



City of Cambridge

17.

COUNCILLOR WOLF

IN CITY COUNCIL

January 21, 1985

ORDERED: That a license is hereby granted to Andre Coachlines, Incorporated under the provisions of Chapter 159A of the Massachusetts General Laws for the carriage of passengers for hire over the following public ways in the City of Cambridge:-

On Peabody Street between Massachusetts Avenue and the Cambridge Street Underpass

On the Cambridge Street Underpass between Massachusetts Avenue and Broadway

On Broadway between the Cambridge Street Underpass and Quincy Street

On Quincy Street between Broadway and Massachusetts Avenue

On Vassar Street between Massachusetts Avenue and Memorial Drive

On Amesbury Street between Vassar Street and Massachusetts Avenue

; and be it further

ORDERED: That this license be granted with the following provisions:-

1. That the Vassar Street location only be utilized as an alternative roadway in the event that the Massachusetts Avenue Bridge is closed for repairs; consequently prohibiting truck and bus travel.

2. That any and all changes in the conditions outlined above are subject to the approval of the City Council

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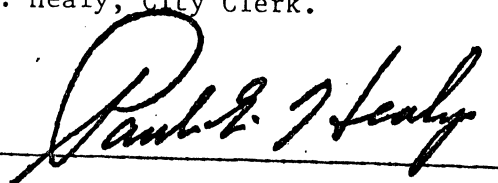
ORDERED: That this license is granted subject to the condition that Andre Coachlines, Incorporated file with the City Clerk a schedule each year of all passenger rates, routes and any amendments thereto; and be it further

ORDERED: That the City Council reserves the right to revoke the license granted in the event of the breach of any conditions outlined herein.

In City Council January 21, 1985.
Adopted by the affirmative vote of 8 members.
Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in cursive script, reading "Paul E. Healy", written over a horizontal line.

Paul E. Healy, City Clerk.

Approved by Mayor

Approved by City Manager



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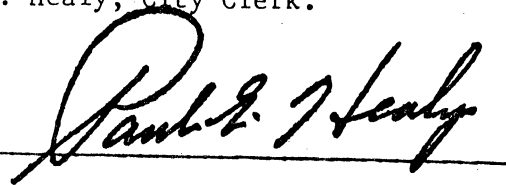
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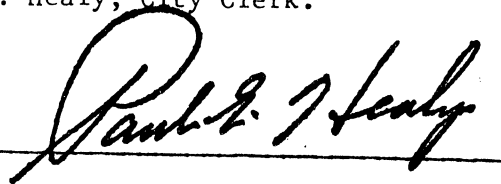
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Paul E. Healy, City Clerk.

Approved by Mayor

Approved by City Manager



City of Cambridge

IN CITY COUNCIL

February 28, 1983

VICE-MAYOR RUSSELL

ORDERED:

That a license is hereby granted to Townsend Limousine Service under the provisions of Chapter 159A of the Massachusetts General Laws for the operation of two buses for the carriage of passengers and military personnel to be conveyed from Fort Devens to Logan Airport over the following public ways in the City of Cambridge:

Concord Turnpike (Route 2) between the Cambridge-Belmont Town Line and Alewife Brook Parkway,
Rindge Avenue Extension between Alewife Brook Parkway and its termination point,
then back onto Alewife Brook Parkway, Fresh Pond Parkway and Memorial Drive to its destination at Logan Airport and return from Logan Airport by the same route;

and be it further

ORDERED:

That this license be granted with the following provisions:

1. That these vehicles will make no stops within the City of Cambridge for the pick up and discharge of passengers, except at the Rindge Avenue Extension location for military and project personnel.
2. That no more than two buses of twelve passenger capacity will operate on this route.
3. That no more than four trips daily will be made by these buses.
4. That any and all changes in the conditions outlined above are subject to the approval of the City Council;

and be it further

ORDERED:

That this license is granted subject to the condition that Townsend Limousine Service file with the City Clerk a schedule each year of all passenger rates, routes and any amendments thereto in the future;
and be it further

ORDERED:

That the City Council reserves the right to revoke the license granted in the event of the breach of any conditions outlined above.

In City Council February 28, 1983.

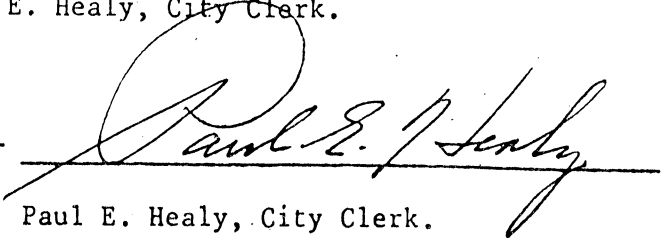
Adopted by a yea and nay vote:-

Yeas 7; Nays 0; Absent 1; Present 1.

Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-


Paul E. Healy, City Clerk.

Approved by Mayor

Approved by City Manager



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To George Teso, Director of Traffic & Parking **Date** March 27, 1985
From Joseph E. Connarton, ^{JEC}Deputy City Clerk **Reference**
Subject City Council Order #17 of 1/21/85/Andre Coachlines

Enclosed please find a copy of the order adopted by the City Council granting permission to Andre Coachlines to carry passengers for hire over certain public ways in Cambridge.

JEC/mh

Enclosure: City Council Order No. 17 of 1/21/85



City of Cambridge

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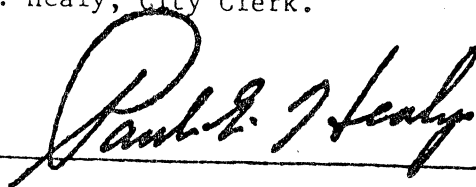
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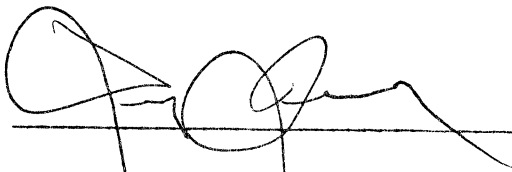
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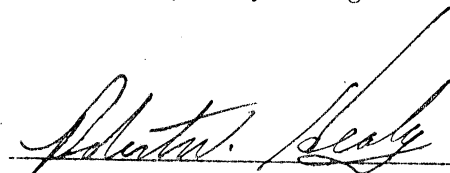
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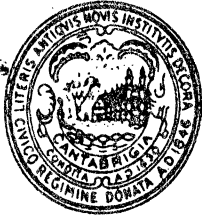
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CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF
THE CITY CLERK

March 27, 1985

Mr. Richard A. Andre
President
Andre Coachlines, Inc.
56 Oakland Road.
Brookline, MA 02146

Dear Mr. Andre:

Enclosed please find a certified copy of the City Council order dated January 21, 1985, granting a license to you pursuant to C. 159A, M.G.L.A., relative to the carriage of passengers for hire over certain streets in the City of Cambridge.

I apologize for the delay.

