

CITY OF CAMBRIDGE

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LAW DEPARTMENT

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December 31, 1981

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Mr. Robert W. Healy
City Manager
City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Re: Department of Public Utilities-
buses, vans and limousines

Dear Mr. Healy:

On December 7, 1981, the City Council ordered:

"That the City Manager be and hereby is requested to direct the City Solicitor to review the rules and regulations of the Department of Public Utilities, with a view in mind of submitting Home Rule Legislation which would allow the Cambridge City Council stronger control over buses, vans, etc., which operate through our streets, relative to the issuance of licenses within the City for these limousines, buses and vans in and through Cambridge."

General Laws, Chapter 159A

Common carriers of passengers are governed by G.L. c. 159A. Section 1 of this chapter, states:

No person shall...operate any motor vehicle upon any public way in any city or town for the carriage of passengers for hire...by indiscriminately receiving and discharging passengers along the route on which the vehicle is operated...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...in this chapter called the licensing authority...Any such

license issued by a City council...shall be subject to the approval of the mayor. The amount of the fee for any such license shall be determined annually by the commissioner of administration... Such license may limit the number of vehicles to be operated thereunder. Any person, receiving a license under this section...shall...be subject to such orders, rules or regulations as shall be adopted by the licensing authority under this chapter....

If any application for a license under this section is not favorably acted upon within a period of sixty days...the applicant may appeal to the department of public utilities (DPU)...

The remainder of c. 159A contains other requirements for the operation of common carriers of passengers, including the obtaining of a certificate of public convenience or necessity from the DPU. §7. Section 10 provides that the DPU "shall have general supervision and regulation of...such common carriers...." The DPU has issued rules and regulations, a copy of which are attached hereto.

Boston v. Hospital Transportation Services, Inc., 6 Mass. App. Ct. 198, 374 N.E.2d 338 (1978) held that a license to operate buses and limousines between Logan Airport and various municipalities west and north of Boston, issued by the DPU under the second paragraph of c. 159A, §1, did not require the approval of the Mayor of Boston.

SPECIAL ACTS

In addition to the powers granted to municipalities and the DPU under chapter 159A of the General Laws, the DPU is given further powers under St. 1973, c. 527 and St. 1975, c.306, as follows:

St. 1973, c.527 AN ACT FURTHER REGULATING CERTAIN COMMON CARRIERS

Whereas, the deferred operation of this act, would tend to defeat its purpose, which is to provide for immediate transportation between certain locations in the city of Boston and points outside of said city, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

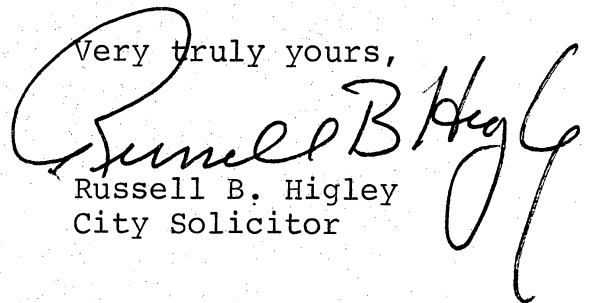
Notwithstanding any provision of chapter one hundred and fifty-nine A or any other general or special law to the contrary, the department of public utilities may, with the approval of the mayor of the city of Boston, issue licenses for the operation of motor vehicles carrying passengers for hire to and from locations outside the city of Boston along all streets in East Boston between the entrance and exit ramps of the John F. Fitzgerald Highway in the vicinity of Cross Street and the exit and entrance ramps of said tunnels.

Be it enacted, etc., as follows:

Notwithstanding any provisions of chapter one hundred and fifty-nine A of the General Laws or any other general or special law to the contrary, the department of public utilities may, with the approval of the mayor of the city of Boston, issue licenses for the operation of motor vehicles carrying passengers for hire to and from a major regional transportation terminal in the city of Boston and locations outside the city of Boston along the following public ways: all streets in the city of Boston between such terminal and the entrance and exit ramps of the Massachusetts Turnpike Extension, of the John F. Fitzgerald Highway, or of interstate highway Route 93 in the city of Boston, provided that such public ways are already in use by through, commercial passenger bus or truck traffic. Any license issued pursuant to this act shall stipulate that the licensee may receive or discharge passengers within the city of Boston for operations carried out under authority of such license only at one, specified, major regional transportation terminal.

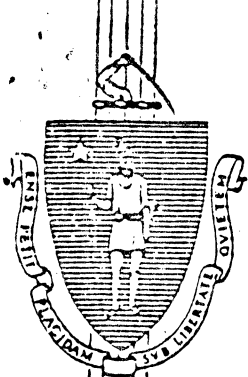
CITY COUNCIL OF BOSTON v. D.P.U., 7 Mass. App. Ct. 379, 387 N.E.2d 1184 (1979) held that these statutes do not conflict with the Home Rule Amendment, since the Legislature was acting on "a matter of State, regional or general concern". 7 Mass. App. Ct. at 382.

Very truly yours,



Russell B. Higley
City Solicitor

RBH:cp
Encs.



