

By Mr. McIntyre, a petition of the Board of Directors of the Massachusetts Bay Transportation Authority, by Edward F. McLaughlin, Jr., and James R. McIntyre for legislation to authorize said authority to lease air rights over its transportation facilities. Transportation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Seven.

AN ACT AUTHORIZING THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY TO LEASE AIR RIGHTS OVER ITS TRANSPORTATION FACILITIES.

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 three of chapter one hundred sixty-one A of the
 2 General Laws is hereby amended by adding at the end thereof
 3 the following paragraph: —

4 (R) The authority may lease at one time or from time to
 5 time for a term or terms not to exceed ninety-nine years, upon
 6 such terms and conditions as the authority in its discretion
 7 deems advisable, air rights over rapid transit and other trans-
 8 portation facilities owned or used by the authority, including
 9 rights for support, access, utilities, light and air, for such non-
 10 transportation purposes as, in the opinion of the authority,
 11 will not impair the construction, full use, safety, maintenance
 12 or repair of the transportation facilities involved. Any lease
 13 granted under this paragraph may, with the consent of the
 14 authority, be assigned, pledged or mortgaged and the lieu of
 15 such pledge or mortgage may be foreclosed by appropriate
 16 action. The construction or occupancy of any building or
 17 other thing erected or affixed under any lease under this para-
 18 graph shall be subject to the building, fire, garage, health and
 19 zoning ordinances, by-laws, rules and regulations applicable
 20 in the city or town in which such building or other thing is
 21 located. Any building, or other thing erected or affixed under

22 any such lease under this paragraph shall be taxed to the
23 lessee thereof or his assigns in the same manner and to the
24 same extent as if such lessee or his assigns were the owners of
25 the land in fee; provided that no part of the value of the land
26 shall be included in any such assessment. Any such leasehold
27 estate may be sold or taken by the collector of taxes of the
28 city or town in which the said leasehold estate is situated for
29 the nonpayment of any taxes assessed as aforesaid in the
30 manner provided by law for the sale or taking of real estate
31 for nonpayment of local taxes. Said collector shall have for
32 the collection of taxes assessed under this paragraph all other
33 remedies provided by the General Laws for the collection of
34 taxes by collectors of cities and towns. The authority shall
35 include in any lease of such air rights a provision whereby the
36 lessee agrees, in the event that the foregoing tax provision
37 is determined by a court of competent jurisdiction to be in-
38 applicable, to pay annually to the city or town in which the
39 building or other thing leased is located, a sum of money in
40 lieu of taxes which would otherwise be assessed in such year.
41 Each lease made pursuant to this paragraph shall require that
42 the lessee file with the authority a statement under oath con-
43 taining the names and addresses of the officers and directors,
44 in the case of a corporation, and in the case of a partnership
45 or other voluntary association, the name and address of all
46 persons having a financial or beneficial interest in said lease.
47 The lessee shall within thirty days after any change in the
48 said officers or directors, or of persons holding any such in-
49 terest file a corrected statement under oath with the au-
50 thority. No billboards shall be erected under the provisions
51 of this paragraph. Two independent and qualified appraisers
52 shall be appointed by the authority to determine the fair rental
53 value of any premises to be leased under the provisions of this
54 paragraph. The provisions of paragraph (C) of section five
55 shall not apply to any lease under the provisions of this para-
56 graph.