Sincerely yours,

Joseph E. Connarton
Joseph E. Connarton,
Deputy City Clerk.

JEC/mh

Enclosure: City Council Order No. 17 of 1/21/85



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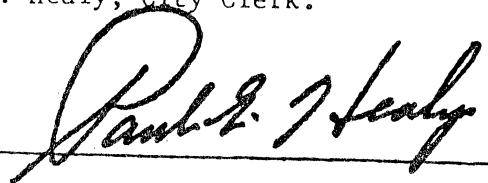
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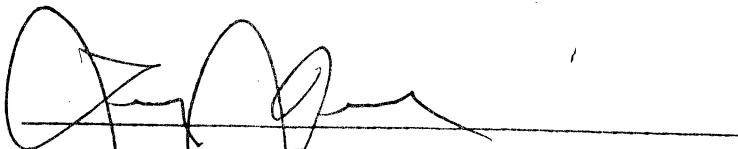
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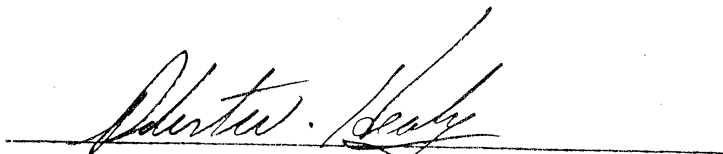
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Law Review Commentaries

Administrative law. William I. Cowin. 12 Annual Survey of Mass.Law. Boston College, p. 165 (1965).

Passenger transportation agencies, charter licenses. Edward N. Gadsby, 2 Annual Survey of Mass.Law, Boston College, p. 166 (1955).

Passenger transportation rates. Herbert Baer, 11 Annual Survey of Mass. Law, Boston College, p. 204 (1964).

Public utilities, passenger transportation rates. Edward N. Gadsby, 1 Annual Survey of Mass.Law, Boston College, p. 185 (1954).

Routine hearings of Department of Public Utilities, Railroad and Bus Division. Edward N. Gadsby, 2 Annual Survey of Mass.Law, Boston College, p. 168 (1955).

§ 1. Motor vehicles providing public transportation; license; fee; rules and regulations

No person shall, except as otherwise provided in this chapter, operate any motor vehicle upon any public way in any city or town for the carriage of passengers for hire, in such a manner as to afford a means of transportation similar to that afforded by a railway company, by indiscriminately receiving and discharging passengers along the route on which the vehicle is operated or may be running, or for transporting passengers for hire as a business between fixed and regular termini, without first obtaining a license for such operation from the city council of such city or the selectmen of such town, in this chapter called the licensing authority; provided, that, in respect to any boulevard or way or turnpike or toll road under the jurisdiction of the metropolitan district commission or the Massachusetts Turnpike Authority, such applicable commission or authority shall constitute the licensing authority. Any such license issued by a city council under this section shall be subject to the approval of the mayor. The fee for any such license shall not exceed ten dollars. Such license may limit the number of vehicles to be operated thereunder. Any person, receiving a license under this section and operating a vehicle or vehicles thereunder, shall, in respect to such operation, be subject to such orders, rules or regulations as shall be adopted by the licensing authority under this chapter. No license, certificate or permit shall be required under this chapter in respect to such carriage of passengers as is exclusively interstate.

Amended by St.1948, c. 550, § 34; St.1949, c. 297, § 11; St.1956, c. 99.

Historical Note

St.1916 c. 293 § 1.
St.1918 c. 226 § 2.
St.1919 c. 371 §§ 1, 7.

G.L.1921 c. 159 § 45.
St.1925 c. 280 §§ 1, 4.
St.1926 c. 163.

St.1926 c. 392 § 1.
St.1931 c. 408 §§ 1, 2.

The clauses "and said license shall be signed and recorded by the city or town clerk in a book kept for that purpose, and he shall receive from the licensee the fee provided by clause (26) of section thirty-four of chapter two hundred and sixty-two" were inserted at the end of the first sentence by the 1948 amendment. The amendment also struck out a third sentence which read: "The fee for any such license shall not exceed ten dollars." The 1949 amendment restored the section to read as it originally appeared by the deletion of the clauses and the restoration of the third sentence.

The 1956 amendment substituted in the proviso at the end of the first sentence the words "or turnpike or toll road under the jurisdiction of the metropolitan district commission or the

Massachusetts Turnpike Authority, such applicable commission or authority" for the words "under the jurisdiction of the metropolitan district commission, such commission."

St.1939, c. 335, § 2, provided: "Notwithstanding the provisions of this act, all orders, rules and regulations made by the department of public utilities under chapter one hundred and fifty-nine A of the General Laws, as amended, prior to the effective date of this act, shall remain in force until revoked, modified, amended or superseded by said department under said chapter. No action, suit, prosecution or other civil or criminal proceeding, pending on said effective date, shall be affected by the passage of this act."

War Emergency Certificates, Continued Certification of Carriers

St.1947, c. 378, an emergency act effective on approval May 9, 1947, provided as follows: "Any common carrier who, at the time of the repeal, revocation and annulment of executive orders numbered eleven and seventy-six issued by the governor under chapter thirteen of the acts of nineteen hundred and forty-two or other authority vested in him, is operating motor vehicles for the carriage of passengers for hire under the authority of a war emergency certificate issued by the department of public utilities under authority of said orders, is hereby authorized to continue such operation for a period of six months, thereafter, but shall be subject to such provisions of chapter one hundred and fifty-

nine A of the General Laws as are not inconsistent herewith and to the conditions and restrictions applicable to such war emergency certificate. Any such carrier, within three months from the time of such repeal, revocation and annulment and without complying with the requirements of section one of said chapter one hundred and fifty-nine A but otherwise conforming to such provisions of said chapter as are not inconsistent herewith, may apply to said department for a certificate that public convenience and necessity require the operation of motor vehicles for the carriage of passengers for hire over the route covered by such war emergency certificate."

Cross References

Common carriers in general, see c. 159, § 1 et seq.

Department empowered to make rules and regulations, see section 11A of this chapter.

Motor vehicles,

License to operate, see c. 90, § 8.

Registration of, see c. 90, § 2.

Special regulations as to speed and use, see c. 90, § 18.

Operation of auxiliary services by railroads, see c. 160, § 70A.

Street railways, acquisition and operation of motor vehicles, see c. 161, § 44.

Transfer or assignment of license, see section 7A of this chapter.

Transportation of pupils, reimbursement of costs, see c. 71, § 7B.

Law Review Commentaries

State regulation of intrastate business of motor bus engaged in interstate commerce. (May 1926) 39 Harvard L.Rev. 900.

Library References

Automobiles §§ 77, 78, 86, 98.
C.J.S. Motor Vehicles §§ 63 et seq., 82 et seq., 94(1) et seq., 105, 137.
Comment.
Actions against carriers, see M.P.S. vol. 17, Bishop, §§ 131 to 153.

