

HOUSE No. 177

Accompanying the petition of Martin Hays for extension of the Boylston Street Subway in Boston to the junction of Brighton and Commonwealth avenues and thence by one route to Oak Square and by another to the junction of Lake Street and Commonwealth Avenue. Metropolitan Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Three.

An Act providing for Extension of the Boylston Street Subway to the Junction of Brighton Avenue with Commonwealth Avenue and thence by One Route to Oak Square and by Another Route to the Junction of Lake Street with Said Commonwealth Avenue.

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. The transit department of the city of
2 Boston, hereinafter called the department, shall, after
3 a contract or contracts for the use thereof are made as
4 hereinafter provided, construct in the city of Boston a
5 further extension of the Boylston street subway, so
6 called, with suitable stations, terminals and yards, and
7 so designed as to be adapted to contain two railway
8 tracks, connecting with the existing extension under
9 Commonwealth avenue and continuing under said
10 avenue to its junction with Brighton avenue, thence

11 continuing by one route under said Brighton avenue,
12 Cambridge street and Washington street to a point
13 at or near Oak square in the city of Boston, and also
14 by another route under said Commonwealth avenue
15 from its junction with Brighton avenue to a point at
16 or near the junction of Lake street with said Common-
17 wealth avenue in the said city.

18 The department shall provide, equip and furnish
19 the extension authorized under this act, including
20 terminals, stations, shelters and structures appurte-
21 nant thereto, with all necessary ballast, tracks, rails,
22 fastenings, frogs, switches, switch stands, ties, tie
23 plates, wires, poles, signals, conduits, lighting and
24 power distribution systems, fences, barriers, station
25 equipment and incidental apparatus, and in general
26 shall completely equip and furnish the same with all
27 property, appliances, apparatus, machinery, furniture
28 and fixtures proper and adapted thereto and necessary
29 for the convenient maintenance and operation of a
30 railway therein, and for the safety and accommodation
31 of passengers using the same.

32 For the purposes of this act the department shall
33 have all the powers conferred upon the Boston transit
34 commission by chapter seven hundred and forty-one
35 of the acts of nineteen hundred and eleven and amend-
36 ments thereof, and like powers with respect to the
37 equipment hereinbefore referred to as conferred by
38 chapter four hundred and eighty of the acts of nine-
39 teen hundred and twenty-three with respect to like
40 equipment authorized thereunder.

41 The cost of the extension authorized hereby and the
42 alterations necessary to connect with the said exist-
43 ing extension of said Boylston street subway shall be
44 met by bonds to be issued by the city of Boston in the

45 same manner as bonds issued to meet the original cost
46 of the Boylston street subway. No such work shall
47 be done, however, unless and until a plan therefor
48 shall be approved by the department of public utilities
49 and unless and until a contract between the said city
50 and the Boston Elevated Railway Company shall have
51 been executed for the sole and exclusive use by said
52 company of such further extension and such altera-
53 tions for a term ending upon the termination of the
54 lease of said Boylston street subway. Any plan so
55 approved may be altered at any time by a new plan
56 submitted and approved in like manner, except that
57 after the execution of said contract no such alterations
58 shall be made without the consent of the company
59 thereto in writing. Such contract shall provide that
60 the said company shall pay to the said city a rental at
61 the rate of four and one half per cent per annum upon
62 the net cost of such further extension and such altera-
63 tions and the equipment thereof, provided, however,
64 that the annual rental shall be sufficient to provide
65 an amount equal to one half of one per cent of said
66 net cost in addition to the annual amount of interest
67 on the bonds issued to pay for said net cost, but not
68 less than said four and one half per cent in any event.
69 The contract shall be in the same general form as
70 those authorized by said chapter seven hundred and
71 forty-one, except in so far as any other provisions may
72 be agreed upon by the department and the said com-
73 pany as specially applicable to the demised premises.
74 The said net cost shall be determined in the manner
75 provided in said chapter seven hundred and forty-one,
76 and the rental shall be paid in instalments correspond-
77 ing to the requirements for the payment of rental of
78 said Boylston street subway.

1 SECTION 2. This act shall take effect upon its
2 acceptance both by vote of the city council of the city
3 of Boston, approved by the mayor, and by the Boston
4 Elevated Railway Company by vote of its board of
5 directors, and upon the filing of certificates of such
6 acceptances with the state secretary; provided, that
7 such acceptances, approval and filing occur during
8 the current year.