HOUSE DOCKET, NO. 223 FILED ON: 1/8/2013

HOUSE . . . . . No. 3173

The Commonwealth of Massachusetts

PRESENTED BY:

Martha M. Walz

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to historic preservation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Martha M. Walz	*8th Suffolk*
Cory Atkins	*14th Middlesex*
Carl M. Sciortino, Jr.	*34th Middlesex*

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By Ms. Walz of Boston, a petition (accompanied by bill, House, No. 3173) of Martha M. Walz, Cory Atkins and Carl M. Sciortino, Jr. relative to making the MBTA subject to historic district regulations and other laws regulating properties listed on the national, state, or municipal list of historic places. Transportation.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *1818* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act relative to historic preservation.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to subject the Massachusetts Bay Transportation Authority to the historic preservations regulations and laws, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 3 of chapter 161A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out subsection (i) and inserting in place thereof the following subsection:-

(i) To provide mass transportation service, whether directly, jointly or under contract, on an exclusive basis, in the area constituting the authority and without being subject to the jurisdiction and control of the department of telecommunications and energy in any manner except as to safety of equipment and operations and, with respect only to operations of the authority with equipment owned and operated by the authority, without, except as otherwise provided in this chapter, being subject to the jurisdiction and control of any city or town or licensing authority; provided, that schedules and routes shall not be considered matters of safety subject to the jurisdiction and control of the department. Except as otherwise provided in this

12 chapter, the board shall determine the character and extent of the services and facilities to be
13 furnished, and in these respects their authority shall be exclusive and shall not be subject to the
14 approval, control or direction of any state, municipal or other department, board or commission
15 except the advisory board as provided in this chapter and except that the board's authority shall
16 be subject to the approval, control or direction to the maximum extent allowable of any federal,
17 state or municipal department, board or commission that has the authority to regulate an
18 architectural or historic district, properties listed on the National Register of Historic Places, the
19 State Register of Historic Places or a local equivalent, or properties that have received city, state
20 or federal landmark status. Nothing contained in this paragraph shall be construed as exempting
21 any privately owned or controlled carrier, whether operating independently, jointly or under
22 contract with the authority, from obtaining any license required under section 1 of chapter 59A.