The Commonwealth of Massachusetts

OFFICE OF THE SECRETARY
STATE HOUSE, BOSTON, MASS.

Rules and Regulations filed in this Office under the provisions of
CHAPTER 30A as amended.

Filed by DEPARTMENT OF PUBLIC UTILITIES
MOTOR VEHICLES - CARRIAGE OF PASSENGERS FOR HIRE

Date Filed June 26, 1978

Date Published July 7, 1978

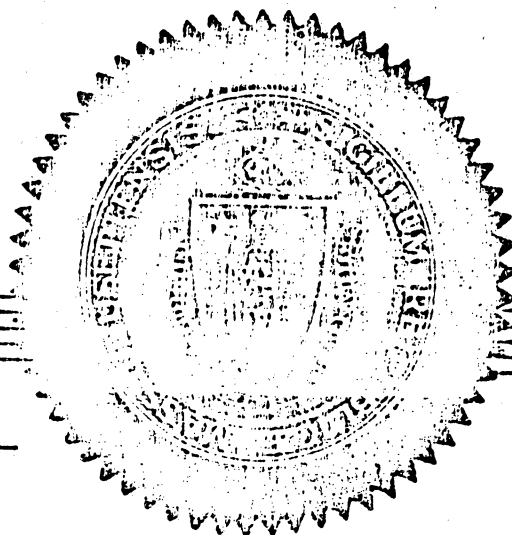
Chapter 233, sec. 75

Printed copies of rules and regulations purporting to be issued by authority of any department, commission, board or Officer of the Commonwealth or any city or town having authority to adopt them, or printed copies of any ordinances or town by-laws, shall be admitted without certification or attestations, but if this genuineness is questioned, the court may require such certifications or attestations thereof as it deems necessary.

Attested as a true copy
PAUL GUZZI

Paul Guzzi

SECRETARY OF THE COMMONWEALTH



RULES, TERMS AND CONDITIONS
 FOR THE
 OPERATION OF MOTOR VEHICLES
 FOR THE
 CARRIAGE OF PASSENGERS FOR HIRE
 UNDER A
 CERTIFICATE OF PUBLIC CONVENIENCE
 AND NECESSITY
 CHARTER LICENSE, SPECIAL SERVICE OR SCHOOL SERVICE
 PERMIT
 ISSUED APRIL 1, 1932

Amended and Revised

March 28, 1944, April 23, 1975 and March 9, 1978

JUN 26 10 44 AM '78
 SECRETARY OF STATE
 RULES AND REGULATIONS
 DIVISION

Publication: # 10,297-26-250-3-78-CR
 Approved: by Alfred C. Holland, State Purchasing Agent

- INDEX -

Page 1	.....	Definitions
Page 2	.....	Rules and Regulations
	Rule 1	Preliminary Requirements
Page 5	Rule 2	Bridges
	Rule 3	Rate Schedules
	Rule 4	Rates differing from Schedules
Page 6	Rule 5	Operation to Begin
	Rule 6	Time Schedule
	Rule 7	Discontinuance of Service
Page 7	Rule 8	Books, Return and Reports
	Rule 9	Accidents
Page 8	Rule 10	Drivers' Licenses
		a. General Requirements
		b. Fee
		c. Departmental Examination
Page 9		d. Requirements of a Motor Bus Driver to Operate a School Bus Transporting Children to and from School
		e. Physical Examination
Page 10	Rule 11	Safe operations
	Rule 12	Hours of Service
	Rule 13	Attention to Duty
Page 11	Rule 14	Stops
	Rule 15	Descending Grades
	Rule 16	Riding Outside
	Rule 17	View of Driver
	Rule 18	Driver Leaving Bus
	Rule 19	Highway-Rail Crossings
Page 12	Rule 20	Dimensions and Weight of Busses
	Rule 21	Strength of Busses
	Rule 22	Maintenance
Page 13	Rule 23	Reserve Equipment
	Rule 24	Outside Markings
	Rule 25	Brakes
Page 14	Rule 26	Air Equipment
	Rule 27	Lock and Key
Page 15	Rule 28	Interior Lights
	Rule 29	Exterior Lights
	Rule 30	Warning Lights
Page 16	Rule 31	Mirrors
	Rule 32	Bumpers
	Rule 33	Safety Chock Blocks
Page 17	Rule 34	Sun Visors
	Rule 35	Steps
	Rule 36	Emergency Door
Page 18	Rule 37	Emergency Escape Kick-Out Windows
	Rule 38	Seats and Aisles
		(a) Clearance between Seats

- (b) Minimum Seat Space
- (c) Minimum Aisle Space and Height
- (d) School-Bus Type
- (e) Use of Aisle Seats Prohibited
- (f) Aisle and Doorways to be Kept Clear
- (g) Notification of Seating Capacity Change