Common carriers, see M.P.S. vol. 14, Simpson, § 91 et seq.
Utility corporations, see M.P.S. vol. 13, Peairs, § 377 et seq.

Notes of Decisions

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case the court said: "There is no support for the contention that the enforcement of the act deprives it of its property without due process of law. Undoubtedly the state has power in the public interest reasonably to control and regulate the use of its highways, so long as it does not directly burden or interfere with interstate commerce. * * * The terms of the act are not arbitrary or unreasonable. Appellant has not applied for and does not show that it is entitled to have a license from the local authorities or a certificate of public necessity and convenience from the department. Plainly, it has no standing to attack the validity of the statute as a violation of the due process clause."

The commonwealth has the power to prescribe the conditions under which public ways may be used by motor vehicles. *Roberto v. Commissioners of Dept. of Public Utilities* (1928) 160 N.E. 321, 262 Mass. 583.

Right given to Boston police commissioner to regulate and license transportation of passengers for hire is valid exercise of police power. *Morley v. Wilson* (1928) 159 N.E. 41, 261 Mass. 269, certiorari denied 48 S.Ct. 320, 276 U.S. 625, 72 L.Ed. 738.

Statutes requiring local licenses, certificates, and permits for transaction of business of carriage of passengers for hire over public ways within states are valid; their validity resting on general police power and power of Legislature to exercise reasonable control over travel on them in interest of the public well-

1. Validity

State law, interfering with or burdening interstate commerce, cannot be sustained. *Interstate Busses Corporation v. Holyoke St. Ry. Co.* (1927) 47 S.Ct. 298, 273 U.S. 45, 71 L.Ed. 530. In this

fare. *Barrows v. Farnum's Stage Lines* (1926) 150 N.E. 206, 254 Mass. 240.

St.1916, c. 293, regulating the operation of motor vehicles for the conveyance of passengers, and requiring license for the use, a lawful subject for regulation by statute or municipal ordinance is valid, being within the police power of a city or town accepting the statute. *Burgess v. City of Brockton* (1920) 126 N.E. 456, 235 Mass. 95.

St.1916, c. 293, conferring on cities and towns the power to license and regulate the transportation by motor vehicles of passengers for hire, is constitutional. *Com. v. Theberge* (1918) 121 N. E. 30, 231 Mass. 386.

Ordinance of City of Springfield, relating to licensing of motor vehicles used for transportation of passengers for hire, was constitutional, as reasonable exercise of police power. *Com. v. Slocum* (1918) 119 N.E. 687, 230 Mass. 180.

A proposed act requiring every person, firm or corporation engaging in the business of carrying or transporting passengers for hire in any motor vehicle to obtain a license from municipal authorities and to give a bond conditioned to pay any judgment obtained against the licensee for injury to person or property by reason of acts of the licensee in the conduct of such business, and then exempting from the provisions of such act persons operating motor taxicabs or motor vehicles rented by the day or hour and also any person, firm or corporation engaged principally in the hotel business, who operate motor vehicles to transport guests to and from railroad stations, would be unconstitutional, if enacted. 4 Op.Atty.Gen.1915, p. 422.

House bill No. 1562, providing that it would be unlawful to operate motor vehicles in town of Nantucket without a license from the selectmen was constitutional. 4 Op.Atty.Gen.1914, p. 183.

2. Construction and application

In St.1947, c. 544, § 10, permitting matters not of a "formal" or administrative character to be heard, examined and investigated by an employee of pub-

lic utilities department, quoted word referred in general to matters of routine or of form as distinguished from matters of substance. *City of Malden v. Metropolitan Transit Authority* (1952) 104 N.E.2d 428, 328 Mass. 491.

This section authorizing cities to approve licenses for operation of motor vehicles upon public ways of city for carriage of passengers for hire in such manner as to afford means of transportation similar to that afforded by a railway company by indiscriminately receiving and discharging passengers along certain routes, which provision makes any person receiving such license and operating motor vehicles thereunder subject to such orders, rules or regulations as are adopted by licensing authority, is not to be read as detached abstraction, but rather as a component part of a comprehensive statute enacted to eliminate, and not to create, confusion in regulation of such type of common carrier. *City of Springfield v. Springfield St. Ry. Co.* (1951) 97 N.E.2d 196, 327 Mass. 4.

This section prohibiting operation of motor vehicles for carriage of passengers for hire in city without obtaining license from city council is not limited to vehicles carrying passengers in intrastate business between fixed and regular termini. *Com. v. Haydock* (1934) 190 N. E. 37, 286 Mass. 47.

G.L. c. 159, §§ 45-48b, as amended by St.1925, c. 280, requires those engaged in business within state to conform to statutory requirements as to such business, and, as so construed, has no direct relation to interstate commerce. *Barrows v. Farnum's Stage Lines* (1926) 150 N.E. 206, 254 Mass. 240.

General provisions of G.L. c. 159, § 45, as amended by St.1925, c. 280, and G.L. c. 161, § 44, requiring licenses from local authorities for passenger motorbusses, was not rendered inapplicable by Sp.St. 1918, c. 188, although latter act imposed on trustees authority to determine character and extent of service and facilities to be furnished by street railway company, especially in view of St.1919 (Ex. Sess.) c. 371, § 4, stipulating that street railway availing itself of act should be

Note 2

subject to other parts thereof requiring licenses from local authority. *Eastern Massachusetts St. R. Co. v. Trustees, Eastern Massachusetts St. R. Co.* (1925) 149 N.E. 628, 254 Mass. 28.

Hardship on street railway and stockholders not controlling in interpretation of statute requiring license for motorbuses. *Id.*

A bus company which is a public carrier under this chapter, is not covered by the provisions of G.L. c. 161, § 108. *Op. Atty. Gen.* Sept. 20, 1965, p. 120.

3. Prior law

Acts 1847, c. 224, did not authorize the mayor and aldermen of Boston to require the payment of money to the city by persons resident in Roxbury who might have set up and driven omnibuses and stagecoaches from Roxbury to Boston, and from Boston to Roxbury, for the conveyance of persons for hire, as a tax or duty upon such vehicles before so using the same. *Com. v. Stodder* (1848) 56 Mass. 562, 2 Cush. 562, 48 Am. Dec. 679.

Such act did not authorize the mayor and aldermen to require such drivers to obtain a license, irrespective of the requirement of the payment of money for the same. *Id.*

4. Common carriers

A company engaged in the transportation of passengers by motor vehicles between established terminals along a regular route, where passengers board and leave vehicle in much the same manner as they would an electric street railway car, was a "common carrier of passengers for hire" by virtue of this chapter. *Blair v. Boston Elevated Ry. Co.* (1941) 36 N.E.2d 419, 310 Mass. 1.

In title of this chapter regulating common carriers of passengers by motor vehicle, the term "common carriers" does not mean common carriers at common law in view of early statute regulating all persons transporting passengers for hire and the fact that the term "common carriers" first appeared in titles of amendatory statutes not changing early statute's scope. *Short Line v.*

Quinn (1937) 10 N.E.2d 112, 298 Mass. 360.

