



# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

D.P.U. 09-45

May 20, 2009

Investigation by the Department of Public Utilities on its own Motion commencing a rulemaking pursuant to 220 C.M.R. § 2.00 et seq. revising 220 C.M.R. § 151.00 and 220 C.M.R. § 155.00.

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On May 18, 2009, the Department of Public Utilities (“Department”), issued an Order adopting emergency regulations establishing 220 C.M.R. § 151.13, Rail Fixed Guideway System: System Safety/Security Program Standard, and amending 220 C.M.R. § 155.02(13), 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.

The Department’s emergency regulations establish 220 C.M.R. § 151.13 prohibiting the operator of a rail transit vehicle from possessing or using a cellular telephone or other electronic device while operating a Massachusetts Bay Transportation Authority (“MBTA”) rail transit vehicle. The Department’s emergency regulations also amend 220 C.M.R. § 155.02(13) prohibiting the driver of an MBTA bus from possessing or using a cellular telephone or other electronic device, other than a company-installed radio for official use, while on duty.

A copy of the Department’s Order and regulations may be viewed at the Department’s offices at the South Station address listed below. In addition, the Department has posted a copy of the Order and emergency regulations on its website, <http://www.mass.gov/dpu>.

To provide opportunity for comment, and pursuant to G.L. c. 30A, and 220 C.M.R. § 2.05, the Department will hold a public hearing on Tuesday, June 30, 2009, at 10:00 a.m., at the Department’s offices, One South Station, Boston, Massachusetts. Interested persons may present facts, opinions, or arguments relating to the emergency regulations at the public hearing. The Department seeks written comments prior to the public hearing, but no later than 5:00 p.m. on Thursday, June 25, 2009. Comments should be limited to a maximum of ten one-sided, double-spaced typewritten pages. All written comments should be filed with Mary L. Cottrell, Secretary, Department of Public Utilities, One South Station, 2<sup>nd</sup> Floor, Boston, Massachusetts 02110.

All documents should be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to [dpu.efiling@state.ma.us](mailto:dpu.efiling@state.ma.us) and [kate.mckeever@state.ma.us](mailto:kate.mckeever@state.ma.us); or (2) on a 3.5" disk or CD-ROM. The text of the e-mail, disk label, or CD-ROM must specify: (1) the docket number of the proceeding (D.P.U. 09-45); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. All documents submitted in electronic format will be posted on the Department's website: <http://www.mass.gov/dpu>.

By Order of the Department,

/s/

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MARY L. COTTRELL, SECRETARY