	Rule 39	.....	Tires
Page 20	Rule 40	.....	Exhaust
	Rule 41	.....	Fuel Tanks
	Rule 42	.....	Engine Covers
	Rule 43	.....	Fire Extinguishers
	Rule 44	.....	Drive Shaft Protection
Page 21	Rule 45	.....	Horn
	Rule 46	.....	Windshield Wipers and Washer
	Rule 47	.....	Windshield Safety Glass
	Rule 48	.....	Driver's First Aid Kit
	Rule 49	.....	Emergency Road Markers
	Rule 50	.....	Driver's Seat Belts
Page 22	Rule 51	.....	Driver's Guard
	Rule 52	.....	Grab Handles for Doors
	Rule 53	.....	Grab Handles for Standees
	Rule 54	.....	Ventilators
	Rule 55	.....	Signal to Driver
	Rule 56	.....	Route and Destination Signs
Page 23	Rule 57	.....	Standees
	Rule 58	.....	Heaters and Defrosters
	Rule 59	.....	Trailer
	Rule 60	.....	Speedometer
	Rule 61	.....	Baggage and Express
Page 24	Rule 62	.....	Busses Exempt from Certain Rules
	Rule 63	.....	Application of Rules and Regulations
	Rule 64	.....	Penalty
	Rule 65	.....	Permits and Licenses
Page 25	Rule 66	.....	Additional Rules by Owner of Motor Bus

Sight-Seeing

Rule 67	.....	Trips to be Complete
Rule 68	.....	Passengers and Fares

DEFINITIONS

The terms used in these rules and regulations shall have the following meanings, unless another meaning is clearly apparent from the language or context:

Bus Line - The term "bus line" shall mean any route, or system of routes over which a motor bus or motor busses are regularly operated and which are under the ownership or control of an individual, company or corporation which is licensed to operate over the same.

Bus or Motor Bus - The term "bus" or "motor bus" shall mean any motor vehicle operated upon a 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, or transporting passengers for hire under a Charter License, Special Service or School Service Permit issued by the Department.

Department - The term "Department" shall mean the Department of Public Utilities of the Commonwealth.

Driver - The term "driver" shall mean the person who acts as the driver of a motor bus under a license issued by the Department.

Owner - The term "owner" shall mean the individual, company or corporation which is authorized to operate under authority of the Department.

RULES AND REGULATIONS

Acting in pursuance of the authority conferred by Chapter 159A of the General Laws, inserted by Chapters 408 and 399 of the Acts of 1931, the following rules and regulations relative to the operation of motor busses in the Commonwealth of Massachusetts are hereby adopted by the Department.

1. Preliminary Requirements. Every owner of a motor bus or motor busses to be operated on the public ways of the Commonwealth, doing an intrastate business either in whole or in part, shall conform to the law by obtaining licenses from the licensing authorities of each city and town in which said bus or busses are to be operated. A certificate of public convenience and necessity from the Department must also be obtained. In applying for this certificate, the applicant must file application in duplicate and specify the following:

- a. Name and business address of the owner.
- b. Termini of each route.
- c. Names of all cities and towns included in each route.
- d. Description of each route in detail by highways, accompanied by a map, plan or sketch showing the proposed route.
- e. Upon the request of the Department, a list of all bridges of 10 feet or more clear span over which bus or busses are to operate.

Registrar - The term "registrar" shall mean the Registrar of Motor Vehicles of the Commonwealth.

Operator's License - The term "operator's license" shall mean the license issued by the Registrar to operate motor vehicles.

Driver's License - The term "driver's license" shall mean the license issued by the Department to drive motor busses.

Certificate of Registration - The term "certificate of registration" shall mean the certificate issued by the Registrar registering the motor vehicle.

Motor Bus Permit - The term "motor bus permit" shall mean the permit issued by the Department to operate a motor bus.

- f. Motor busses to be operated with a description of each as follows:

Number of busses.

Make and type of busses.

Weight of heaviest bus to be operated.

Motor or vehicle identification numbers.

- g. Cities and towns in which owner has license, stating date of each license. (Attach certified copy of each license).

- h. Date when operation is to begin.

Before a motor bus is put in operation, a motor bus permit shall be obtained from the Department. An application for a permit shall be filed by the owner on a form furnished by the Department. An inspection of the bus will be made upon receipt of the application. If required by any provision of Chapter 90 of the General Laws, the bus shall be registered with the Registry of Motor Vehicles.

A motor bus permit is not transferable. It shall expire on September 30 of each year and be renewed unless earlier revoked or suspended by the Department. It shall be conspicuously posted under glass in the bus for which it was issued.

The Department shall charge a fee of ten dollars for the issuance of the original permit and a fee of five dollars for the annual renewal of such permit.

No bus, whether owned, rented, leased or loaned, shall be operated under any certificate or special or charter license or school service permits as provided for under Chapter 159A of the

General Laws, and amendment thereto, unless a permit is issued by the Department for the operation of said bus under such certificate or special or charter license.

Any violation of the use of any permit will be deemed cause for suspension or revocation of said permit and/or the certificate or license under which the bus may be operated.

2. Bridges. No motor bus shall be operated over any bridges or culvert after a determination by the Department that such bridge or culvert is unsafe.

3. Rate Schedules. Every owner of a motor bus or bus line whose rates are subject to the jurisdiction of the Department shall file with the Department, and shall have plainly printed or typed and kept open to public inspection, schedules showing all rates, fares and charges for service of any kind rendered or furnished, or to be rendered or furnished, by him within the state, and all conditions and limitations, rules and regulations and other information in any manner affecting operations. No change shall be made in these schedules except after thirty days' notice to the Department and to the public, unless otherwise authorized by the Department.

