropriate legal process, provide those
1566 rosters to the commission, the registry of motor vehicles and to state and local law enforcement;
1567 (3) maintain and update those rosters as required by the commission; (4) comply with all
1568 requests for information from the commission regarding the roster, including verification of
1569 completion of a background check as required pursuant to clause (ii);

1570 SECTION 112. Said section 3 of said chapter 159A1/2 is hereby further amended by
1571 striking out the fourteenth paragraph and inserting in place thereof the following paragraph:- (d)
1572 After obtaining the information required under clause (ii) of subsection (c) of section 4, the
1573 commission shall determine whether the driver applicant has committed an offense that would

1574 disqualify the driver applicant from providing transportation network services, according to the
1575 commission's rules, orders and regulations. The commission shall determine if the driver
1576 applicant is suitable and, if determined to be suitable, shall provide the transportation network
1577 company and the driver applicant with a background check clearance certificate. The
1578 commission shall conduct a background check pursuant to clause (ii) of subsection (c) of section
1579 4 not less than annually. If the commission finds that a driver is not suitable under the annual
1580 background check, the commission shall notify the driver and each relevant transportation
1581 network company that the background check clearance certificate is revoked or suspended.

1582 SECTION 113. Said section 3 of said chapter 159A1/2 is hereby further amended by
1583 striking out the fifteenth paragraph and inserting in place thereof the following paragraph:- (e)
1584 The commission shall calculate and the secretary of administration and finance shall determine,
1585 pursuant to section 3B of chapter 7, the cost associated with the commission's review of an
1586 application for a transportation network company permit, for renewal of the permit and to issue
1587 background check clearance certificates. The commission may charge the transportation network
1588 company a reasonable fee to cover the costs.

1589 SECTION 114. Section 4 of said chapter 159A1/2 is hereby amended by striking out the
1590 first paragraph and inserting in place thereof the following paragraph:- (a) A driver who seeks to
1591 utilize the digital network of a transportation network company to provide pre-arranged rides
1592 shall apply to a transportation network company for a transportation network driver certificate. A
1593 person shall not provide transportation network services in the commonwealth without a valid
1594 background check clearance certificate and a transportation network driver certificate. The
1595 transportation network driver certificate shall be in a form prescribed by the commission which
1596 shall include the name, picture of the driver and the license plate number of the vehicle in use

1597 and shall post a certificate for each transportation network company that has certified the driver
1598 in a location in the vehicle that is visible to the rider while transportation network services are
1599 being provided. A transportation network company shall not issue a transportation network
1600 driver certificate to a driver applicant unless the transportation network company has verified
1601 that the driver has received a background check clearance certificate from the commission.

1602 SECTION 115. Said section 4 of said chapter 159A1/2 is hereby further amended by
1603 striking out the second paragraph and inserting in place thereof the following paragraph:- (b) At
1604 a minimum, and subject to such other requirements as the commission may establish by
1605 regulation, a transportation network company shall only issue a transportation network driver
1606 certificate to a driver who:

1607 SECTION 116. Said section 4 of said chapter 159A1/2 is hereby further amended by
1608 striking out the eleventh paragraph and inserting in place thereof the following paragraph:- (c)
1609 Prior to providing transportation network services, a driver applicant shall be subject to a 2-part
1610 background check process to determine if the driver applicant is suitable. The transportation
1611 network company shall: (i) conduct a background check and disqualify applicants on the basis of
1612 a suitability standard to be determined in regulations promulgated by the commission; and (ii)
1613 submit identifying information regarding an applicant to the commission, which shall refer that
1614 information to the department of criminal justice information services, which shall obtain all
1615 available criminal offender record information, as defined in section 167 of chapter 6, and
1616 pursuant to section 172 of said chapter 6 and sex offender registry information.

1617 SECTION 117. Said section 4 of said chapter 159A1/2 is hereby further amended by
1618 striking out the twelfth paragraph and inserting in place thereof the following paragraph:- (d) Not

1619 less than 2 times per year, the transportation network company shall conduct a background check
1620 pursuant to clause (i) of subsection (c) and shall immediately remove a driver from its digital
1621 network if the driver is found not suitable pursuant to the suitability standards to be determined
1622 in regulations promulgated by the commission.

1623 SECTION 118. Said section 4 of said chapter 159A1/2 is hereby further amended by
1624 striking out the thirteenth paragraph and inserting in place thereof the following paragraph:- (e)
1625 The transportation network company shall immediately suspend a transportation network driver's
1626 certificate, and notify the commission of the suspension, upon learning of and verifying a driver's
1627 arrest for a crime or a driver's citation for a driving infraction that would render the driver
1628 unsuitable to provide transportation network services. A transportation network company shall
1629 report such suspension, in a form and manner prescribed by the commission, to the commission,
1630 which shall ensure all transportation network companies that certified that driver take appropriate
1631 action. Any such suspension may be limited to the period of time necessary to determine whether
1632 continued provision of transportation network services by the driver is consistent with the public
1633 interest.

1634 SECTION 119. Said section 4 of said chapter 159A1/2 is hereby further amended by
1635 striking out the fourteenth paragraph and inserting in place thereof the following paragraph:- (f)
1636 In accordance with this section, the commission shall quarterly audit the driver certification and
1637 criminal background check processes of a transportation network company. Non-compliance
1638 with this section shall constitute cause for the commission to suspend or revoke a transportation
1639 network company permit pursuant to section 6.

1640 SECTION 120. Said chapter 159A1/2 is hereby further amended by striking out section 6
1641 and inserting in place thereof the following section:- Section 6. (a) If the commission determines,
1642 after notice and a hearing, that a transportation network company is in violation of this chapter or
1643 any rule or regulation promulgated under this chapter, the commission shall issue a monetary
1644 penalty, suspend or revoke a transportation network company permit or take other action that the
1645 commission deems necessary. In determining the amount of the monetary penalty, the
1646 commission shall consider, without limitation, the size of the transportation network company
1647 based on a transportation network company's intrastate operating revenues for the previous
1648 calendar year, the gravity of the violation including noncompliance with the payment of
1649 commercial rate tolls as required in clause (v) of subsection (c) of section 3, the degree to which
1650 the transportation network company exercised good faith in attempting to achieve compliance or
1651 to remedy non-compliance and previous violations by the transportation network company cited
1652 by the commission.

