

HOUSE No. 212

By Mr. Jordan of Revere, petition of Peter J. Jordan for legislation to authorize public off-street parking facilities in the city of Boston and the operation and regulation thereof. Highways and Motor Vehicles.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Six.

AN ACT TO AUTHORIZE THE PROVISION IN THE CITY OF BOSTON OF PUBLIC OFF-STREET PARKING FACILITIES AND THE OPERATION AND REGULATION THEREOF.

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. It is hereby declared that the free cir-
2 culation of traffic of all kinds through the streets of the
3 city of Boston is necessary to the health, safety, and
4 general welfare of the public, whether residing in said
5 city or travelling to, through or from said city in the
6 course of lawful pursuits; that in recent years the
7 greatly increased use by the public of motor vehicles
8 of all kinds has caused serious traffic congestion in the
9 streets of the city of Boston; that parking of motor
10 vehicles in the streets of the city of Boston has con-
11 tributed to this congestion to such an extent as to
12 constitute at the present time a public nuisance;
13 that such parking prevents the free circulation of
14 traffic in, through, and from said city, impedes the

15 rapid and effective fighting of fires and disposition of
16 police forces in said city, threatens irreparable loss in
17 valuation of city property which can no longer be
18 readily reached by vehicular traffic, and endangers the
19 health, safety, and welfare of the general public; that
20 this parking nuisance is not capable of being ade-
21 quately abated except by provision of sufficient off-
22 street parking facilities, conveniently located in the
23 several commercial and residential districts of the
24 city; that adequate off-street parking facilities have
25 not been provided by private capital and private park-
26 ing spaces now existing must be forthwith supple-
27 mented by off-street parking facilities provided by
28 public undertaking; and that the enactment of sec-
29 tions two to eight of this act, inclusive, is hereby
30 declared to be a public necessity.

1 SECTION 2. The city of Boston shall have and may
2 exercise all powers necessary or convenient to carry
3 out the purpose of this act, which is hereby declared
4 to be the acquisition, creation, and operation, in any
5 manner hereinafter provided, under public regulation,
6 of public off-street parking facilities in the city of
7 Boston as a necessary incident to insuring in the public
8 interest the free circulation of traffic in and through
9 said city. Such powers shall include, but shall not be
10 limited to, the powers enumerated in the following
11 paragraphs (a) to (i) inclusive:

12 (a) The power to purchase, acquire by gift, bequest,
13 devise, or grant, and hold property, real or personal
14 or any interest therein, in any area of the city of Boston
15 as to which the authority appointed under section
16 three shall have made a determination that public
17 parking facilities are therein required;

18 (b) The power to take by eminent domain, under
19 chapter seventy-nine or eighty A of the General Laws,
20 and hold property, real or personal, or any interest
21 therein, in any area of the city of Boston as to which
22 the authority appointed under section three shall have
23 made a determination that public parking facilities are
24 therein required;

25 (c) The power to clear and improve any property
26 acquired under this act, and to construct or cause to
27 be constructed thereon such structures suitable for
28 parking facility as the authority appointed under
29 section three shall determine;

30 (d) The power to maintain and operate for the parking
31 by the public of vehicles any property, or interest in
32 property, acquired under this act;

33 (e) The power to contract with any individual,
34 firm, association or corporation, private or public,
35 subject to the provisions of this act, for the operation
36 as a public parking facility of any property, or interest
37 in property, acquired under this act, for such period
38 not exceeding three years as the authority appointed
39 under section three shall determine;

40 (f) The power to license or lease to any individual,
41 firm, association, or corporation, private or public,
42 subject to the provisions of this act, for the operation
43 thereof as a public parking facility, any property, or
44 interest in property, acquired under this act, for such
45 period not exceeding three years as the authority
46 appointed under section three shall determine;

47 (g) The power to sell, exchange, transfer, or assign
48 any property, real or personal, or any interest therein,
49 acquired under this act, whether or not improved, and
50 which the authority appointed under section three
51 shall have determined to be no longer necessary or

52 required for the proper achievement of the purpose of
53 this act;

54 (h) The power to establish and revise from time to
55 time, with or without public hearing, schedules of
56 rates to be charged for the use of parking facilities
57 operated under this act, and to establish, extend,
58 revise and rescind regulations in regard to the use,
59 operation and occupancy of any property or interest
60 therein acquired under this act, to the end that the
61 maintenance, operation, use and charge for the use of
62 all such property shall be subject to public regulation;

63 (i) The power to engage in or contract for the con-
64 struction, reconstruction, alteration, repair and main-
65 tenance of any parking facilities operated or to be
66 operated under this act.