A motorbus operator, hired and paid by a manufacturer for transporting employees between their home municipality and municipality where factory was located, was not a "common carrier" of passengers at common law. *Id.*

5. Certificate of public convenience and necessity, in general

Department of public utilities had power to issue nunc pro tunc a certificate of public convenience and necessity for operation of passenger buses. *Almeida Bus Lines, Inc. v. Department of Public Utilities* (1965) 203 N.E.2d 556, 348 Mass. 331.

In determining whether public convenience and necessity will be satisfied by the granting of a certificate for the operation of passenger buses, the department could consider a broad range of factors. *Id.*

The opponent of issuance of certificate of public convenience and necessity for operation of passenger buses was not entitled to notice and opportunity to be heard regarding nunc pro tunc order, where notice and hearing had already been afforded with respect to petition for certificate and no new matter had arisen between the time of earlier order granting the certificate and the nunc pro tunc order that certificate bear an earlier date. *Id.*

The possession of a valid local license, i. e., one that has been issued within three years, is a prerequisite to the issuance of a valid certificate of public convenience and necessity for the operation of passenger buses. *Id.*

In revising carrier's certificate, Department of Public Utilities could exercise wide range of discretion in appraising public interest and adopting reasonable policies, principles and standards for guidance, and it could apply such principles where action was justified by substantial evidence, and could determine what weight should be given to the various relevant considerations. *Holyoke St. Ry. Co. v. Department of*

Public Utilities (1964) 198 N.E.2d 413, 347 Mass. 440.

Amendment by Department of Public Utilities of certificate of public convenience and necessity of bus company to give company route in Northampton and route starting in Northampton and ending in Amherst was valid exercise of power of department, where there were unrevoked local licenses for each municipality save Northampton and department issued a license for that municipality. *Fortier v. Department of Public Utilities* (1961) 175 N.E.2d 495, 342 Mass. 728.

Under c. 159, §§ 46-49, as amended by St.1925, c. 280, operator of a motor vehicle for carriage of passengers within state could not indiscriminately receive passengers for transportation for hire between fixed and regular termini, without license from cities or towns through which vehicles passed or without filing bond and obtaining certificate and permit to conduct business from state departments. *Boston & M. R. R. v. Cate* (1926) 150 N.E. 210, 254 Mass. 248.

6. Carriers requiring license—In general

A motor omnibus operator, hired, and paid by a manufacturer for transporting employees between their home municipality and municipality where factory was located, was within this chapter providing for licensing vehicles transporting passengers for hire. *Short Line v. Quinn* (1937) 10 N.E.2d 112, 298 Mass. 360.

Under G.L. c. 159, §§ 46 to 49, as amended by St.1925, c. 280, operator of a motor vehicle for carriage of passengers within state may not indiscriminately receive passengers for transportation for hire between fixed and regular termini, without license from cities or towns through which vehicles pass, or without filing bond and obtaining certificate and permit to conduct business from state departments. *Boston & M. R. R. v. Cate* (1926) 150 N.E. 210, 254 Mass. 248.

Sp.St.1918, c. 188, § 11, exempting trustees of street railway from approval,

control, or discretion of other state board, did not exempt railway from obtaining motorbus license required by G. L. c. 159, § 45, as amended by St.1925, c. 280. *Eastern Massachusetts St. R. Co. v. Trustees, Eastern Massachusetts St. R. Co.* (1925) 149 N.E. 628, 254 Mass. 28.

7. — School buses

A vehicle operated as a school bus does not require any of the licenses provided for in this section and sections 2 to 6 of this chapter, nor is it required to have a certificate of public convenience and necessity issued under section 7 of this chapter. *Op. Atty. Gen.* Dec. 31, 1947, p. 43.

8. — Failure to obtain license as a violation

In the case of *New York, N. H. & H. R. Co. v. Pierce Coach Lines* (1933) 183 N.E. 836, 281 Mass. 479, the court said: "We find no such connection here. It is true that the New England Transportation Company insists upon illegal and inequitable conduct of the defendants in regard to transportation of passengers, and that its dereliction has to do with fares for such transportation; but there is no essential relation between a failure like this plaintiff's to notify of a change of fare, and failures such as the defendants' to obtain required licenses, to make deposit of security and to secure a certificate that public convenience and necessity require the operation of their buses. The first has to do with an incident in legitimate transportation; the others with prerequisites to securing a right to transport passengers at all."

Carrying passenger from Boston to Brookline did not violate Brookline town rule requiring license. *Com. v. White* (1927) 157 N.E. 597, 260 Mass. 300.

That plaintiff was unlicensed carrier for hire did not make automobile "trespasser on highway," or preclude recovery for collision. *Farr v. Whitney* (1927) 156 N.E. 863, 260 Mass. 193.

Operation of motor vehicle for transportation of passengers for hire between

159A § 1

CORPORATIONS

Note 19

cense in exchange for per passenger payments, and ordered that contract be cancelled did not comply with c. 30A, § 14, requiring that findings be supported by substantial evidence, and reviewing court would return case to Department for further consideration and, if necessary, for taking of further evidence. *Holyoke St. Ry. Co. v. Department of Public Utilities* (1964) 198 N.E.2d 413, 347 Mass. 440.

Findings by Department of Public Utilities would stand if based on substantial evidence. *Id.*

Where city had not accepted provisions of statute but had enacted certain ordinances relating to licensing of public vehicles, public service commission had no jurisdiction of an appeal by company from orders, rules and regulations of city which were in force. 5 Op. Atty. Gen. 1918, p. 251.

§ 2. Licenses; specification of routes; form; detours

Every such license shall specify the route or routes over which the motor vehicles used thereunder may be operated, and shall be on a form approved by the department of public utilities; provided, that a variance from a form so approved shall not affect the validity of the license if the form used is in substantial conformity with the approved form. A licensee shall not operate motor vehicles for the purposes specified in section one otherwise than upon routes specified in the license or licenses issued to him; provided, that in the event of the closing of the whole or a portion of such a route by public authority or of interference with operation thereon by street repairs, fire, accident, unusual and severe traffic congestion or other emergency, a licensee may temporarily operate such vehicles by a reasonably direct and convenient detour.

Amended by St. 1947, c. 258, § 1.

Historical Note

St. 1931 c. 408 § 1.

The 1947 amendment, approved April 14, 1947, inserted in the first sentence the provision requiring the license to be on a form approved by the department of public utilities, and the proviso relating to the effect of a variance from an approved form on the validity of a license. Section 2 of the amendatory act

read as follows: "Section one of this act shall not affect the validity of licenses issued, prior to the effective date of this act, by any proper licensing authority under section one of chapter one hundred and fifty-nine A of the General Laws."

Law Review Commentaries

Bus routes as property. Herbert Baer, 11 Annual Survey of Mass. Law, Boston College, p. 200 (1964).