1653 The commission shall issue rules and regulations to establish a process for administrative
1654 appeal of any penalty, suspension or revocation imposed in accordance with this section.

1655 (b) Any party aggrieved by a final order or decision of the commission pursuant to this
1656 section may institute proceedings for judicial review in the superior court within 30 days after
1657 receipt of such order or decision. Any proceedings in the superior court shall, insofar as
1658 applicable, be governed by the provisions of section 14 of chapter 30A, and may be instituted in
1659 the superior court for the county (i) where the parties or any of them reside or have their
1660 principal place of business within the commonwealth; (ii) where the commission has its principal
1661 place of business; or (iii) of Suffolk. The commencement of such proceedings shall not, unless
1662 specifically ordered by the court, operate as a stay of the commission's' order or decision.

1663 SECTION 121. Said chapter 159A1/2 is hereby further amended by striking out section 8
1664 and inserting in place thereof the following section:- Section 8. (a) The commission shall require
1665 a transportation network company to maintain certain records, in addition to the records required
1666 by clause (vii) of subsection (c) of section 3 including, but not limited to, records pertaining to
1667 incidents reported to the transportation network company relative to a driver or rider, records
1668 pertaining to accessibility and records pertaining to pricing; provided, however, that the
1669 commission shall issue guidelines on the content and maintenance of incident reports. A
1670 transportation network company shall retain the incident reports for not less than 7 years. Each
1671 transportation network company or applicant for a transportation network company permit shall
1672 furnish all information and documents related to the condition, management and operation of the
1673 company upon the commission's request; provided, however, that any such request shall be
1674 reasonably related to the requirements set forth in this chapter and the rules and regulations
1675 promulgated under this chapter. The failure to maintain or furnish information to the commission
1676 within a timeline to be determined by the commission may, at the discretion of the commission,
1677 constitute cause to not issue, suspend or revoke a transportation network company permit
1678 pursuant to section 6.

1679 (b) A transportation network company shall provide to the commission a detailed
1680 monthly accounting of driver and passenger complaints received under clause (viii) of subsection
1681 (c) of section 3 and the actions the company has taken, if any, to resolve said complaints.

1682 (c) In response to a specific complaint alleging criminal conduct against any
1683 transportation network company driver or passenger, a transportation network company shall,
1684 upon request and after being served with appropriate legal process, provide information to a

1685 requesting law enforcement agency necessary to investigate the complaint, as determined by the
1686 law enforcement agency.

1687 Transportation network companies shall, after being served with appropriate legal
1688 process, provide information related to an alleged criminal incident including, but not limited to,
1689 trip specific details regarding origin and destination, length of trip, GPS coordinates of route,
1690 driver identification and, if applicable, information reported to the transportation network
1691 company regarding the alleged criminal activity by a driver or passenger, to the appropriate law
1692 enforcement agency upon receipt of a specific complaint alleging criminal conduct against any
1693 transportation network company driver or passenger.

1694 (d) Any record furnished to the commission shall exclude information identifying drivers
1695 or riders, unless the commission explains, in writing, to the transportation network company why
1696 the information is necessary for the enforcement processes established in this chapter.

1697 (e) Any record furnished to the commission or other state agency by a transportation
1698 network company pursuant to this chapter including, but not limited to, the roster of permitted
1699 transportation network drivers, shall not be considered a public record as defined in clause
1700 Twenty-sixth of section 7 of chapter 4 or chapter 66. An application for a transportation network
1701 company permit submitted pursuant to this chapter shall be a public record as defined in said
1702 clause Twenty-sixth of said section 7 of said chapter 4 or said chapter 66; provided, however,
1703 that such an application may be withheld from disclosure, in whole or in part, for reasons set
1704 forth in said clause Twenty-sixth of said section 7 of said chapter 4 or said chapter 66.

1705 SECTION 122. Section 11 of said chapter 159A1/2 is hereby amended by striking out the
1706 word “division” and inserting in place thereof the following word:- commission

1707 SECTION 123. Section 2 of chapter 159B of the General Laws is hereby amended by
1708 striking out the fifth paragraph.

1709 SECTION 124. Said section 2 of said chapter 159B is hereby further amended by striking
1710 out the eighth paragraph.

1711 SECTION 125. Said section 2 of said chapter 159B is hereby further amended by striking
1712 out the eleventh paragraph and inserting in place thereof the following paragraph:- "Interstate
1713 license or registration" a license or registration granted by the transportation commission to an
1714 interstate carrier by motor vehicle operating for compensation over ways.

1715 SECTION 126. Said section 2 of said chapter 159B is hereby further amended by
1716 inserting after the thirteenth paragraph the following paragraph:- "Members", members of the
1717 transportation commission.

1718 SECTION 127. Said section 2 of said chapter 159B is hereby further amended by striking
1719 out the nineteenth paragraph and inserting in place thereof the following paragraph:- "Property",
1720 any physical matter whatsoever, regardless of value, over which the right of ownership or control
1721 may be exercised, including currency, documents and papers of all kinds, except telegraphic
1722 messages transmitted by a telegraph company subject to the regulations of the department of
1723 telecommunications and cable and the Federal Communications Commission and except dead
1724 human bodies and property or equipment transported in connection with funerals.

1725 SECTION 128. Said section 2 of said chapter 159B is hereby further amended by
1726 inserting after the twenty-second paragraph the following paragraph:- "Transportation
1727 Commission", commission on transportation safety oversight and regulation.