4. Rates Differing from Schedules. No owner of a motor bus or bus line shall, directly or indirectly, render or furnish, or allow to be rendered or furnished, any service at rates, fares or charges which differ from those filed with the Department. Free transportation shall be furnished inspectors of the Department while engaged in the performance of their duties.

5. Operation to Begin. Every owner of a motor bus or motor bus line, after receiving a certificate of public convenience and necessity, shall begin operation over such route or routes designated in the certificate not later than 30 days after receiving said certificate unless otherwise authorized by the Department.

6. Time Schedule. Every owner of a motor bus or motor busses shall establish a schedule or schedules showing one regular time of arrival and departure of busses at the termini and principal points on the route or routes over which they operate. Unless otherwise ordered by the Department, no changes shall be made in an established regular service without fourteen (14) days' notice to the public and the Department except as to added service. Schedules and changes to be made shall be fully described in a notice posted in terminals and in all busses operated over the affected route by the company. No schedule shall require a speed which in the judgment of the Department is unsafe or unreasonable.

7. Discontinuance of Service. Any discontinuance of service on a bus line for a period of twenty-four hours or more shall be reported to the Department, together with the cause for the same. Any discontinuance of service found by the Department to be avoidable shall be cause for the revocation of the certificate issued by the Department. The Department may, after a hearing, revoke a certificate for failure to render service or failure to operate over routes described in a certificate for a period exceeding six (6) months.

8. Books, Return and Reports. The owner of a motor bus shall annually, within the time prescribed by the Department, transmit to the Department a return for the preceding calendar year. Such return shall be sworn to by the owner or treasurer and chief accounting officer of the owner and shall contain full and complete information upon the several items contained therein. The accounts, records and memoranda of the owner shall be kept in such form as may be prescribed by the Department from time to time. All such accounts, records and memoranda shall be subject to inspection at any time by the Department or its authorized representatives, and shall be permanently preserved unless the Department shall otherwise provide.

9. Accidents. The owner of a motor bus which is involved in any accident resulting in loss of life or serious personal injury or considerable property damage shall forthwith report said accident to the Department. The report of such accident shall include the following information:

- a. Name and address of owner.
- b. The time and place of accident.
- c. The name and both license numbers of the driver.
- d. Registration number of bus.
- e. The bus and permit numbers.
- f. The name or names and addresses of all persons killed or injured.
- g. The number of passengers, if any, in the bus.
- h. A complete report of the accident.

10. Drivers' Licenses.

a. General Requirements. The driver of a motor bus shall be at least eighteen (18) years of age and must obtain a Motor Bus Driver's License from the Department, in addition to obtaining a properly classified operator's license issued by the Registrar of Motor Vehicles. They shall carry with them while on duty their operator's and driver's licenses and shall exhibit them on demand to any representatives of the Department, any police officer, inspector of motor vehicles, or any other authorized person. All Motor Bus Drivers' Licenses shall become void at midnight on the thirty-first (31) day of December of each calendar year and application for renewal shall be filed annually in October or November. When drivers change their home address, they shall notify the Department in writing within seven (7) days of such change. If the operator's license issued by the Registrar of Motor Vehicles is revoked, suspended or not renewed, the Motor Bus Driver's License shall be returned immediately to the Department accompanied by a statement of reason. A Motor Bus Driver's License may, after a hearing, be revoked or suspended for cause.

b. Fee. The Department shall charge a fee of three (3) dollars for the examination for such license, two (2) dollars for the issuance of the original license, and two (2) dollars for the issuance of the renewal license. If the original license is lost, a duplicate license may be issued for the fee of one (1) dollar.

c. Departmental Examination. New applicants or applicants who have not held a Motor Bus Driver's License for two (2)

preceding years will not be licensed until they have passed an examination satisfactory to an Inspector of the Department as to the competency to safely operate the type of motor bus or busses they may be required to drive. Upon application for a motor bus license, the applicant must provide the Department with a copy of their driving record obtained from the Registry of Motor Vehicles.

d. Requirements of a Motor Bus Driver to Operate a School Bus Transporting Children to and from School.

As provided for in Section 8A of Chapter 90 of the General Laws, the holder of a motor bus driver's license who intends to drive a school bus carrying children to and from school must be certified as to having satisfactorily completed the driver training program as required by the statute. Certification of same must be provided to the Department by the applicant.

e. Physical Examination. New applicants or applicants who have not held a Motor Bus Driver's License for two (2) years shall not be licensed until they have satisfactorily passed a physical examination. All persons holding a Motor Bus Driver's License shall have a physical examination at least once every twelve (12) months, and no person shall drive nor shall any motor carrier require or permit any person to drive any motor vehicle unless such person has been examined and certified by a licensed doctor of medicine or osteopathy. Every motor carrier shall have in its file at its principal place of business for every driver, a copy of the aforesaid certificate. Drivers who have reached seventy (70) years of age shall, at that time, satisfactorily pass a physical examination.

and twice in each year thereafter, at intervals of not less than three (3) nor more than six (6) months apart as in accordance with requirements established by the Department.