Public utilities, motor vehicle carriers. Edward N. Gadsby, 1 Annual Survey of Mass. Law, Boston College, pp. 178, 182 (1954).

Library References

Automobiles ☞ 86.

C.J.S. Motor Vehicles § 105.

Notes of Decisions

In general 1
Routes 2

1. In general

Under the provisions of Acts 1847, c. 224, the mayor and aldermen of the City of Boston have authority to make regulations as to the use of omnibuses and stage coaches for the transportation of persons for hire from Roxbury to Boston, and from Boston to Roxbury, while passing over and using the public streets of Boston, if, in the opinion of the mayor and aldermen, from the character of such vehicles as to size, numbers, or mode of use, they would otherwise endanger or greatly incommode the public generally, who have occasion to use such public streets; and such regulations may prescribe certain streets as the route of travel for the vehicles mentioned in the same, and may provide for their exclusion from certain other streets, provided that such regulations are "necessary and expedient for the due regulation" within the City of Boston of the omnibuses and other vehicles therein specified. *Com. v. Stodder* (1848) 56 Mass. 562, 2 Cush. 562, 48 Am. Dec. 679.

2. Routes

Amendment by Department of Public Utilities of certificate of public convenience and necessity of bus company to give company route in Northampton and

route starting in Northampton and ending in Amherst was valid exercise of power of department, where there were unrevoked local licenses for each municipality save Northampton and department issued a license for that municipality. *Fortier v. Department of Public Utilities* (1961) 175 N.E.2d 495, 342 Mass. 728.

A city which approved license pursuant to statute authorizing city to approve operation of motor vehicles upon public ways of city for carriage of passengers for hire in such manner as to afford means of transportation similar to that afforded by a railway company by indiscriminately receiving and discharging passengers along certain routes, could not proceed in equity to extend route provided for under license against wishes of licensee. *City of Springfield v. Springfield St. Ry. Co.* (1951) 97 N.E.2d 196, 327 Mass. 4.

Portion of ordinance of City of Springfield purporting to give to traffic and transportation board authority to change routes specified in licenses granted to bus company authorizing licensee to operate motor vehicles upon public ways of city for carriage of passengers for hire in such manner as to afford means of transportation similar to that afforded by a railway company by indiscriminately receiving and discharging passengers along certain routes, is invalid as being repugnant to statute. *Id.*

§ 3. Failure of municipalities between terminals to grant license; authority of department of public utilities

If a person desiring to operate any motor vehicle for the purposes and in the manner aforesaid over a route covering at least twenty miles holds a license therefor in the terminal municipalities and also a license in all but one of the intervening municipalities, or, in case seven or more municipalities intervene, in all but one or two thereof, the department of public utilities, hereinafter in this chapter called the department, on petition of such person, shall act as the li-

censing authority in the one or two municipalities, as the case may be, in which such person's application for such an original license has not been favorably acted upon within three months after the filing thereof. The department, before issuing such a license, shall give a public hearing thereon after notice to the licensing authority of such a municipality, and if the department finds that public convenience and necessity require that the applicant be allowed to operate motor vehicles through such a municipality and over a route as aforesaid, it may issue a license therefor and shall specify therein the route or routes over which such motor vehicles shall be operated therein, but operation under such a license shall be limited to through traffic without stopping in such municipality for taking on or discharging passengers, except in case of a railroad or railway company operating a bus line as a part of its system.

Historical Note

G.L.1921 c. 159 § 45.

St.1926 c. 392 § 1.

St.1931 c. 408 §§ 1, 2.

Cross References

Transfer or assignment of license, see section 7A of this chapter.

Library References

Automobiles ⇐69.

C.J.S. Motor Vehicles § 80.

Notes of Decisions

In general 1
Review 2

1. In general

Contract between two carriers under which one withdrew opposition to granting to other a local license and the other agreed upon being granted certificate to make certain payments per passenger to carrier withdrawing opposition was not void as against public policy, though dealing with intercompany competition where it contemplated its submission to Department of Public Utilities. *Holyoke St. Ry. Co. v. Department of Public Utilities* (1964) 198 N.E.2d 413, 347 Mass. 440.

Amendment by Department of Public Utilities of certificate of public convenience and necessity of bus company to

give company route in Northampton and route starting in Northampton and ending in Amherst was valid exercise of power of department, where there were unrevoked local licenses for each municipality except Northampton and department issued a license for that municipality. *Fortier v. Department of Public Utilities* (1961) 175 N.E.2d 495, 342 Mass. 728.

Void order of Department of Public Utilities on September 15 granting license to bus company for route in Northampton and certificate of public convenience and necessity for route starting in Northampton and ending in Amherst did not vitiate order of October 13 rescinding order of September 15, granting license for Northampton, and amending existing certificate to add route authorized by September 15 order. *Id.*

One opposing amendment of certificate of public convenience and necessity of bus company by Department of Public Utilities was not prejudiced by failure of hearing officer to make report in writing, where no issue of fact depended upon credibility of witnesses, and one opposing amendment of certificate did not contend that decision of department was unsupported by substantial evidence. *Id.*

Portion of ordinance of City of Springfield purporting to give to traffic and transportation board authority to change routes specified in licenses granted to bus company authorizing licensee to operate motor vehicles upon public ways of city for carriage of passengers for hire in such manner as to afford means of transportation similar to that afforded by a railway company by indiscriminately receiving and discharging passengers along certain

routes, is invalid as being repugnant to statute. *City of Springfield v. Springfield St. Ry. Co.* (1951) 97 N.E.2d 196, 327 Mass. 4.

2. Review

Findings upon which Department of Public Utilities struck from bus line certificate proviso recognizing contract with another carrier which withdrew opposition to line's obtaining local license in exchange for per passenger payments, and ordered that contract be cancelled did not comply with c. 30A, § 14 requiring that findings be supported by substantial evidence, and reviewing court would return case to Department for further consideration and, if necessary, for taking of further evidence. *Holyoke St. Ry. Co. v. Department of Public Utilities* (1964) 198 N.E.2d 413, 347 Mass. 440.

§ 4. Voiding licenses; continuing licenses; revocation of licenses

A license issued under this chapter on or after November first, nineteen hundred and forty-five, for operations as to which no certificate of public convenience and necessity under section seven is obtained within three years after the date when such license is issued by the licensing authority, which in a city shall mean the date of its approval by the mayor, shall become null and void upon the expiration of said three years. Such a license issued before said November first under the provisions of law applicable thereto or under this chapter, and remaining in force on said date, for operations as to which such a certificate is not obtained before the expiration of five years after said November first, shall become null and void upon the expiration of said five years. Each license so issued after July eighteenth, nineteen hundred and twenty-seven, for operations as to which such a certificate has been obtained prior to said November first, or is obtained within three years thereafter in the case of a license issued on or after said November first, or within five years thereafter in the case of a license issued before said date, shall remain in force and effect as to the routes and for the number of vehicles specified in such license or operated thereunder, notwithstanding any limitation contained therein as to the time it shall remain in effect, until revoked as hereinafter provided. After public notice and hearing, the licensing authority may, for good and sufficient reasons to be stated



City of Cambridge

17.