1728 SECTION 129. Said chapter 159B is hereby further amended by striking out section 3
1729 and inserting in place thereof the following section:- Section 3. No person shall engage in the
1730 business of a common carrier by motor vehicle upon any way unless there is in effect with
1731 respect to such carrier a certificate issued by the transportation commission authorizing the
1732 operations to be performed by such person.

1733 (a) A certificate shall be issued to any qualified applicant therefor, authorizing the whole
1734 or any part of the operation covered by the application, if it is found that the applicant is fit,
1735 willing and able properly to perform the services proposed, and to conform to this chapter and
1736 the lawful requirements, orders, rules and regulations of the transportation commission
1737 thereunder, and that the proposed service to the extent authorized by the certificate is or will be
1738 required by the present or future public convenience and necessity; otherwise, such application
1739 shall be denied. Each application for such a certificate shall be made in writing in such form as
1740 the transportation commission may prescribe, shall be verified by oath or written declaration that
1741 it is made under the penalties of perjury, shall contain such information as the transportation
1742 commission may require, and shall be accompanied by a fee, the amount of which shall be
1743 determined annually by the commissioner of administration under the provision of section three
1744 B of chapter seven for the filing thereof.

1745 (b) Certificates shall be issued as provided in paragraph (a) of this section only after
1746 notice and a public hearing as hereinafter provided, and at the time of issuance, and from time to
1747 time thereafter, the exercise of the privileges granted by the certificate shall be subject to such
1748 reasonable terms, conditions and limitations as the public convenience and necessity may
1749 require, including such terms, conditions and limitations as to the extension of the route or routes
1750 of the carrier as are necessary to carry out, with respect to his operations, the general orders,

1751 rules and regulations adopted and established by the transportation commission under authority
1752 of this chapter; provided, that no such terms, conditions or limitations shall restrict the right of
1753 the carrier to add to his equipment and facilities over the routes, between the termini, or within
1754 the territory specified in the certificate, as the development of the business and the demands of
1755 the public shall require. A hearing under this paragraph shall be held twice a month in the city of
1756 Boston and once a month in each of the cities of Fall River, Lowell, Pittsfield, Springfield and
1757 Worcester and in each of the towns of Greenfield and Plymouth, at a time and place to be
1758 determined by the transportation commission. A written notice of such hearing shall be mailed
1759 by the transportation commission at least seven days before the date fixed therefor to the
1760 applicant, to the commissioner of highways, to every railroad and electric railway company
1761 serving any part of the route proposed to be served by the applicant, and to each person filing
1762 with the transportation commission a written request for such notice; and a copy of such notice,
1763 including a list of the applications to be heard, shall be posted, at least seven days before the date
1764 fixed for the hearing, in the office of the transportation commission and in the building wherein
1765 such hearing is to be held. Under such general or special rules and regulations as the members
1766 may prescribe, a common carrier by motor vehicle operating under any such certificate may
1767 occasionally deviate from the route over which, and the fixed termini between which, he is
1768 authorized to operate under the certificate.

1769 (c) Any regular or irregular route common carrier who, during any period of not less than
1770 ninety consecutive days since the fifth day of June, nineteen hundred and forty-six, fails or has
1771 failed to render any part of the service authorized by his certificate except for the reason that the
1772 ways over which he must operate are impassable because of floods, condition of the highways or
1773 for other reasonable causes shall be deemed to have abandoned that part of the service authorized

1774 by his certificate, and if, after a hearing, the transportation commission finds that such carrier has
1775 so failed to render service in accordance with his certificate, and not for any reason set forth in
1776 the foregoing exceptions, his rights thereto to the extent of his failure to render service shall be
1777 forfeited and the transportation commission shall reissue his certificate subject to the resulting
1778 limitations.

1779 (d) If it shall appear to the transportation commission, after a hearing, that any regular
1780 route or irregular route common carrier has failed to file, before the expiration of thirty days after
1781 the notice to so file, rates covering his operations to all points covered by his certificate, or at any
1782 time thereafter, has failed for a period of not less than thirty consecutive days to keep on file
1783 rates, covering all such operations, his rights thereto, to the extent of his failure to file or keep on
1784 file rates as herein set forth, shall be forfeited and the transportation commission shall reissue his
1785 certificate subject to the resulting limitations.

1786 SECTION 130. Section 4 of said chapter 159B is hereby amended by striking out the
1787 second paragraph and inserting in place thereof the following paragraph:- No person shall
1788 engage in the business of a contract carrier by motor vehicle upon any way unless there is in
1789 effect with respect to said carrier a permit issued by the transportation commission authorizing
1790 him to transport property within the limits set forth in such permit.

1791 SECTION 131. Said section 4 of said chapter 159B is hereby further amended by striking
1792 out the fifth paragraph and inserting in place thereof the following paragraph:- Such permits shall
1793 be in a form prescribed by the transportation commission and may be issued for the partial
1794 exercise only of the privilege sought. The transportation commission may specify in the permit
1795 the operations covered thereby, including the name of each shipper which the carrier is

1796 authorized to serve and, if so limited, the carrier may not serve any shipper not so specified
1797 except with the approval of the transportation commission in accordance with such reasonable
1798 rules and regulations as the transportation commission may from time to time establish. At the
1799 time of issuance and from time to time thereafter the transportation commission may attach to
1800 the permit such terms and conditions, not inconsistent with the status of the holder as a contract
1801 carrier, as the public interest may require; provided, that no terms, conditions or limitations shall
1802 restrict the right of the carrier to substitute or add contracts within the scope of his permit, or to
1803 add to his equipment and facilities over the routes, between the termini, or within the territory,
1804 specified in the permit, as the development of his business and the demands of the public shall
1805 require.

