

# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

### NOTICE OF PUBLIC HEARING AND REQUEST FOR COMMENTS

D.P.U. 23-145

December 13, 2023

Investigation by the Department of Public Utilities, on its own motion, commencing a rulemaking pursuant to G.L. c. 30A, § 2; G.L. c. 159B, § 6B; and 220 CMR 2.00 to amend Rates for the Towing of Motor Vehicles at 220 CMR 272.00.

On December 11, 2023, the Department of Public Utilities (“Department”) opened a rulemaking proceeding pursuant to G.L. c. 30A, § 2, and 220 CMR 2.00 to amend 220 CMR 272.00: Rates for the Towing of Motor Vehicles. The Department has docketed this matter as D.P.U. 23-145.

The Department issued an emergency regulation increasing the maximum rates and charges applicable to involuntary tows in Massachusetts pursuant to G.L. c. 159B, § 6B. The Department found that immediate implementation of the emergency regulation, without delay, was necessary for the preservation of public safety to ensure the continued availability of adequate towing services for disabled vehicles and police-ordered tows. The emergency regulation became effective upon filing with the Secretary of the Commonwealth on December 13, 2023. As described in this Notice, the Department will solicit comments on the emergency regulation, conduct a public hearing, and promulgate a final regulation. The Department will conclude this rulemaking process before the end of the effective period of the emergency regulation.

The emergency regulation increases the maximum rates and charges applicable to involuntary tows in Massachusetts. For passenger automobiles: (1) the maximum charge per tow will increase from \$108.00 to \$132.00; (2) the service and waiting time in excess of one hour charge will increase from \$42.00 to \$51.00 per half hour; (3) the additional service vehicle charge will increase from \$108.00 to \$132.00; (4) the excessive mileage rate will increase from \$3.60 per mile to \$4.40 per mile; and (5) the additional labor charge will increase from \$38.40 per hour to \$46.00 per hour. For commercial vehicles: (1) the maximum charge per tow will increase from \$108.00 to \$132.00; and (2) the excessive mileage rate will increase from \$5.40 per mile to \$6.60 per mile. The threshold for applying the fuel surcharge set forth in 220 CMR 272.05 will increase from \$2.622 to \$3.196. The embedded cost of fuel in the basic tow rate used to calculate the fuel surcharge will increase from \$7.32 to \$8.92.

The Department will conduct a virtual public hearing to receive comments on the rulemaking. The Department will conduct the hearing using Zoom videoconferencing on

**Tuesday, January 23, 2024, beginning at 2:00 p.m.** Attendees can join by entering the link, <https://us06web.zoom.us/j/82934979082>, from a computer, smartphone, or tablet. For audio-only access to the hearings, attendees can dial in at 1 (646) 558-8656 (**not toll free**) and then enter **Meeting ID# 829 3497 9082**. If you anticipate providing comments during the public hearing, please send an email by **Wednesday, January 17, 2024**, to [timothy.m.federico@mass.gov](mailto:timothy.m.federico@mass.gov) with your name, email address, and mailing address.

Any person interested in commenting may also submit written comments to the Department no later than 5:00 p.m. on **Wednesday, January 17, 2024**. Written reply comments must be filed no later than 5:00 p.m. on **Tuesday, January 30, 2024**. Written comments and reply comments shall be limited to a maximum of ten one-sided, double-spaced, typewritten pages.

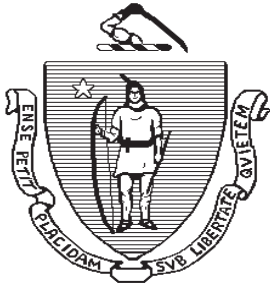
All documents must be submitted to the Department in **.pdf format** by e-mail attachment to [dupe.filing@mass.gov](mailto:dupe.filing@mass.gov) and [timothy.m.federico@mass.gov](mailto:timothy.m.federico@mass.gov). The text of the e-mail must specify: (1) the docket number of the proceeding (D.P.U. 23-145); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. All documents submitted in electronic format will be posted on the Department's website through our online File Room as soon as practicable (enter "23-145") at: <https://eeaonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber>.

Please note that in the interest of transparency any comments will be posted to our website as received and without redacting personal information, such as addresses, telephone numbers, or email addresses. As such, consider the extent of information you wish to share when submitting comments. The Department strongly encourages public comments to be submitted by email. If, however, a member of the public is unable to send written comments by email, a paper copy may be sent to Mark D. Marini, Secretary, Department of Public Utilities, One South Station, Boston, Massachusetts, 02110.

All documents, pleadings, or filings submitted to or issued by the Department will be available on the Department's website as referenced above as soon as practicable. To the extent a person or entity wishes to submit comments in accordance with this Notice, electronic submission, as detailed above, is sufficient. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), contact the Department's ADA coordinator at [Gabriella.Knight@mass.gov](mailto:Gabriella.Knight@mass.gov). For further information regarding this notice, please contact Timothy Federico, Hearing Officer, Department of Public Utilities, at [timothy.m.federico@mass.gov](mailto:timothy.m.federico@mass.gov).

By Order of the Department,

/s/  
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Mark D. Marini, Secretary



# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

December 13, 2023

<b>Small Business Impact Statement</b> <i>(As required by M.G.L. c. 30A §§ 2, 3 &amp; 5)</i>		
<b>CMR No: 220 CMR 272.00: Rates for the Towing of Motor Vehicles</b>		
<b>Estimate of the Number of Small Businesses Impacted by the Regulation: 557</b>		
<b>Select Yes or No and Briefly Explain</b>		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? Small businesses will not have to create, file, or issue additional reports.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? Small businesses do not have to implement additional recordkeeping procedures.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? Small businesses will not have to provide additional administrative oversight.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation? Small businesses will not have to hire additional employees in order to comply with the regulation.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? Compliance with the regulation will not require small businesses to hire other professionals.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? The regulation will not require small businesses to purchase a product or make any other capital investments in order to comply with the regulation.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective? (Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.) G.L. c. 159B, § 6B directs the DPU to “establish the maximum charges that may be made by persons subject to the provisions of this chapter for the towing away of motor vehicles, when such towing is ordered by the police or other public authority.” This regulation ensures that the statutory requirements are met and that charges for involuntary motor vehicle towing in the Commonwealth are consistent and transparent. Performance standards are not more appropriate to accomplish the regulatory objective.

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? No regulations duplicate or conflict with the regulation.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? The regulation does not require small businesses to cooperate with audits, inspections or other regulatory enforcement activities.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? The regulation does not require small businesses to provide educational services to keep up to date with regulatory requirements.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? The regulation is not likely to deter the formation of small businesses in Massachusetts.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? The regulation is not likely to encourage the formation of small businesses in Massachusetts.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? All businesses must comply with the compliance or reporting requirements of the regulation.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? All businesses must adhere to the same schedules or deadlines for compliance or reporting requirements.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? The Department of Public Utilities did not consolidate or simplify compliance or reporting requirements for small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? All businesses must adhere to the same standards, and as noted above, performance standards are not more appropriate than design or operational standards in accomplishing the regulatory objective.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? There are no alternative regulatory methods that would minimize the adverse impact on small businesses.