COUNCILLOR WOLF

IN CITY COUNCIL

January 21, 1985

ORDERED: That a license is hereby granted to Andre Coachlines, Incorporated under the provisions of Chapter 159A of the Massachusetts General Laws for the carriage of passengers for hire over the following public ways in the City of Cambridge:-

On Peabody Street between Massachusetts Avenue and the Cambridge Street Underpass

On the Cambridge Street Underpass between Massachusetts Avenue and Broadway

On Broadway between the Cambridge Street Underpass and Quincy Street

On Quincy Street between Broadway and Massachusetts Avenue

On Vassar Street between Massachusetts Avenue and Memorial Drive

On Amesbury Street between Vassar Street and Massachusetts Avenue

; and be it further

ORDERED: That this license be granted with the following provisions:-

1. That the Vassar Street location only be utilized as an alternative roadway in the event that the Massachusetts Avenue Bridge is closed for repairs; consequently prohibiting truck and bus travel.

2. That any and all changes in the conditions outlined above are subject to the approval of the City Council

; and be it further

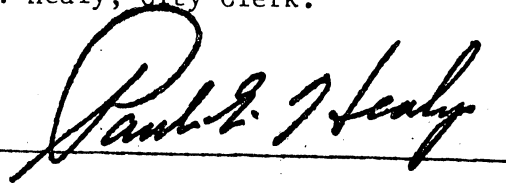
ORDERED: That this license is granted subject to the condition that Andre Coachlines, Incorporated file with the City Clerk a schedule each year of all passenger rates, routes and any amendments thereto; and be it further

ORDERED: That the City Council reserves the right to revoke the license granted in the event of the breach of any conditions outlined herein.

In City Council January 21, 1985.
Adopted by the affirmative vote of 8 members.
Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in cursive script, appearing to read "Paul E. Healy", written over a horizontal line.

Paul E. Healy, City Clerk.

Approved by Mayor

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Approved by City Manager

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City of Cambridge

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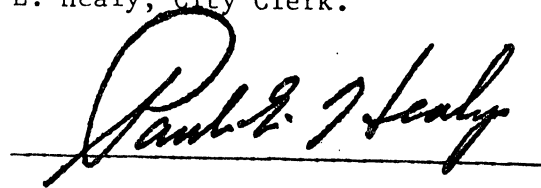
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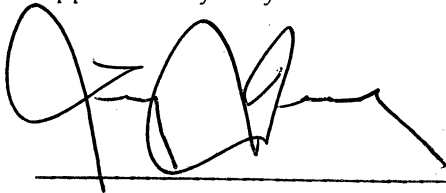
A true copy;

ATTEST:-

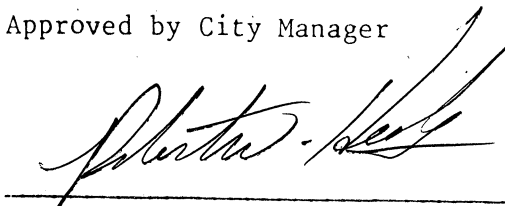
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City of Cambridge

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COUNCILLOR WOLF

IN CITY COUNCIL

January 21, 1985

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On Peabody Street between Massachusetts Avenue and the Cambridge Street Underpass

On the Cambridge Street Underpass between Massachusetts Avenue and Broadway

On Broadway between the Cambridge Street Underpass and Quincy Street

On Quincy Street between Broadway and Massachusetts Avenue

On Vassar Street between Massachusetts Avenue and Memorial Drive

On Amesbury Street between Vassar Street and Massachusetts Avenue

; and be it further

ORDERED: That this license be granted with the following provisions:-

1. That the Vassar Street location only be utilized as an alternative roadway in the event that the Massachusetts Avenue Bridge is closed for repairs; consequently prohibiting truck and bus travel.
2. That any and all changes in the conditions outlined above are subject to the approval of the City Council

; and be it further

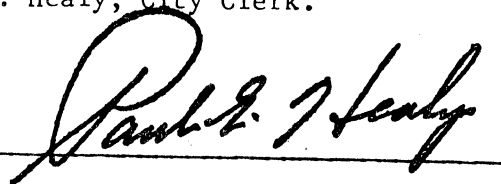
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In City Council January 21, 1985.
Adopted by the affirmative vote of 8 members.
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A true copy;

ATTEST:-

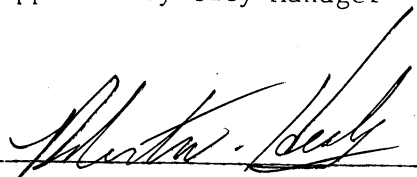
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Paul E. Healy, City Clerk.

Approved by Mayor

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Approved by City Manager

A handwritten signature in cursive script, written over a horizontal line.

RECEIVED BY
OFFICE OF CITY CLERK

Cambridge, June 14 1984

JUN 15 9 18 AM '84

CAMBRIDGE, MASS.

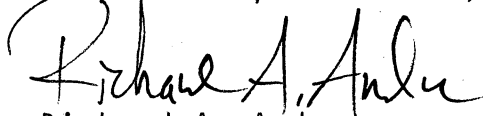
To the Honorable, the City Council of the
City of Cambridge:

The undersigned respectfully pray
that Andre Coachlines, Inc., of 56 Oakland Road, Brookline, Massachusetts,
02146, be granted a license to operate motor vehicles for the carriage
of passengers for hire over the following public ways in the city of
Cambridge:

See attached sheets.

Andre Coachlines, Inc. is applying for this license to enable it to
continue operating, under contract to the Medical Area Service
Corporation(MASCO), 221 Longwood Avenue, Boston, Massachusetts, 02115,
a shuttle bus service connecting Harvard University, the Massachusetts
Institute of Technology, and various residential facilities in
Cambridge, with the member institutions of MASCO located in Boston, as
well as other affiliated medical and educational institutions located
in Boston and Cambridge.

Respectfully submitted;



Richard A. Andre
President
Andre Coachlines, Inc.

Andre Coachlines is presently operating this service under emergency
temporary authority from the Massachusetts Department of Public
Utilities.

PETITION

of Andre Coachlines, Inc.

for a license to operate
motor vehicles for the carriage of
No. passengers over certain public
ways in the City of Cambridge

June 15, 1984

6/25/84
Referred to the
Comm. on Public Safety

copy to be placed in August 1984's envelope
for August 1984. (Chair, Public Safety
Committee)

In City Council, June 25, 1984

Referred to the Committee on

Attest:

City Clerk.

Andre Coachlines, Inc.