1806 SECTION 132. Said section 4 of said chapter 159B is hereby further amended by striking
1807 out paragraph 6 and inserting in place thereof the following paragraph:- Any contract carrier by
1808 motor vehicle, who, during any period of not less than one year since the first day of July,
1809 nineteen hundred and fifty-one, fails or has failed to render any part of the service authorized by
1810 his permit, except for the reason that the ways over which he must operate are impassable
1811 because of floods, conditions of the highway or for other reasonable causes, shall be deemed to
1812 have abandoned that part of the service authorized by his permit, and if, after a hearing, the
1813 transportation commission finds that such carrier has so failed to render service in accordance
1814 with his permit, and not for any reason set forth in the foregoing exceptions, his rights thereto, to
1815 the extent of his failure to render service, shall be forfeited and the transportation commission
1816 shall reissue his permit subject to the resulting limitations.

1817 SECTION 133. Said chapter 159B is hereby further amended by striking out section 5
1818 and inserting in place thereof the following section:- Section 5. (a) No person shall for

1819 compensation sell or offer for sale transportation subject to this chapter, and no person shall
1820 make any contract, agreement or arrangement to provide, procure, furnish or arrange for such
1821 transportation or hold himself out by advertisement, solicitation or otherwise as one who sells,
1822 provides, procures, contracts or arranges for such transportation, unless such person holds a
1823 broker's license issued by the transportation commission authorizing him to engage in such
1824 transactions; provided, that no such person shall engage in transportation subject to this chapter
1825 unless he holds a certificate or permit as provided therein. In the execution of any contract,
1826 agreement or arrangement to sell, provide, procure, furnish or arrange for such transportation, no
1827 broker shall employ any motor carrier who is not the holder of a certificate or permit under
1828 which he may lawfully undertake the transportation in question. This paragraph shall not apply
1829 to any motor carrier holding a certificate or a permit or to any bona fide employee or agent of
1830 such motor carrier, so far as concerns transportation to be furnished wholly by such carrier, or
1831 jointly with other motor carriers holding like certificates or permits, or with a common carrier by
1832 railroad, express or water.

1833 (b) A broker's license shall be issued to any qualified applicant therefor, authorizing the
1834 whole or any part of the operations covered by the application, if it is found that the applicant is
1835 fit, willing and able properly to perform the service proposed and to conform to this chapter and
1836 the lawful requirements, orders, rules and regulations of the transportation commission
1837 thereunder, and that the proposed service, to the extent authorized by the license, is or will be
1838 consistent with the public interest and the policy declared in this chapter; otherwise, such
1839 application shall be denied. Each application for such a license shall be made in the same manner
1840 as is provided in paragraph (a) of section three for applications for certificates, and shall be

1841 accompanied by a fee, the amount of which shall be determined annually by the commissioner of
1842 administration under the provision of section three B of chapter seven for the filing thereof.

1843 The commissioner of administration shall determine annually, under the provision of
1844 section three B of chapter seven, reasonable fees which may be charged by brokers to shippers or
1845 motor carriers; provided, however, that no broker shall charge, for his services as a broker, any
1846 fee to any motor carrier engaged in dump truck operations, nor shall any such motor carrier pay
1847 any fee to any broker for such services.

1848 (c) The transportation commission shall from time to time prescribe reasonable rules and
1849 regulations for the protection of shippers by motor vehicle, to be observed by all persons holding
1850 brokers' licenses, and no such license shall be issued or remain in force unless the applicant or
1851 licensee shall have furnished a bond or other security to the commonwealth, approved by the
1852 transportation commission, in such form and amount as will insure financial responsibility and
1853 the supplying of authorized transportation in accordance with contracts, agreements or
1854 arrangements therefor.

1855 (d) The transportation commission and its agents and examiners shall have the same
1856 authority as to accounts, reports and records, including inspection and preservation thereof, of
1857 any person holding a broker's license as they have under this chapter with respect to accounts,
1858 reports and records of motor carriers subject thereto.

1859 (e) All brokers licensed under this chapter shall file with the transportation commission
1860 tariffs in the same form and manner as prescribed by this chapter for common carriers by motor
1861 vehicle.

1862 (f) Brokers' licenses shall be non-transferable.

1863 SECTION 134. Said chapter 159B is hereby further amended by striking out section 6
1864 and inserting in place thereof the following section:- Section 6. Every common carrier by motor
1865 vehicle shall publish and file with the transportation commission and keep open for public
1866 inspection tariffs containing all the rates and charges for transportation of property and all
1867 services in connection therewith between points on its own routes, and between points on its own
1868 routes and points on the routes of any other such carrier or on the route of any common carrier
1869 by railroad, express or water when a through route and joint rate shall have been established.
1870 Such rates and charges shall be stated in lawful money of the United States. The transportation
1871 commission may reject any tariff filed with it which is not consistent with this section and with
1872 its orders, rules and regulations under this chapter.

1873 Every such common carrier shall establish, observe and enforce just and reasonable rates,
1874 charges and classifications and reasonable regulations and practices relating thereto, which shall
1875 become effective on a date fixed by such carrier, which shall be at least thirty days after the
1876 filing of the tariff containing the same, unless suspended by the transportation commission prior
1877 to its effective date upon complaint of any person, organization or body politic, or by the
1878 transportation commission on its own motion; provided, that a rate may be established to become
1879 effective within said thirty days in order to meet the then existing rate of any competing common
1880 carrier, in which case it may become effective upon the effective date of the rate of such
1881 competing common carrier or at any time thereafter if established thereafter, upon the filing of a
1882 tariff or supplement thereto consistent with such reasonable rules and regulations as may be
1883 prescribed by the transportation commission.

1884 The transportation commission may establish from time to time such reasonable rules and
1885 regulations as it may deem necessary pertaining to the form of tariff schedules, the time and

1886 manner of filing thereof, the suspension of rates before the same become effective, and hearings
1887 upon the validity of any filed or existing rate.

1888 The transportation commission, in its discretion and for good cause shown, may allow
1889 publication of rates or of changes therein, upon notice less than that herein specified, or may
1890 modify the requirements of this section with respect to posting and filing of tariffs, either in
1891 particular instances or by general order applicable to special or peculiar circumstances or
1892 conditions.

