



The Commonwealth of Massachusetts

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

D.T.E. 00-38

May 12, 2000

PUBLIC NOTICE OF PROPOSED RULEMAKING

Investigation by the Department of Telecommunications and Energy on its own motion to amend 220 C.M.R. § 151.00 et seq.: Rail Fixed Guideway System of the Massachusetts Bay Transportation Authority.

On November 6, 1998, the Department of Telecommunications and Energy ("Department" or "DTE") promulgated 220 C.M.R. § 151.00 et seq., as required by the Federal Transit Administration ("FTA") pursuant to the Intermodal Surface Transportation Efficiency Act of 1991 ("ISTEA"), Pub. L. No. 102-240. FTA regulations 49 C.F.R. 659 Rail Fixed Guideway Systems: State Safety Oversight, require states that operate a rail fixed guideway system designate a state agency to be responsible for overseeing the state's rail fixed guideway system's safety and security plans. The Commonwealth of Massachusetts has one rail fixed guideway system which is operated by the Massachusetts Bay Transportation Authority ("MBTA"). The Department exercises oversight of the safety of equipment and operations of the MBTA under the provisions of G.L. c. 161A, § 3(i). In the discharge of this responsibility and in compliance with the FTA requirements, the Department, pursuant to G.L. c. 30A, § 2, promulgated accident and hazardous conditions safety regulations, personal security oversight regulations, personal security oversight, and track inspection and maintenance regulations at 220 C.M.R. § 151.00 et seq. See D.P.U. 96-116 (1997), D.T.E. 98-11 (1998), and D.T.E. 98-75 (1998).

To respond to the FTA, the Department plans to amend certain regulations of 220 C.M.R. § 151.00 et seq. A copy of the proposed amendments is available at the Department's office. The Department invites interested persons to comment on the proposed regulations by submitting an original and three (3) copies of written comments to the Department. These comments shall be addressed to the Department of Telecommunication and Energy and sent to Mary L. Cottrell, Secretary, One South Station, Boston, Massachusetts 02110, no later than June 1, 2000.

The Department will conduct a public hearing to receive oral comments on the proposed amendments on Thursday, June 8, 2000, at 10:00 A.M., at the Department's Offices, One South Station, Boston, Massachusetts 02110.

By Order of the Department,

A handwritten signature in cursive script, appearing to read "Mary L. Cottrell", written over a horizontal line.

Mary L. Cottrell, Secretary

Consent Communication #3

1445

A communication was received from the Department of Telecommunications and Energy, transmitting notification of proposed rulemaking hearing on June 8, 2000 relative to the Rail Fixed Guideway System of the MBTA.

S-144

In City Council June 5, 2000

Referred to the City Manager