56 Oakland Road Brookline, Massachusetts 02146
(617) 277-2389 • 738-4173 (24 hrs.)

PUBLIC WAYS

Massachusetts Avenue between Memorial Drive and Beech Street

Bow Street between Massachusetts Avenue and DeWolfe Street

DeWolfe Street between Bow Street and Mount Auburn Street

Mount Auburn Street between Brattle Street and Massachusetts Avenue

Vassar Street between Main Street and Memorial Drive

Amesbury Street between Vassar Street and Memorial Drive

Brattle Street between Massachusetts Avenue and Mount Auburn Street

Peabody Street between Massachusetts Avenue and the Cambridge
Street Underpass

Cambridge Street Underpass between Massachusetts Avenue and Broadway

Broadway between the Cambridge Street Underpass and Quincy Street

Quincy Street between Broadway and Massachusetts Avenue

Western Connector between Main Street and Binney Street

Binney Street between the Western Connector and Third Street

Third Street between Binney Street and Kendall Square

Broadway between Kendall Square and the Western Connector

Beech Street between Massachusetts Avenue and the Somerville -
Cambridge city line



Andre Coachlines, Inc.

56 Oakland Road Brookline, Massachusetts 02146

(617) 277-2389 • 738-4173-(24 hrs.) 323 - 2090

STOPS

The shuttle service presently stops only at public bus stops within the City of Cambridge, to pick up or discharge passengers, with the following two exceptions:

- 1.) Central Square inbound to the Longwood Medical Area from Quincy Square.
The present stop is the traffic island in the middle of the Square, but MASCO will move this stop to the public bus stop at Pearl Street and Massachusetts Avenue upon approval of this license application.
- 2.) Quincy Square
Since this is the present terminus of the shuttle bus, due to subway construction, MASCO would like to continue using this location as a temporary terminus and layover point. MASCO realizes this location is not desirable from either the viewpoint of the City of Cambridge or of MASCO itself, and will work with both the City and Harvard University to find a more suitable location.

The following streets or portions thereof requested in the petition for this license are not being operated at this time, but were included as possible extensions to the present shuttle service. Therefore, no stops are made, and if service is ever scheduled to begin operating on these streets or sections thereof, MASCO will supply the City of Cambridge, in advance, with a list of potential stops for their approval.

Mount Auburn Street between DeWolfe Street and Brattle Street

Vassar Street between Massachusetts Avenue and Main Street

Massachusetts Avenue between Quincy Square and Beech Street

Beech Street between Massachusetts Avenue and the Somerville - Cambridge city line

Quincy Street between Massachusetts Avenue and Broadway

Broadway between Quincy Street and the Cambridge Street Underpass

Peabody Street between Massachusetts Avenue and the Cambridge Street Underpass

Brattle Street between Massachusetts Avenue and Mount Auburn Street

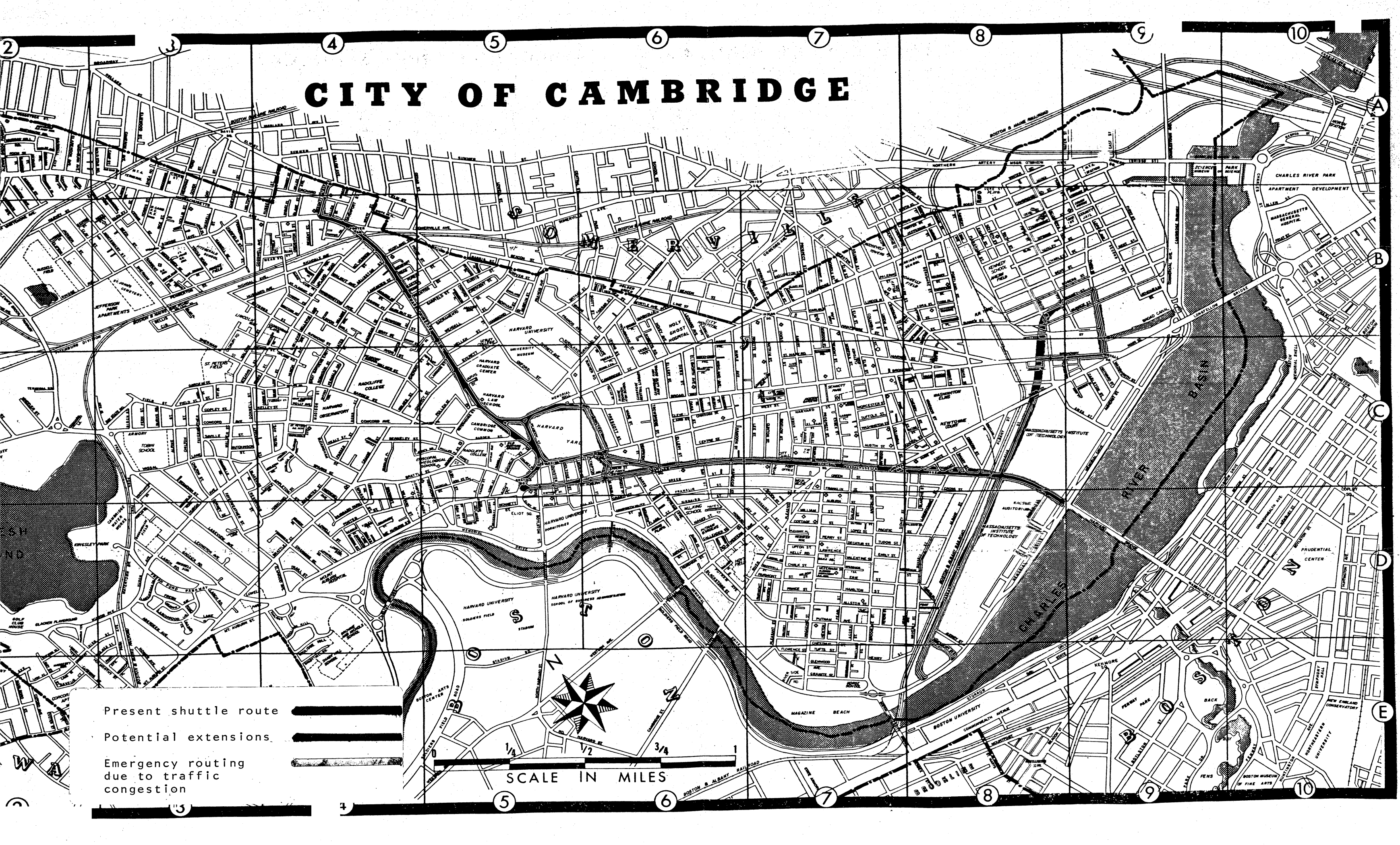
Cambridge Street Underpass between Massachusetts Avenue and
Broadway

The following two streets or portion thereof listed in this license application are used as an alternative to the regular shuttle route only in the case of severe traffic congestion, and no stops are allowed.