1893 The transportation commission, upon complaint of any common carrier by motor vehicle
1894 or of any other person, or upon its own motion, after hearing, may allow or disallow any filed or
1895 existing rates and may alter or prescribe the rates of common carriers in connection with the
1896 transportation of any or all classes of property to any and all points within the commonwealth
1897 and any service connected therewith, in accordance with the legal standards provided in this
1898 chapter. Whenever, upon complaint or in an investigation on its own initiative, the transportation
1899 commission, after hearing, shall be of the opinion that any rate or charge demanded, charged or
1900 collected by any common carrier by motor vehicle, or any classification, rule, regulation or
1901 practice whatsoever of such carrier affecting such rate, charge or the value of the service
1902 thereunder, is or will be unjust or prejudicial, it shall determine and prescribe the lawful rate of
1903 charge, or the lawful classification, rule, regulation or practice thereafter to be made effective.
1904 The transportation commission shall annually establish reasonable maximum and minimum rates
1905 or charges consistent with industry and economic conditions and consistent with the declaration
1906 of policy contained in section one.

1907 In the exercise of the power to prescribe just and reasonable rates for the transportation of
1908 property by common carriers by motor vehicle and to disallow rates filed by any such carrier, the
1909 transportation commission shall give due consideration, among other factors, to the inherent
1910 advantages of transportation by such carrier, to the effect of any rates under consideration upon
1911 the movement of traffic by such carriers, to the need in the public interest of adequate and
1912 efficient transportation service by such carriers, to the cost of service and to the need of revenues
1913 sufficient to enable such carriers under honest, economical and efficient management to provide
1914 such service.

1915 No common carrier by motor vehicle, unless otherwise provided by this chapter, shall
1916 engage in the transportation of property upon any way, unless the rates and charges upon which
1917 the same is transported by said carrier shall have been filed and published in accordance with this
1918 chapter.

1919 SECTION 135. Section 6A of said chapter 159B is hereby amended by striking out, in
1920 line 18, the word “department” and inserting in place thereof the following words:-
1921 transportation commission

1922 SECTION 136. Said section 6A of said chapter 159B is hereby further amended by
1923 striking out, in line 23, the word “department” and inserting in place thereof the following
1924 words:- transportation commission

1925 SECTION 137. Section 6B of said chapter 159B is hereby amended by striking out the
1926 first paragraph and inserting in place thereof the following paragraph:- The transportation
1927 commission shall establish the maximum charges that may be made by persons subject to the
1928 provisions of this chapter for the towing away of motor vehicles, when such towing is ordered by

1929 the police or other public authority. Notwithstanding any general or special law to the contrary, a
1930 city or town by vote of its council or selectmen may establish the maximum rate that may be
1931 charged for the towing away of motor vehicles within its jurisdiction, but the maximum rate
1932 charged by a city or town shall not exceed the maximum rate established by the transportation
1933 commission. The transportation commission shall issue a decision on a written request for
1934 adjustment of the maximum charges not more than 12 months after its receipt of that request.

1935 SECTION 138. Said section 6B of said chapter 159B is hereby further amended by
1936 striking out the fourth paragraph and inserting in place thereof the following paragraph:- The
1937 motor vehicle storage facility shall have a lien for its proper transportation and storage charges
1938 due them for the towing, transportation and storage of motor vehicles, pursuant to this section.
1939 Said lien may be enforced under the sale provisions of section thirty-nine A of chapter two
1940 hundred and fifty-five. Nothing contained in this section shall in any way affect the liability of
1941 said motor vehicle storage facilities, nor to limit the maximum recovery of a carrier for his
1942 lawful removal and transportation charges as established by the transportation commission and
1943 storage charges as established by this section to the value of any vehicle involuntarily removed,
1944 transported and stored.

1945 SECTION 139. Said section 6B of said chapter 159B is hereby further amended by
1946 striking out the fifth paragraph and inserting in place thereof the following paragraph:- Every
1947 person engaged in the towing away of motor vehicles, under this section, shall annually, on or
1948 before March the thirty-first, transmit to the transportation commission a financial statement on a
1949 form prescribed by the transportation commission, reflecting the net profits for the preceding
1950 year from such towing operation. A person who fails to make such return, within the time herein

1951 provided, shall forfeit twenty-five dollars for each day after March thirty-first that said return is
1952 not so filed.

1953 SECTION 140. Section 6D of said chapter 159B is hereby amended by striking out the
1954 word “department” and inserting in place thereof the following words:- transportation
1955 commission

1956 SECTION 141: Said chapter 159B is hereby further amended by striking out section 7
1957 and inserting in place thereof the following section:- Section 7. (a) Every contract carrier by
1958 motor vehicle, other than contract carriers by armored motor vehicles of bullion, currency,
1959 securities, negotiable and non-negotiable documents, jewels, and other precious and very
1960 valuable articles, shall file with the transportation commission a copy of every contract for the
1961 transportation of property by motor vehicle in effect in connection with its operations, which
1962 shall be in writing and shall be executed by all parties thereto. The period of time during which
1963 such contract shall be in force, the charges for transportation and accessorial service, if any, and
1964 the duties and obligations of all parties thereto, shall be specifically stated therein, and said
1965 copies shall be kept on file in the transportation commission, and shall be open to public
1966 inspection. The transportation commission may also in its discretion require all contract carriers
1967 to file schedules of their minimum charges, each of which schedules shall contain a list of all
1968 parties with whom contracts are or may from time to time be in effect, and a statement of the
1969 charge for each service performed thereunder, without designation of the party for whom the
1970 same are being or are to be performed. Such schedules shall be kept on file in the transportation
1971 commission and shall be open to public inspection. Any change in such minimum charges shall
1972 become effective not less than thirty days after the filing of such change with the transportation

1973 commission; provided, that the transportation commission may in its discretion and for good
1974 cause shown allow such change to become effective within a lesser period.

