

SENATE No. 454

The Commonwealth of Massachusetts.

SENATE, March 17, 1915.

The committee on Roads and Bridges, to which were referred the Bill to authorize the construction and maintenance of a new bridge over the Neponset River between the cities of Boston and Quincy (House, No. 570, taken from the files of last year); and the petition (accompanied by bill, House, No. 1567) of Charles S. Lawler relative to the construction and maintenance of a new bridge over the Neponset River between the cities of Boston and Quincy, reports the accompanying bill (new draft).

For the committee,

JULIUS GARST.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Fifteen.

AN ACT

To authorize the Construction and Maintenance of a New Bridge over the Neponset River between the Cities of Boston and Quincy.

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 metropolitan park commission shall
2 forthwith construct as a highway a new bridge across the
3 Neponset river, to be known as Neponset bridge, at or
4 near the present site of the so called Neponset bridge,
5 from Neponset avenue in Boston to Hancock street in
6 Quincy; shall construct any necessary approaches to said
7 bridge on each end thereof; may construct a temporary
8 highway bridge to be used by vehicles, street railway
9 cars, and pedestrians during such construction; shall
10 cause shoals to be dredged or otherwise removed so as
11 to afford vessels passing to or through the draw of the
12 bridge a depth of water equal at least to that now af-
13 forded; and shall take such lands for the approaches to
14 the bridge as they shall deem necessary for carrying
15 out the provisions of this act, and shall cause all lands so
16 taken to be properly filled and graded.

1 SECTION 2. The board of harbor and land commis-
2 sioners, or the directors of the port of Boston, shall au-
3 thorize such occupation of lands or flats outside the har-
4 bor lines, at and near each end of said bridge, as they
5 deem necessary for the proper construction of the bridge
6 and for avoiding angles that will tend to cause collections
7 of floating matter, and in granting licenses for the dredg-
8 ing of flats in said river shall endeavor to ensure the re-
9 moval of the shoals aforesaid by the licensees prior to
10 the necessity for such removal as required in the preced-
11 ing section.

1 SECTION 3. Said bridge shall be constructed sub-
2 stantially in accordance with the plans prepared by the
3 metropolitan park commission, approved by the depart-
4 ment engineers of the cities of Boston and Quincy.
5 The Bay State Street Railway Company, or the street
6 railway company contributing to the cost of this bridge,
7 hereinafter referred to, shall have ten days to examine
8 the plans submitted as above and make such suggestions
9 to the commission as it may see fit. The bridge shall be
10 suitable for all the purposes of ordinary travel, and for
11 two tracks of a street railway company or of the Bay
12 State Street Railway Company, which are to replace in
13 such location, as the said commission shall determine,
14 the single track now operated by said company over said
15 bridge; shall be built not less than sixty feet in width,
16 and with a draw having a clear opening not less than
17 fifty feet in width according to plans to be maintained,
18 subject to the provisions of chapter ninety-six of the
19 Revised Laws, and all other general laws now or here-
20 after in force relating to bridges over tide water, and
21 to the draws therein; except that no compensation for
22 displacement of tide water or for occupying any land or

23 flats of the commonwealth shall be required from said
24 cities.

1 SECTION 4. The approaches to said bridges shall be
2 laid out by said commission as a highway not less than
3 sixty feet in width at its proximity to the abutments of
4 the bridge at either end. In laying out the approaches
5 to the bridge the commission shall have the same power
6 and authority to determine the value of, and assess upon
7 real estate the amount of betterments accruing to said
8 real estate by reason of any taking made by said commis-
9 sion, under the provisions of this act, of land for either
10 of the approaches to said bridge as are now conferred
11 upon the cities of Boston and Quincy, respectively, in
12 respect to betterments assessed for the taking of land for
13 the laying out of highways, and said commission shall
14 also have similar power with respect to the abatement of
15 any such betterments as the cities of Boston and Quincy,
16 respectively, now have.

1 SECTION 5. The cost of the laying out and construct-
2 ing of said approaches, and the cost of construction of
3 the abutments and other parts of said bridge, changing
4 the channel of the river, including the cost of the tem-
5 porary highway bridge, and including all other expenses
6 incurred in carrying out the provisions of this act, shall
7 be deemed the cost of construction of the bridge.

8 The cost of the work authorized by this act shall not
9 exceed three hundred and fifty thousand dollars and shall
10 be paid as follows:—

11 Twenty per cent by the city of Boston; fifteen per
12 cent by the city of Quincy; five per cent by the county of
13 Norfolk; two and one half per cent by the county of
14 Plymouth; fifteen per cent by the Bay State Street Rail-

15 way Company or such other street railway company as
16 shall have a location on said bridge, as aforesaid; and
17 forty-two and one half per cent in the same manner as
18 expenditures made from appropriations authorized to
19 carry out the provisions of said chapter two hundred and
20 eighty-eight of the year eighteen hundred and ninety-four
21 and acts in addition thereto and in amendment thereof.