Vassar Street between Massachusetts Avenue and Memorial Drive

Amesbury Street between Vassar Street and Memorial Drive

CITY OF CAMBRIDGE



Present shuttle route

Potential extensions

Emergency routing
due to traffic
congestion

SCALE IN MILES

The second page on this is
NOT right

They want to stop at, or only
stop at public bus stop
with the exception of two which
are noted ALSO

Sample order usually say no stops
to pick up or discharge passengers.

within the city.



City of Cambridge

IN CITY COUNCIL

ORDERED: That a license is hereby granted to Andre Coachlines, Inc. under the provisions of Chapter 159A of the Massachusetts General Laws for the operation of motor vehicles for the carriage of passengers for hire over the following public ways in the City of Cambridge:

Massachusetts Avenue between Memorial Drive
and Beech Street
Bow Street between Massachusetts Avenue and
DeWolfe Street
DeWolfe Street between Bow Street and Mt.
Auburn Street
Mt. Auburn Street between Brattle Street and
Massachusetts Avenue.
Vassar Street between Main Street and Memorial
Drive
Amesbury Street between Vassar Street and
Memorial Drive
Brattle Street between Massachusetts Avenue
and Mt. Auburn Street
Peabody Street between Massachusetts Avenue
and Cambridge Street Underpass
Cambridge Street Underpass between Massachusetts
Avenue and Broadway
Broadway between the Cambridge Street Underpass
and Quincy Street
Quincy Street between Broadway and Massachusetts
Avenue
Western Connector between Main Street and
Binney Street
Binney Street between the Western Connector and
Third Street
Third Street between Binney Street and Kendall
Square
Broadway between Kendall Square and the Western
Connector
Beech Street between Massachusetts Avenue and
Somerville-Cambridge City line

and be it further

ORDERED: That this license be granted with the following provisions:

That the shuttle service stop only at public bus stops within the City of Cambridge to pick up or discharge passengers with the following two exceptions.

1. Central Square. Inbound to the Longwood Medical Area from Quincy Square.
The present stop is the traffic island in the middle of the Square, but MASCO will move this stop to the public bus stop at Pearl Street and Massachusetts Avenue upon approval of this license application.
2. Quincy Square. Since this is the present terminus of the shuttle bus, due to subway construction, MASCO would continue to use this location as a temporary terminus and layover point.

and be it further

ORDERED: That this license is granted subject to the condition that Andre Coachlines, Inc. file with the City Clerk a schedule each year of all passenger rates, routes and amendments thereto in the future; and be it further

ORDERED: That the City Council reserves the right to revoke the license granted in the event of the breach of any conditions outlined above.

APPROVED BY MAYOR

APPROVED BY THE CITY MANAGER

M2 - EMPLOYEE TIMETABLE 1983/4

LV HY	RUN	MON	TUE	WED	THURS	FRI	LV HMS	RUN	MON	TUE	WED	THURS	FRI	LV HY	SAT	LV HMS	SAT
7:00	A#						7:25	A						8:00		8:30	
7:30	B■						7:55	B						9:00		9:30	
7:40	C■						8:05	C						10:00		10:30	
7:50	A■						8:15	A						11:00		11:30	
8:00	D■						8:25	D						12:00*		12:30	
8:10	E■						8:35	E									
8:20	B■						8:45	B						1:00		1:30*	
8:30	C■						8:55	C						2:00		2:30	
8:40	A■						9:05	A						3:00		3:30	
8:50	D■						9:15	D						4:00		4:30	
9:00	E■						9:30	E						5:00*		5:30	
9:10	B■						9:45	C						6:00		6:30*	
9:20	C■						10:15	D#						7:00*		7:30	
9:30	A■						10:45	C#						8:00		8:30	
9:40	D#													9:00		9:30	
10:00	E#						11:15	D#						10:00*		10:30*	
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1:45	C#						3:15	C									
2:15	D#						3:45	D									
2:45	C						4:00	F									
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3:45	C						4:30	G●									
4:15	D						4:40	H●									
4:30	F						4:50	D●									
4:40	C						5:00	F●									
4:55	G						5:10	C●									
5:05	H						5:20	G●									
5:15	D						5:30	H●									
5:25	F						5:40	D									
5:40	C						5:55	F									
5:50	G						6:10	C									
6:00	H						6:25	G*									
7:00	H*						6:40	H									
8:00	H						7:30	H									
9:00	H						8:30	H									
10:00	H*						9:30	H*									
11:00	H						10:30	H									
							11:30	H*									

- via Brookline Ave.

* - via Coolidge Corner

■ - no double stop at Quincy Sq.

● - no double stop at Vanderbilt



City of Cambridge

17.

COUNCILLOR WOLF

IN CITY COUNCIL

January 21, 1985

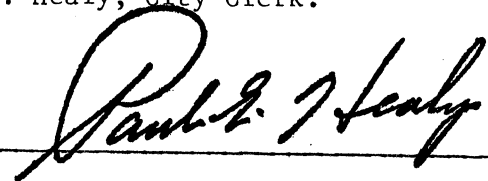
- ORDERED: That a license is hereby granted to Andre Coachlines, Incorporated under the provisions of Chapter 159A of the Massachusetts General Laws for the carriage of passengers for hire over the following public ways in the City of Cambridge:-
- On Peabody Street between Massachusetts Avenue and the Cambridge Street Underpass
 - On the Cambridge Street Underpass between Massachusetts Avenue and Broadway
 - On Broadway between the Cambridge Street Underpass and Quincy Street
 - On Quincy Street between Broadway and Massachusetts Avenue
 - On Vassar Street between Massachusetts Avenue and Memorial Drive
 - On Amesbury Street between Vassar Street and Massachusetts Avenue
- ; and be it further
- ORDERED: That this license be granted with the following provisions:-
1. That the Vassar Street location only be utilized as an alternative roadway in the event that the Massachusetts Avenue Bridge is closed for repairs; consequently prohibiting truck and bus travel.
 2. That any and all changes in the conditions outlined above are subject to the approval of the City Council
- ; and be it further
- ORDERED: That this license is granted subject to the condition that Andre Coachlines, Incorporated file with the City Clerk a schedule each year of all passenger rates, routes and any amendments thereto; and be it further

ORDERED: That the City Council reserves the right to revoke the license granted in the event of the breach of any conditions outlined herein.

In City Council January 21, 1985.
Adopted by the affirmative vote of 8 members.
Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in cursive script, reading "Paul E. Healy", written over a horizontal line.

Paul E. Healy, City Clerk.

Approved by Mayor

Approved by City Manager

Order # 17

W-2

C. Wolf order re: granting a license to Andre Coachlines, Inc. under the provisions of Chapter 159 of the Mass. General Laws for the carriage of passengers for hire over certain public ways in the City of Cambridge; said order outlining in detail the routes to be travelled & the provisions & conditions under which the permission is granted.

*Copies of the January 21, 1985 Order
granting permission sent to Richard A. Andre,
President of Andre Coach Lines & George Teseo,
Director of Traffic & Parking 3/27/85
(copies within)*

In City Council,

January 21, 1985

1/21/85

CW
Andre Adorad
J.