

MASSACHUSETTS APPEALS COURT

Layman v. Massachusetts Bay Transportation Authority

No. 25-P-14 (Mass. App. Ct. Apr. 6, 2026) · No. 25-P-14 · Decided April 6, 2026

SUMMARY

The Massachusetts Appeals Court affirmed dismissal of a plaintiff’s action against the Massachusetts Bay Transportation Authority seeking to compel the sounding of both bells and whistles at railroad grade crossings. The court held that G. L. c. 160, § 138 requires a bell or a whistle, not both, and therefore did not create the public duty on which the plaintiff relied for standing under the public right doctrine. The court also affirmed denial of the motion to alter or amend the judgment.

CASE DETAILS

COURT	Massachusetts Appeals Court
WRITING FOR THE COURT	Rubin, J.; Shin, J.; Singh, J.
JURISDICTION	Massachusetts Appeals Court
DECIDED	April 6, 2026
DOCKET	25-P-14
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the dismissal of a civil action in the nature of mandamus for lack of standing and from the denial of the plaintiff's motion to alter or amend the judgment.
STANDARD OF REVIEW	The court reviewed the dismissal for lack of standing and the denial of the motion to alter or amend the judgment; the opinion does not state a separate formal standard-of-review formulation.
PRECEDENTIAL VALUE	Published Massachusetts Appeals Court opinion; precedential value indicated by the published status in the supplied metadata.
PARTIES	Mark Layman v. Massachusetts Bay Transportation Authority

TOPICS

- statutory interpretation
- standing
- motions to dismiss
- appellate procedure
- civil procedure

PRACTICE AREAS

- statutory interpretation
- civil procedure
- standing
- appellate procedure
- remedies

QUESTIONS PRESENTED

1. Whether G. L. c. 160, § 138, requires railroad corporations to sound both a bell and a whistle at every covered grade crossing, rather than permitting either a bell or a whistle.
2. Whether the alleged statutory duty supported Layman's standing under the public right doctrine to seek relief in the nature of mandamus.
3. Whether the Superior Court properly dismissed the complaint and denied the motion to alter or amend the judgment.

HOLDINGS

1. Section 138 requires a railroad corporation to ring a bell or sound a whistle at covered grade crossings; it does not require both a bell and a whistle.
2. Layman lacked standing under the public right doctrine because § 138 did not create the public duty he alleged.
3. Boyd did not authoritatively construe § 138 to require a whistle rather than permitting a bell to satisfy the statute.

KEY QUOTATIONS

“Nonetheless, the plain language of the statute states that either the bell shall be rung or the whistle sounded. It does not say that the whistle must be sounded.” (3)

“The structure of the statutory sentence in this case, which places two different things on either side of the word “or” — the ringing of the bell and the sounding of the horn — forecloses any such reading here.” (6)

“Because the statute does not create the public duty alleged by the plaintiff, he lacks standing to bring this suit.” (7)

FACTUAL BACKGROUND

Layman alleged that the MBTA had a clear and unequivocal duty under G. L. c. 160, § 138, to sound both bells and whistles whenever its commuter rail trains crossed public ways at grade. The MBTA conceded that it did not sound a whistle at every crossing. Layman relied on the public right doctrine, asserting that the alleged statutory duty gave him standing to seek relief in the nature of mandamus. The court accepted for purposes of decision his assertions that whistle use promotes pedestrian safety and saves lives.

PROCEDURAL HISTORY

Layman commenced a civil action in the Suffolk Superior Court seeking to compel the MBTA to sound both bells and whistles at all at-grade railroad crossings. The Superior Court dismissed the complaint after concluding that Layman lacked standing under the public right doctrine and denied his motion to alter or amend the judgment. Layman appealed to the Massachusetts Appeals Court.

DISPOSITION

affirmed

CASES CITED

- Tax Equity Alliance for Mass. v. Commissioner of Revenue, 423 Mass. 708, 714 (1996)
- Boyd v. National R.R. Passenger Corp., 446 Mass. 540, 550-551 & n.13 (2006)
- Anderson v. Attorney Gen., 479 Mass. 780, 786, 791-792 (2018)

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