11. Safe Operations. The driver of a motor bus shall conduct an inspection of the vehicle prior to departing, and shall at all times conform to the laws of the road as defined by statute and regulations. They shall not operate at a speed greater than is reasonable and proper, having regard to the traffic and the use of the way and the safety of the public. The driver shall keep the bus under control at all times and be ready for any emergency that may arise, especially in hazardous and adverse conditions where the speed shall be reduced accordingly.

12. Hours of Service. No owner of a motor bus shall cause or allow any driver to drive a motor bus for more than ten hours in any period of sixteen (16) consecutive hours, except in cases of emergency.

13. Attention to Duty. No owner of a motor bus shall cause or allow any driver of a motor bus to collect fares, make change, receive or discharge passengers while such bus is in motion, nor shall they have a lighted cigarette, lighted cigar, or lighted pipe in their possession while any passenger is being carried therein, nor drink any intoxicating beverage, nor take any drug or medication which would adversely affect their driving ability. A carrier may prohibit smoking by passengers and erect signs to that effect. If smoking is allowed, a section of the bus shall be designated for that purpose and proper signs shall be erected. A driver

shall not use personal or citizen band radios other than company installed radios which are limited to company or official use.

14. Stops. Any driver of a motor bus, unless prevented by conditions beyond their control, shall always stop at the right side of a highway or in an area provided for receiving and discharging passengers, or the best possible location where passengers may alight safely from the bus. The driver shall announce all regular stops.

15. Descending Grades. Before descending a long steep grade, the driver of a motor bus shall make a test application of the brakes. The driver shall then down shift to the proper gear to keep the bus in safe control while a descent is made.

16. Riding Outside. Passengers or other persons shall not be allowed to ride bumpers, steps or fenders of a motor bus.

17. View of Driver. The driver of a motor bus must not allow passengers to occupy positions in the bus which will obstruct their clear view ahead or on either side.

18. Driver Leaving Bus. No driver of a motor bus shall leave said bus without locking the ignition and setting the ratchet or other holding brake device. Chock blocks shall be used whenever required. (See Rule #33).

19. Highway-Rail Crossings. The driver of a motor bus, upon approaching a highway-rail crossing at grade, shall bring the bus to a stop at a point clear of the railroad track, but not more than seventy-five (75) feet from the track. He or she shall open the door while the bus is stopped and determine whether the way is

clear before crossing. Before proceeding, the driver shall close the door. Gear changes shall not be made while passing over a highway-rail crossing at grade.

20. Dimensions and Weight of Busses. No motor bus shall be operated on public ways within the Commonwealth whose overall length exceeds forty (40) feet or whose outside width shall exceed one hundred two (102) inches, including tires, provided that such width may be further exceeded by lateral projections of mirrors or other devices on a bus or a school bus so long as such mirrors or devices will not increase the outside width of such motor vehicles above one hundred and twelve (112) inches and provided that such mirrors or such other devices are so mounted as not to constitute a hazard to pedestrians on or adjacent to any public way. Excepted from this paragraph are those dimensions in excess of the above which are permitted by local authority or Section 19 of Chapter 90 of the General Laws.

21. Strength of Busses. Every motor bus shall be so constructed and maintained as to have ample strength in the judgment of the Department to safely carry its maximum load. The Department may from time to time require that proof of certain strength tests be submitted by the carriers or manufacturer.

22. Maintenance. Every motor bus shall be maintained in a safe and sanitary condition and shall at all times be subject to the inspection of the Department and its duly authorized representatives. The equipment shall in all cases be in conformity with the provisions of Section 7 of Chapter 90 of the General Laws and the United States Department of Transportation safety regulations.

23. Reserve Equipment. The owner of a motor bus shall provide sufficient reserve equipment to insure the reasonable maintenance of established routes and schedules.

24. Outside Markings. Every motor bus shall display on each side of the bus the name of the owner, trade name, if any, seating capacity and such other designation as may be approved by the Department. The bus number shall be displayed on both left and right front sides and in a conspicuous location on the rear of the bus. Said numbers and lettering to be not less than four (4) inches in height and not less than one-half inch in stroke. A vehicle authorized to operate under a lease arrangement shall display the names of the lessor on both sides of the bus.

25. Brakes. Each motor bus shall have two (2) separate braking systems with independent operation. They shall be designed in such a way that failure of any part of either system will not deprive the bus of an effective brake acting on at least two (2) wheels. One braking system shall consist of a power brake as provided for in section 7 of c. 90 of the General Laws, acting on at least four (4) wheels and arranged in such a way as to be operated by foot. It shall be capable of stopping the bus within a distance of 25 feet when the bus is moving at a speed of twenty (20) miles per hour on a dry, level road.

A second braking system shall consist of an emergency brake which shall be capable of stopping a bus within a distance of sixty (60) feet while the bus is moving at a speed of twenty (20) miles per hour on a dry, level road. It shall employ a suitable locking device designed to insure that the bus is held stationary.

