



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

September 16, 1996

NOTICE OF PROPOSED RULEMAKING

D.P.U. 96-85

Investigation by the Department of Public Utilities upon its own motion, pursuant to G.L. c. 159, §105, G.L. c. 160, §§ 147A, 163, and 220 C.M.R. §§ 2.00 et seq., commencing a rulemaking to rescind 220 C.M.R. § 151.00.

On February 7, 1996, Governor Weld issued Executive Order 384 ("E.O. 384") to reduce unnecessary regulatory burden. E.O. 384 required the Department of Public Utilities ("Department"), and all other state agencies under Governor Weld's supervision, to review every regulation under its jurisdiction and to retain or modify only those regulations which are mandated by law or essential to the health, safety, environment or welfare of the Commonwealth's residents. The Department has conducted such a review and, pursuant to G.L. c. 159, § 105, G.L. c. 160, §§ 147A, 163, and G.L. c. 30A, §§ 2-7, proposes to rescind the following Department regulations related to railroads.

220 C.M.R. § 151.01: Passenger Train Cars

220 C.M.R. § 151.02: Lighting and Luminous Painting of Grade Crossing Gates

Federal Rail Administration regulations have preempted state regulations in the area of passenger train safety and certain grade crossing requirements. See Code of Federal Regulations Title 49 §§ 20101 et seq.

The Department invites interested persons to comment on the proposed rescission.

A copy of the Department's draft regulations in this proceeding may be obtained upon request from Mary L. Cottrell, Secretary, Department of Public Utilities, 100 Cambridge Street, Boston, Massachusetts 02202. Any interested person may submit an original and three (3) copies of written comments on any proposed changes to Department regulations related to railroads. These comments shall be addressed to the Department and sent to Mary Cottrell, Secretary, at the address noted above, no later than TUESDAY, OCTOBER 15, 1996. The Department will conduct a public hearing to receive oral comment on Department regulations related to railroad regulation at 3 p.m. on MONDAY, OCTOBER 21, 1996, at the Department's offices, 100 Cambridge Street, Boston, Massachusetts.

By Order of the Department,


Mary L. Cottrell, Secretary

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96 SEP 19 AM 10:37

COMM. REG. DIV.

Consent Communication #9

S-463

Communication was received from
Department of Public Utilities transmitting
notice of proposed rulemaking regarding
recission of certain regulations related
to railroads.

In City Council September 30, 1996

Referred to the City Manager

[REDACTED]