

**HOUSE . . . . . No.**

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**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 bill:

An Act relative to historic preservation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Martha M. Walz	8th Suffolk
Byron Rushing	9th Suffolk
Pam Richardson	6th Middlesex
John D. Keenan	7th Essex
Denise Provost	27th Middlesex
William Lantigua	16th Essex
Alice K. Wolf	25th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3691 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT RELATIVE TO HISTORIC PRESERVATION.

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

1 SECTION 1. Chapter 161A of the General Laws is hereby amended by striking out section 3(i),  
2 as appearing in the 2006 Official Edition, and inserting in place thereof the following section:

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4 3(i) To provide mass transportation service, whether directly, jointly or under contract, on an  
5 exclusive basis, in the area constituting the authority and without being subject to the jurisdiction  
6 and control of the department of telecommunications and energy in any manner except as to  
7 safety of equipment and operations and, with respect only to operations of the authority with  
8 equipment owned and operated by the authority, without, except as otherwise provided in this  
9 chapter, being subject to the jurisdiction and control of any city or town or licensing authority;  
10 provided that schedules and routes shall not be considered matters of safety subject to the  
11 jurisdiction and control of said department. Except as otherwise provided in this chapter, the  
12 board shall determine the character and extent of the services and facilities to be furnished, and  
13 in these respects their authority shall be exclusive and shall not be subject to the approval,  
14 control or direction of any state, municipal or other department, board or commission except the  
15 advisory board as provided in this chapter and except that the board's authority shall be subject  
16 to the approval, control or direction to the maximum extent allowable of any federal, state or  
17 municipal department, board or commission that has the authority to regulate a historic district,  
18 properties listed on the National Register of Historic Places, the State Register of Historic Places  
19 or a local equivalent, or properties that have received city, state, or federal landmark status.

20 Nothing contained in this paragraph shall be construed as exempting any privately owned or  
21 controlled carrier, whether operating independently, jointly or under contract with the authority,  
22 from obtaining any license required under section 1 of chapter 59A.