Motor buses which utilize a locking device system in lieu of a ratchet type brake shall be equipped with an emergency locking device release in order to permit the moving of a bus from a hazardous position. This device shall be readily operated by a person seated in the driver's seat and its emergency position and its method of operation shall be clearly indicated. This device must be in acceptable operating condition as of September 1, 1966.

Exemption from the above mentioned emergency locking device release may be granted in the case of a bus where adequate protection has been installed around the lockport areas of the D D 3 brake chambers. Buses employing a braking system complying with D.O.T. (121) shall employ a parking brake which will hold a bus stationary headed up or down with a full load on a 20 percent grade.

26. Air Equipment. Every motor bus equipped with a compressed air tank shall be provided with a safety valve which shall be tested semi-annually with the date of the test marked on the tank. There shall be a distinct and separate audible signal to warn the driver when the air pressure in the reservoir reaches a point below the effective working pressure. Said tank shall also be equipped with a drain valve to be operated either manually or automatically. Alcohol injection systems may be employed.

27. Lock and Key. Every motor bus shall be provided with an ignition lock and key to prevent it from being set in motion by unauthorized persons. Every diesel powered bus shall be equipped with an emergency shut off or over-rule located convenient to the driver.

28. Interior Lights. Every motor bus with a top shall be equipped with electric lights so located as to provide for a well distributed illumination of the interior, platform and steps of the bus. Such lights shall be kept lighted at all times when the lack of illumination may result in danger or discomfort to the passengers.

29. Exterior Lights. Every motor bus shall be equipped with all exterior lights in conformity with Section 7 of Chapter 90 of the General Laws and U.S. D.O.T. regulations. All transit type buses used in school bus operation shall be equipped with school bus signs and flashers in the front and rear of the bus. Every motor bus shall be equipped with front and rear markers, consisting of two (2) amber lights in the front and two (2) red lights in the rear, located at the extreme upper corners of the body. Said bus shall have a cluster of three (3) amber lights located on the upper front center and a cluster of three red lights located on the upper rear center of the bus. Buses manufactured prior to January 1, 1975, which are not equipped with cluster lights may be exempted. These lights shall be kept lighted at such times as the head lights and rear lights are required to be lighted by law. There shall be no red lights showing in the direction toward which bus is proceeding or facing, except this prohibition shall not apply to any bus while operating as a school bus.

30. Warning Lights. Every motor bus shall be equipped with right rear and left rear stop lights with red colored lenses which shall light whenever the foot brake is applied. Every motor bus

shall be equipped with front and rear directional lights.

31. Mirrors. Every motor bus shall be equipped with exterior rear view mirrors which provide the driver with a clear view of the roadway on each side and to the rear of the vehicle. It shall also be equipped with an interior rear view mirror which shall provide the driver with a clear view of the interior of the vehicle. Vehicles used in school bus service whose design does not permit the driver to observe the road from the bumper forward, shall be equipped with an exterior mirror, convex in shape at least 7-1/2 inches in diameter, firmly mounted at hood, windshield, or at fender top height on the left side of bus. In cases of busses with forward mounted motors and fenders, a mirror shall be mounted on the right front fender providing clear view of the lower right side to the drivers.

32. Bumpers. Every motor bus shall be equipped with suitable front and rear bumpers of heavy duty type and sufficient strength securely attached to the chassis.

33. Safety Chock Blocks. Every motor bus, having a seating capacity of more than seven passengers, shall be equipped with one (1) pair of adequate chock blocks. Whenever such motor vehicle shall be parked on a way on a grade where the vehicle may move on its own momentum, safety chock blocks shall be securely placed around the rear wheels to prevent movement. These blocks shall be kept in a place easily accessible to the driver of the vehicle and located so as not to interfere with the safety or the comfort of passengers.

34. Sun Visors. Every motor bus shall be equipped with a device which will protect the eyes of the driver from the direct rays of the sun.

35. Steps. The lowest step at the entrance and exit doors of a motor bus shall not be more than sixteen (16) inches from the ground when the tires are fully inflated and the bus unloaded, nor shall the height between any two (2) steps be more than fifteen (15) inches. All steps shall be provided with safety treads which will prevent passengers from slipping.

36. Emergency Door. Every motor bus shall be provided with an emergency door located in the middle of the rear of the bus or on the side opposite the receiving door. The emergency door shall be easily opened. It shall, unless otherwise authorized by the Department, open outwardly and shall be kept free from obstructions. The words "Emergency Door" shall be conspicuously marked on or near this door.

Each bus designed with transverse seats extending the full width of the body shall be provided with a door at each end of said seat. The words "Emergency Door" shall be conspicuously marked on or near each door on the left side of this type of bus. The minimum clearance of a bus Emergency Door and approach thereto shall be forty eight (48) inches from the floor of the bus and eighteen (18) inches wide, and it shall provide at least twelve (12) inches floor clearance. Emergency Doors shall be identified by a red light which shall be lighted when required and readily visible to passengers. They shall be equipped with an audible signal that sounds whenever the door is opened.