1975 (b) No such carrier shall demand, charge or collect compensation for such transportation
1976 different from that provided for in his written contract, or less than that contained in the
1977 minimum schedule of charges, if any, filed therewith, or prescribed by the transportation
1978 commission from time to time, and no such carrier, by the furnishing of any special service,
1979 facility or privilege, or by any other device whatsoever, shall in effect charge, accept or receive
1980 for any transportation or service less than the minimum charge, if any, established therefor under
1981 this section.

1982 (c) Whenever, after hearing, upon a complaint or upon its own initiative, the
1983 transportation commission finds that any charge of any contract carrier by motor vehicle or any
1984 rule, regulation or practice of any such carrier affecting such charge or the value of the services
1985 thereunder for the transportation of property upon ways, contravenes the policy declared in
1986 section one or causes an undue or unreasonable advantage or preference to any such carrier in
1987 competition with any other motor carrier, the transportation commission, giving due
1988 consideration to the cost of services rendered by such carrier, may prescribe such charge, rule,
1989 regulation or practice as in its judgment may be necessary or desirable in the public interest. The
1990 charges of said contract carriers by motor vehicle for transportation shall in general be no less
1991 than those of common carriers by motor vehicle for the same or similar service.

1992 SECTION 142. Section 8 of said chapter 159B is hereby amended by striking out the
1993 word "department" and inserting in place thereof the following words:- transportation
1994 commission

1995 SECTION 143. Said chapter 159B is hereby further amended by striking out section 9
1996 and inserting in place thereof the following section:- Section 9. A single distinguishing plate
1997 shall be prescribed and furnished by the transportation commission annually for each of the
1998 vehicles necessary for the conduct of the business of the holder of the certificate or permit, upon
1999 his application to the transportation commission, and said plates shall be prominently displayed
2000 on the front of each such vehicle whenever operated. Each such plate shall be accompanied by a
2001 certificate issued by the transportation commission, which shall be in the possession of the driver
2002 at all times while operating and shall set forth the make, manufacturer's serial number, if any,
2003 and motor number, if any, of the vehicle with respect to which said plate shall be used. As used
2004 in this section and in section ten, the word "vehicle" shall include a tractor, with or without a
2005 semi-trailer unit. No such plate shall be transferred from one vehicle to another, except upon
2006 authority and with the consent of the transportation commission and upon payment of a transfer
2007 fee, except as provided in section ten B. The annual charge for each plate shall be ten dollars.
2008 The amount of the aforementioned transfer fee and the annual charge for each plate shall be
2009 determined by the commissioner of administration annually under the provision of section three
2010 B of chapter seven.

2011 SECTION 144. Section 10 of said chapter 159B is hereby amended by striking out the
2012 word "department" and inserting in place thereof the following words:- transportation
2013 commission

2014 SECTION 145. Said chapter 159B is hereby further amended by striking out section 10B
2015 and inserting in place thereof the following section:- Section 10B. The transportation
2016 commission may issue distinguishing plates to motor carriers and interstate licensees to be used
2017 only on motor vehicles temporarily leased by such carriers. Any plates so issued may be

2018 transferred from one such vehicle to another such vehicle leased by a carrier to whom such plate
2019 was originally issued. The transportation commission shall keep a record of plates issued to each
2020 carrier for use on leased vehicles. The motor carrier or interstate licensee shall keep a record of
2021 the use of such plates, setting forth the names and addresses of the lessors and the drivers, engine
2022 and serial numbers of the vehicles used, duration of the lease, the identifying numbers of the
2023 plates and the date each such plate was placed on any leased vehicle and the date such plate was
2024 removed therefrom. A copy of the lease shall be carried on each vehicle under temporary lease
2025 engaged in interstate operations within the commonwealth. The transportation commission may
2026 make such rules and regulations relative to the issuance and use of such plates as it deems
2027 necessary and proper, and for just cause may revoke, recall, or prohibit the use of any plate
2028 issued under this section. Failure to keep full and complete records under this section shall be
2029 cause for such revocation. An annual charge, for each plate issued under this section shall be
2030 determined by the commissioner of administration under the provisions of section three B of
2031 chapter seven and shall apply to all such applications notwithstanding the provisions of section
2032 ten.

2033 SECTION 146. Said chapter 159B is hereby further amended by striking out section 11
2034 and inserting in place thereof the following section:- Section 11. Any irregular route certificate
2035 or any permit may be wholly assigned and transferred, and any regular route certificate or license
2036 may be assigned and transferred, in whole or in part, if consistent with the public interest and
2037 with the approval and consent of the transportation commission after public notice in the manner
2038 provided in paragraph (b) of section three and a public hearing at which the proposed transferee
2039 shall have established to the satisfaction of the transportation commission his willingness, fitness
2040 and ability to perform or furnish transportation for compensation under such certificate, permit or

2041 license in conformance with all lawful requirements, orders, rules and regulations of the
2042 transportation commission established under this chapter; provided, however, that no certificate
2043 and no permit shall be transferred except in connection with the sale to the transferee of a bona
2044 fide business of the transferor, who shall not thereafter for the period of at least one year hold
2045 any certificate or permit containing authority similar to that so transferred.

2046 In the event of the decease, incompetency, insolvency, bankruptcy or corporate
2047 reorganization under the bankruptcy law of the United States, of a holder of a certificate, permit
2048 or license under this chapter, the transportation commission, upon application of his executor,
2049 administrator, guardian, conservator, assignee, trustee or receiver and upon payment of the fee
2050 required by this section, shall conditionally transfer such certificate, permit or license to such
2051 fiduciary, pending the decision by the transportation commission as to the fitness, willingness
2052 and ability of said transferee to conduct the operations of business authorized by said certificate,
2053 permit or license. In the event of the decease, incompetency, insolvency or bankruptcy of a
2054 member of a partnership holding such a certificate, permit or license, the transportation
2055 commission, upon application of the surviving or remaining partners, or of the executor,
2056 administrator, guardian, conservator, assignee, trustee or receiver of the deceased, incompetent,
2057 insolvent or bankrupt partner, may make a like conditional transfer to the surviving or remaining
2058 partners. Upon application of an executor, administrator, guardian, conservator, assignee, trustee,
2059 receiver, surviving or remaining partner and upon payment of the fee required by this section the
2060 transportation commission may transfer such certificate, permit or license in accordance with the
2061 provisions of this chapter direct from the original holder to any person named in such application
2062 and approved by the transportation commission.