22 The amount due from each of said parties upon certifi-
23 cation of the same by the state treasurer shall be paid into
24 the treasury of the commonwealth at such times as the
25 treasurer of the commonwealth shall designate, and shall
26 be credited and added to the Metropolitan Parks Loan
27 Sinking Fund, Series Two.

1 SECTION 6. To meet the expenses incurred under this
2 act the treasurer and receiver general is hereby author-
3 ized, with the approval of the governor and council to
4 issue bonds or certificates of indebtedness to an amount
5 not exceeding three hundred and fifty thousand dollars,
6 as an addition to the amounts already authorized under
7 the provisions of chapter two hundred and eighty-eight
8 of the acts of the year eighteen hundred and ninety-four
9 and acts in addition thereto and in amendment thereof,
10 and as part of the Metropolitan Parks Loan, Series Two.
11 Such bonds or certificates of indebtedness shall be issued
12 as coupons or registered bonds, and shall bear interest at
13 a rate not exceeding four per cent per annum, payable
14 semi-annually, on the first days of January and July of
15 each year.

1 SECTION 7. The treasurer of the city of Boston, on
2 the request of the mayor thereof, and the treasurer of
3 the city of Quincy, on the request of the mayor thereof,
4 shall from time to time issue bonds of their respective

5 cities as either may require, in excess of the debt limit
6 prescribed by law, each bond to be designated on the face
7 thereof, Neponset Bridge Loan, and shall use the pro-
8 ceeds to meet the cost to be paid by them respectively
9 under this act. Such bonds shall bear interest, payable
10 semi-annually, at a rate not exceeding four per cent per
11 annum, and shall be payable at such times, not less than
12 ten nor more than forty years from their respective dates,
13 as shall be determined respectively by the treasurer and
14 mayor of the city of Boston and by vote of the city coun-
15 cil of the city of Quincy, and shall be expressed upon the
16 face of the bonds. The provisions of chapter twenty-
17 seven of the Revised Laws and amendments thereof, so
18 far as they may be applicable and are consistent here-
19 with, shall apply to the bonds issued under the authority
20 of this act. The counties of Plymouth and Norfolk
21 may, if its county commissioners believe it advisable to
22 do so, borrow money for a period not exceeding ten
23 years for the purpose of meeting assessments under this
24 act, and their respective treasurers are authorized on the
25 order of said commissioners to issue bonds or notes bear-
26 ing not more than four per cent interest for that purpose.

1 SECTION 8. Any person entitled by law to damages
2 for the taking of or injury to his property under au-
3 thority of this act may have the same determined by a
4 jury in the superior court for the county of Suffolk or
5 Norfolk on petition therefor, in the manner in which
6 damages are determined for the taking of lands for high-
7 ways in the cities of Boston and Quincy, respectively,
8 providing any action brought for such damages on ac-
9 count of any property in Norfolk county shall be heard
10 and tried in Norfolk county.

1 SECTION 9. When said bridge and its approaches are
2 completed, and all work contemplated by this act has
3 been performed, then the care and control of the bridge,
4 draw and its approaches shall vest in the metropolitan
5 park commission. Said commission shall have the whole
6 charge of lighting, policing, managing, maintaining and
7 keeping in repair the said bridge, draw and approaches,
8 and also the exclusive authority to authorize poles, wires
9 and other structures to be placed thereon, and in such
10 place and manner as said commission may deem proper.

11 The money required for lighting, policing, managing,
12 maintaining and keeping in repair said bridge, draw and
13 its approaches, as well as any cost or expense incurred by
14 said commission in connection therewith, and all damages
15 recovered in any action at law by reason of any defect
16 or want of repair of the bridge, draw or its approaches,
17 and any expenses incurred in connection therewith shall
18 be paid out of the annual appropriation of said metro-
19 politan park commission.

1 SECTION 10. The work to be done under this act
2 shall be done in conformity with the work on the Old
3 Colony boulevard, so called, authorized under chapter
4 six hundred and ninety-nine of the acts of the year nine-
5 teen hundred and twelve and acts in amendment thereof
6 and in addition thereto; and any provision hereof not-
7 withstanding the commission shall construct said Ne-
8 ponset bridge in all ways consistently with the work on
9 said Old Colony boulevard.

1 SECTION 11. The supreme judicial court, or any
2 justice thereof, sitting in equity for either the county of
3 Norfolk or the county of Suffolk, shall in term time or

4 vacation, on the petition of any city, corporation or per-
5 son interested, or of the attorney of such petitioner, have
6 jurisdiction in equity to enforce the provisions of this
7 act and to prevent any violation thereof.

1 SECTION 12. This act shall take effect upon its passage.