Note: If any school type bus permitted by the Department is equipped with a locking device on its Emergency Door, the locking device shall not be engaged while the bus is in motion. This type of bus shall be equipped with an interlocking device which will prevent the starting of the engine and the movements of the bus while the door is locked.

37. Emergency Escape Kick-out Windows. All busses shall have an emergency door at the rear or rear left side, or in lieu thereof, shall be provided with emergency escape pushout windows. Each window shall be in a form of a parallelogram with dimensions of not less than eighteen (18) inches by twenty-four (24) inches and shall contain an area of not less than four-hundred-and-thirty-two (432) square inches. There shall be a sufficient number of such pushout or kickout windows in each vehicle to provide a total escape area equivalent to sixty-seven (67) square inches per seat, including the driver's seat. No less than forty (40) percent of the total escape area shall be on one side of the vehicle. The emergency escape pushout or kickout windows shall be conspicuously marked by sign or light and shall always be kept in good working order so that they may be readily opened in an emergency. Windows shall not be obstructed by bars or other means located either inside or outside such windows so as to hinder escape.

38. Seats and Aisles. (a) A clearance of not less than twenty-six (26) inches shall be provided between seats, measured at a plane of the seat line from the front of the back rest of each seat to the nearest forward obstruction.

(b) A seating space of not less than sixteen (16) inches shall be provided for each seated adult passenger, except when the bus is used exclusively in school service or camp service operation.

(c) The aisle shall be at least sixteen (16) inches in width; except for intercity type busses which shall not be less than fourteen (14) inches.

The aisle shall be approximately on the same plane with no steps or other abrupt changes in level (intercity type exempted), and shall have an overhead clearance of at least seventy-four (74) inches over its entire length.

(d) The aforementioned requirements (a, b, and c) shall not apply to school bus type vehicles while being operated under authority of a certificate, license or permit issued by this Department. Such vehicles shall conform to the requirements of Chapter 90 of the General Laws and the regulations of the Registry of Motor Vehicles.

(e) The use of portable or aisle seats is forbidden.

(f) Aisles and doorways shall be kept clear of all obstructions.

(g) The seating capacity in any motor bus shall not be changed without notification to the Department. Busses in which such changes have been made shall not be operated until inspected and approved by the Department.

39. Tires. (a) Dual tires shall be matched as to size, wear, type, and must meet manufacturer's load specifications.

(b) No motor bus shall be operated with regrooved recapped or retreaded tires on the front wheels. Only class A tires

shall be used on the front wheels. The tread groove depth shall be no less than 4/32nd of an inch.

(c) No motor bus shall be operated with any tire deflated or with undue low air pressure.

40. Exhaust. The exhaust system shall be maintained outside the body of the bus to prevent leakage of exhaust gases from entering the bus, and the exhaust pipe shall extend to the rear end of the bus. The exhaust system, including the muffler, shall be properly insulated from fuel tanks and fuel line connections. Every bus shall be maintained in proper mechanical condition to prevent excessive smoke emission from its exhaust system.

41. Fuel Tanks. Gasoline supply tanks must be properly protected. No bus shall be fueled while the engine is running, nor shall said fuel tanks be filled while passengers are in the bus.

42. Engine Covers. Busses equipped with engines installed within area of driver's compartment must be fully covered and properly protected from fire, and from noxious and toxic fumes and and gasses.

43. Fire Extinguishers. Every motor bus shall be equipped with a pressurized dry chemical type fire extinguisher of a type approved by the Underwriter's Laboratory Inc., with a rating of not less than ten (10) B.C. (one 10 B.C. or two 5 B.C. permitted)

44. Drive Shaft Protection. The drive shaft on every motor bus must be protected in a way to prevent same from falling on the ground or coming in contact with the floor of the bus in case it becomes disconnected.

45. Horn. Every motor bus shall be equipped with a horn which shall be maintained in good working condition so as to give an adequate and reliable warning signal for the driver.

46. Windshield Wipers and Washer. Every motor bus shall be equipped with two (2) automatically operated windshield wiper blades in operating condition. Busses manufactured after January 1, 1974, and subsequent years, shall be equipped with a suitable windshield washer device.

47. Windshield Safety Glass. All glass shall be installed with a visible and legible identification mark and it shall conform to U.S. DOT MVSS-205. Laminated AS-1 safety glass shall be used in the windshield.

48. Driver's First Aid Kit. Every motor bus shall be equipped with a suitable first aid kit in compliance with U.S. DOT Safety standards (393.96). Intra-city operation is exempted from this rule.

49. Emergency Road Markers. Every motor bus shall be equipped with at least three (3) red emergency reflectors or red electric lanterns which comply with U.S. DOT Safety Standards and which shall be placed in a suitable position on the roadway when required. Intra-city operation is exempted from this rule.

50. Driver's Seat Belts. Every motor bus manufactured after January 1, 1974, must be provided with a seat belt for the driver which will conform with U.S. DOT Safety Standards and which shall be fastened around driver whenever bus is in motion. All busses used in school service shall be equipped with driver seat belts which shall be used when the bus is in motion.

51. Driver's Guard. Every motor bus shall be provided with a guard or other means to prevent passengers from crowding or interfering with the driver. No person shall be permitted at any time inside the guard.