1 SECTION 3. The mayor of the city of Boston shall
2 appoint from time to time such department, board,
3 commission, or official as he may determine as the
4 authority to exercise for and in the name of the city of
5 Boston, subject to the approval of the mayor, any of
6 the powers herein granted; except that any taking by
7 eminent domain under chapter seventy-nine or chapter
8 eighty A of the General Laws shall be done in accord-
9 ance with the provisions of section thirty-one of chap-
10 ter four hundred and eighty-six of the acts of nineteen
11 hundred and nine. The authority so appointed by
12 the mayor shall exercise the aforesaid powers, subject
13 to the approval of the mayor, and shall have full power
14 and discretion to make, with or without public hearing,
15 any determination provided in section two to be made
16 by said authority.

1 SECTION 4. Any contract, license, or lease made
2 under this act shall be subject to termination, at the

3 option of the city of Boston acting by or through the
4 authority appointed under section three, in the event
5 of any failure or omission on the part of any party
6 thereto to observe and enforce the regulations or
7 schedules of rates made and in effect pursuant to this
8 act.

1 SECTION 5. The authority appointed under section
2 three shall fix the charges for parking accommodations
3 in parking facilities operated under this act at the
4 lowest possible rates, consistent with achieving the
5 purpose of this act, which will defray the cost of main-
6 taining, operating, and administering said parking
7 facilities and of meeting the charges for principal of
8 and interest on any indebtedness incurred by the city
9 under this act for the purpose of the acquisition, con-
10 struction, or improvement of land and public parking
11 facilities; and without any purpose to obtain for the
12 city any profit or surplus revenue from the operation
13 of said parking facilities. The rates so to be charged
14 shall make no discrimination among the members of
15 the public seeking to use the said parking facilities
16 and any differentials in said rates shall be based upon
17 differences in location, space, use, or other reasonable
18 differences and shall equally apply to all persons using
19 the facilities to which such rates apply.

1 SECTION 6. In addition to funds which may be
2 appropriated under subsection thirty-three of section
3 five of chapter forty of the General Laws, the city of
4 Boston, in order to meet the cost of the acquisition,
5 construction, and improvement of land and public
6 parking facilities under this act, may provide funds
7 therefor through borrowing. To that end, the treas-
8 urer of the city, without any other authority than that

9 contained in this act, may, at one time or from time
10 to time as the mayor of the city may approve, issue
11 and sell at public or private sale serial bonds of the
12 city. If more than one series of bonds shall be issued,
13 each authorized issue of bonds shall constitute a sepa-
14 rate loan. The bonds shall be designated on their face
15 "Public Off-street Parking Facilities Bond — Act of
16 1946"; shall be in such form of coupon or registered
17 bonds without coupons or coupon bonds exchangeable
18 for registered bonds as the treasurer of the city shall
19 determine; shall be for such term not exceeding
20 twenty years from the respective dates of issue as the
21 mayor and the treasurer of the city shall determine;
22 shall bear interest in accordance with the provisions
23 of chapter fifty-two of the Special Acts of nineteen
24 hundred and eighteen; shall be payable as to principal
25 by such annual payments as will extinguish said bonds
26 at maturity and so that the first of such annual pay-
27 ments on account of any such loan shall be made not
28 later than two years after the date of the bonds issued
29 therefor and that the amount of the principal pay-
30 ments in any year on account of any such loan shall
31 not be less than the amount of principal of the loan
32 payable in any subsequent year. The treasurer of the
33 city of Boston shall hold the proceeds of said bonds in
34 the treasury of the city and shall pay therefrom the
35 costs and the expenses incurred under the provisions of
36 this act. Any premiums received from the sale of said
37 bonds, less the cost of preparing, issuing and selling
38 the same, shall be applied to the payment of the first
39 bond or bonds to mature. The city treasurer may,
40 with the approval of the mayor, make a temporary
41 loan for a period of not more than one year in anticipa-
42 tion of the money to be derived from the sale of any

43 issue of said bonds and may issue notes therefor, and
44 such notes may be refunded by the issue of new notes
45 maturing within said year, but the period of the per-
46 manent loan herein authorized shall not be extended
47 by reason of any such temporary loan. Indebtedness
48 incurred under this section shall, except as herein
49 provided, be subject to the provisions, applicable to
50 the city of Boston, of chapter forty-four of the General
51 Laws, exclusive of the limitation contained in the first
52 paragraph of section seven thereof.

1 SECTION 7. The public improvements authorized
2 in this act are herein declared to be general in their
3 benefits and no betterments shall be assessed therefor.

1 SECTION 8. If any provision of this act, or the
2 application of such provision to any person or circum-
3 stances, shall be held invalid, the remainder of this
4 act or the application of such provision to persons or
5 circumstances other than those as to which it is held
6 invalid, shall not be affected thereby.