2063 No person shall operate upon any way as a common carrier by motor vehicle, contract
2064 carrier by motor vehicle or interstate licensee, or conduct business as a broker, except a bona fide
2065 holder of a certificate, permit or license, as the case may be, and neither by loan, assignment,
2066 option for purchase or any means whatsoever shall any person be permitted to defeat the
2067 requirements of this section with respect to the transfer of certificates, permits and licenses. Each
2068 application for the assignment and transfer, in whole or in part, of any certificate, permit or
2069 license shall be accompanied by a fee, the amount of which shall be determined annually by the
2070 commissioner of administration under the provision of section three B of chapter seven for the
2071 filing thereof. The transportation commission shall make any necessary rules and regulations to
2072 carry out the provisions of this section.

2073 No person, firm, trust or corporation subject to the jurisdiction of the transportation
2074 commission shall hereafter purchase, acquire, take or hold, directly or indirectly, any part of the
2075 capital stock of any motor carrier subject to the provisions of this chapter, nor shall any person or
2076 associated group of persons or any firm, trust or corporation, who or which is not subject to the
2077 jurisdiction of the transportation commission, acquire, take or hold, directly or indirectly, fifty
2078 per cent or more of the voting capital stock of a motor carrier subject to this chapter, unless
2079 authorized so to do by the transportation commission. No change shall be made in the stock
2080 structure of a motor carrier subject to the jurisdiction of the transportation commission whereby
2081 control of the corporation is affected unless said change is approved by the transportation
2082 commission. No consent shall be given by the transportation commission to the acquisition as
2083 aforesaid unless it shall have been shown that such acquisition is consistent with the public
2084 interest, and if such consent is given in whole or in part the transportation commission may
2085 impose such terms and conditions as it shall deem to be in the public interest. Nothing herein

2086 contained shall be construed to prevent the holding of any stock heretofore lawfully acquired by
2087 a person, firm, trust or corporation, or, upon the surrender or exchange of said stock pursuant to
2088 an agreement of consolidation or merger or a reorganization plan, to prevent the purchase,
2089 acquisition, taking or holding of the voting capital stock of the new corporation organized
2090 pursuant to such agreement or plan to take over the property of any corporation whose stock has
2091 been thus surrendered or exchanged, or to prevent the purchase, acquisition, taking or holding of
2092 any further issue of stock, provided such further issue does not increase the proportion of voting
2093 capital stock held by such person, firm, trust or corporation, nor shall it apply to interstate
2094 carriers of property. Each application for authority from the transportation commission to
2095 purchase, acquire, take or hold, any part of the capital stock of any motor carrier subject to the
2096 provisions of this chapter shall be accompanied by a fee, the amount of which shall be
2097 determined pursuant to the aforementioned chapter seven provision.

2098 SECTION 147. Section 11A of said chapter 159B is hereby amended by striking out, in
2099 line 4, the word “department” and inserting in place thereof the words:- transportation
2100 commission

2101 SECTION 148. Said section 11A of said chapter 159B is hereby further amended by
2102 striking out, in line 8, the word “department” and inserting in place thereof the words:-
2103 transportation commission

2104 SECTION 149. Said section 11A of said chapter 159B is hereby further amended by
2105 striking out, in line 14, the word “department” and inserting in place thereof the words:-
2106 transportation commission

2107 SECTION 150. Said chapter 159B is hereby further amended by striking out section 12
2108 and inserting in place thereof the following section:- Section 12. Any certificate, permit or
2109 license may, upon application of the holder thereof and after notice and hearing as provided by
2110 paragraph (b) of section three, be amended. Any permit, certificate or license, upon written
2111 application of the holder thereof to the transportation commission, may, without such notice and
2112 hearing, be suspended or revoked in whole or in part.

2113 After a hearing, at least ten days' notice whereof shall be mailed to the holder of the
2114 certificate, permit or license in question at the address shown on the transportation commission
2115 records, the transportation commission may revoke, or suspend for such period of time as it may
2116 deem fit, any such certificate, permit or license, in whole or in part, for any violation of any
2117 provision of this chapter or of the orders, rules and regulations of the transportation commission
2118 made, adopted or established under authority thereof, or of any lawful requirement, condition,
2119 limitation or restriction contained in such certificate, permit or license. Any such certificate,
2120 permit or license shall remain in effect unless and until revoked by the transportation
2121 commission as herein provided, but subject to suspension as aforesaid.

2122 No such certificate, permit or license shall be transferred, without the consent of the
2123 transportation commission, pending any complaint or hearing upon or in which the question of
2124 its revocation or suspension depends or is involved, and the effect of such revocation or
2125 suspension shall not be avoided by any such transfer, or by a transfer thereafter or by any other
2126 device or subterfuge.