52. Grab Handles for Doors. Every motor bus shall be provided with a grab handle conveniently located at each receiving door.

53. Grab Handles for Standees. Every motor bus carrying standing passengers shall be provided with grab handles, straps or bars for their support.

54. Ventilators. Every closed bus shall be equipped with ventilators of a suitable type to insure proper ventilation. Busses equipped with an air conditioning system and solid type windows shall have at least two (2) windows of sliding type or roof ventilators which will allow ventilation in the event of loss of the system. These windows shall be located on opposite sides of each other. The latter two sentences apply to busses of model year 1978 and thereafter.

55. Signal to Driver. Every motor bus used in regular route service shall be provided with a bell or buzzer which can be conveniently sounded by a passenger from any part of the interior of the bus as a signal to the driver for the bus to come to a stop.

56. Route and Destination Signs. Every motor bus shall properly display a destination or route sign at the front which shall be clearly visible by day or night. Special, charter or school bus signs shall be displayed whenever the bus is engaged in such service. No passenger signs shall be displayed when passenger

are not desired. Whenever transit or coach type vehicles are used under a school permit issued by the Department, school bus signs must be displayed.

57. Standees. Passengers in excess of 25 per cent above the seating capacity of a motor bus shall not be habitually carried where the inside length of the bus is less than 23 feet, or the inside height is less than 74 inches, or the width of the aisle is less than 16 inches. Passengers in excess of 40 per cent above the seating capacity of a motor bus shall not habitually be carried where the dimensions are in excess of the foregoing. Where the number of passengers regularly exceeds these excess numbers of passengers, it shall be the duty of the owner to furnish additional facilities to carry such passengers. In no event shall standing passengers be carried for a distance in excess of 20 miles.

58. Heaters and Defrosters. Every motor bus shall be equipped with adequate heaters and defrosters which shall comply with United States Department of Transportation Motor Carrier Safety Regulations, Sections 393.77 and 393.79.

59. Trailer. No motor bus shall be operated with a trailer.

60. Speedometer. Unless otherwise ordered by the Department, every motor bus operated on a route exceeding six miles in length between the termini thereof shall be provided with a standard speedometer, which shall be maintained in good working order and exposed to view at all times while the bus is in service.

61. Baggage and Express. No express or baggage matter shall be carried in a motor bus which may cause discomfort or inconvenience to passengers or interfere with the safety of the operation. No owner or driver of a motor bus shall knowingly receive for trans-

portation or allow to be carried on such bus any explosive, inflammable substance or other dangerous articles, except for gasoline or other fuel used for its own locomotive power and carried in the provided for tank.

62. Busses Exempt from Certain Rules. Motor vehicles operated under a certificate of public convenience and necessity, license, or permit issued by the Department, may, upon application, be exempted from such of these rules as the Department may determine.

63. Application of Rules and Regulations. The foregoing rules and regulations for the operation of motor busses are for general application and are subject to such changes and modifications as the Department may, from time to time, deem advisable. They are also subject to exceptions as the Department may consider just and reasonable upon application of a carrier.

64. Penalty. The violations of any of the foregoing rules shall be cause for revocation of certificate, license, permit, motor bus permit or driver's license, issued by the Department in accordance with the provisions of Section 15 of Chapter 159 A of the General Laws.

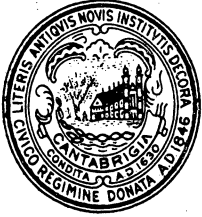
65. Permits and Licenses. Permits and licenses shall be issued and signed by the Chairman of the Commission or by a person so designated by the Chairman. The Department may suspend or revoke a license or permit for cause after a hearing. The Director of the Railway and Bus Division may suspend a permit or license for the protection of the public safety pending a hearing.

66. Additional Rules by Owner of Motor Bus. Nothing contained in these regulations shall be construed as prohibiting any motor carrier from enforcing additional rules and regulations relating to safety of operation not inconsistent with these regulations.

Additional Rules Applicable to Sightseeing Motor Vehicle Operation In and From the City of Boston

67. Trips To Be Complete. Every sightseeing trip shall be operated so as to return passengers to substantially the same starting point.

68. Passengers and Fares. No passengers travelling for transportation rather than sightseeing purposes, or intending to complete his ride before the sightseeing round trip is substantially completed shall knowingly be accepted by an operator. In no event shall a lesser fare be charged or accepted than that charged for the entire round trip. No schedule of fares shall be filed with the Department in violation of this rule.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

January 11, 1982

To the Honorable, the City Council:

With reference to City Council Order No. 11 of December 7, 1981, I transmit herewith communication from City Solicitor Russell B. Higley relative to possible legislation which would allow the City Council stronger control over buses, vans, etc., which operate through the streets of the City of Cambridge.

Very truly yours,

Robert W. Healy
City Manager

RWH/b

Agenda Item Number Five

S-17

Re: response to Council Order No. 11 of December 7, 1981 Re: legislation which would allow the City Council stronger control over buses, vans, etc. operating through the city.

In City Council,

January 11, 1982

1/11/1982

Placed

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