

HOUSE No. 3362

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to historic preservation..

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. Chapter 161A of the General Laws is hereby amended by striking out
2 section 3(i), as appearing in the 2006 Official Edition, and inserting in place thereof the
3 following section:

4 3(i) To provide mass transportation service, whether directly, jointly or under contract,
5 on an exclusive basis, in the area constituting the authority and without being subject to the
6 jurisdiction and control of the department of telecommunications and energy in any manner
7 except as to safety of equipment and operations and, with respect only to operations of the
8 authority with equipment owned and operated by the authority, without, except as otherwise
9 provided in this chapter, being subject to the jurisdiction and control of any city or town or
10 licensing authority; provided that schedules and routes shall not be considered matters of safety
11 subject to the jurisdiction and control of said department. Except as otherwise provided in this
12 chapter, the board shall determine the character and extent of the services and facilities to be
13 furnished, and in these respects their authority shall be exclusive and shall not be subject to the
14 approval, control or direction of any state, municipal or other department, board or commission

15 except the advisory board as provided in this chapter and except that the board's authority shall
16 be subject to the approval, control or direction to the maximum extent allowable of any federal,
17 state or municipal department, board or commission that has the authority to regulate a historic
18 district, properties listed on the National Register of Historic Places, the State Register of
19 Historic Places or a local equivalent, or properties that have received city, state, or federal
20 landmark status. Nothing contained in this paragraph shall be construed as exempting any
21 privately owned or controlled carrier, whether operating independently, jointly or under contract
22 with the authority, from obtaining any license required under section 1 of chapter 59A.