2127 SECTION 151. Section 12A of said chapter 159B is hereby amended by striking the
2128 word "director" and inserting in place thereof the following word:- chair

2129 SECTION 152. Said section 12A of said chapter 159B is hereby further amended by
2130 striking out the word “division” and inserting in place thereof the following word:- commission

2131 SECTION 153. Section 14 of said chapter 159B is hereby amended by striking the words
2132 “twelve F of chapter twenty-five” and inserting in place thereof the following words:- 2(a) of
2133 chapter 22F

2134 SECTION 154. Said section 14 of said chapter 159B is hereby further amended by
2135 striking out the words “department or the director of the transportation division” and inserting in
2136 place thereof the following words:- transportation commission

2137 SECTION 155. Said section 14 of said chapter 159B is hereby further amended by
2138 striking out the word “twenty-five” and inserting in place thereof the following word:- 22F

2139 SECTION 156. Section 15 of said chapter 159B is hereby amended by striking out, in
2140 line 1, the word “department” and inserting in place thereof the following words:- transportation
2141 commission

2142 SECTION 157. Said section 15 of said chapter 159B is hereby further amended by
2143 striking out, in lines 11-12, the word “department” and inserting in place thereof the following
2144 words:- transportation commission

2145 SECTION 158. Said chapter 159B is hereby further amended by striking out section 15A
2146 and inserting in place thereof the following section:- Section 15A. No person shall engage in the
2147 business of an agricultural carrier by motor vehicle unless there is in effect with respect to such
2148 carrier an agricultural carrier's permit issued by the transportation commission. Each application
2149 for such a permit shall be in writing in such form and contain such information as the

2150 transportation commission may require and be verified by oath or written declaration that it is
2151 made under the penalties of perjury. Upon the filing of such an application the transportation
2152 commission shall hold a hearing, with or without the notice required by paragraph (b) of section
2153 three, and if it finds that the applicant is fit, willing and able to provide the services proposed and
2154 otherwise to conform to this chapter and the lawful requirements, orders, rules and regulations of
2155 the transportation commission thereunder, may issue an agricultural carrier's permit to the
2156 applicant, upon the filing of a schedule of rates and charges acceptable to the transportation
2157 commission; otherwise, such application shall be denied. The transportation commission shall
2158 specify in the permit the operations covered thereby at the time of issuance and from time to time
2159 thereafter shall attach to it such terms and conditions, not inconsistent with the status of the
2160 holder as an agricultural carrier, as the public interest may require. A suitable distinguishing
2161 plate shall be prescribed and furnished by the transportation commission annually for each of the
2162 vehicles necessary for the conduct of the business of the holder of the permit. Section nine shall
2163 apply to such plates except that the annual charge for each such plate shall be determined
2164 annually by the commissioner of administration under the provision of section three B of chapter
2165 seven.

2166 SECTION 159. Section 16 of said chapter 159B is hereby amended by striking out the
2167 word “department” and inserting in place thereof the following words:- transportation
2168 commission

2169 SECTION 160. Said chapter 159B is hereby further amended by striking out section 16A
2170 and inserting in place thereof the following section:- Section 16A. The transportation
2171 commission, in the enforcement of this chapter, may inspect or cause to be produced the books
2172 and records of persons engaged in the business of leasing trucks and motor vehicles, or either, for

2173 the transportation of property for hire, and may compel such persons to furnish such information
2174 as the transportation commission may find necessary relative to the identity of the lessee, or the
2175 use to which any such truck or motor vehicle is to be put, or both.

2176 SECTION 161. Section 16B of said chapter 159B is hereby amended by striking out the
2177 word “department” and inserting in place thereof the following words:- transportation
2178 commission

2179 SECTION 162. Said section 16B of said chapter 159B is hereby further amended by
2180 striking out the word “MDPU” and inserting in place thereof the word:- MTC

2181 SECTION 163. Section 17 of said chapter 159B is hereby amended by striking the word
2182 “department” and inserting in place thereof the following words:- transportation commission

2183 SECTION 164. Section 18 of said chapter 159B is hereby amended by striking out the
2184 word “department” and inserting in place thereof the following words:- transportation
2185 commission

2186 SECTION 165. Section 19A of said chapter 159B is hereby amended by striking out the
2187 word “department” and inserting in place thereof the following words:- transportation
2188 commission

2189 SECTION 166. Said chapter 159B is hereby further amended by striking out section 21
2190 and inserting in place thereof the following section:- Section 21. Whoever violates any provision
2191 of this chapter, or any order, rule or regulation adopted or established thereunder, or any lawful
2192 requirement, condition, limitation or restriction contained in any certificate, permit or license,
2193 shall be punished, except as otherwise provided in this chapter, for a first offense by a fine of not

2194 more than one hundred dollars and for any subsequent offense by a fine of not more than two
2195 hundred dollars; and, in addition, the supreme judicial and superior courts shall severally have
2196 jurisdiction in equity to restrain any such violation upon petition of the transportation
2197 commission, or of any person, organization or body politic affected by such violation.

2198 Any such person, organization or body politic may file with the transportation
2199 commission a complaint of any such violation, and the transportation commission shall within
2200 seven calendar days investigate such complaint, and shall within fourteen calendar days issue an
2201 order for remedial action if warranted or shall order hearings to be conducted within a period of
2202 twenty-one calendar days from the date of the transportation commission's order. Continuances
2203 of hearings on such complaint for any reason shall not be allowed beyond a period of twenty-one
2204 calendar days from the date of the last preceding hearing date. Upon completion of all hearings
2205 deemed necessary the transportation commission shall render a decision no later than ninety days
2206 from the date of the last hearing held on such a complaint. The transportation commission may
2207 hold a hearing on the question of revocation of the certificate, permit or license of any motor
2208 carrier, broker or interstate licensee complained against and may institute in any court of the
2209 commonwealth in the county or district wherein the carrier shall have a place of business, or in
2210 the county or district wherein the violation occurred, such action, suit or complaint as may be
2211 necessary to enforce compliance with any provision of this chapter or any rule, regulation or
2212 order of the transportation commission thereunder, or any lawful requirement, condition,
2213 limitation or restriction contained in any certificate, permit or license.

2214 SECTION 167. Notwithstanding any special or general law, rule or regulation to the
2215 contrary, all initial appointments to the commission on transportation safety oversight and
2216 regulation established in chapter 22F of the General Laws shall be made no later than the

2217 effective date of this act. The commission may phase in, based on transportation segment or
2218 safety and regulatory function, its assumption of responsibilities and commencement of
2219 operations; provided, that the commission shall assume its full responsibilities and begin full
2220 operations not later than 15 months after the effective date of this act, on a specific date
2221 determined by the commission within this period.