

HOUSE No. 74

Accompanying the second recommendation of the Port of Boston Authority (House, No. 73). Judiciary.

The Commonwealth of Massachusetts

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

AN ACT CLARIFYING AND FURTHER DEFINING THE RIGHTS, POWERS AND DUTIES OF THE PORT OF BOSTON AUTHORITY PERTAINING TO THE ACQUISITION OF CERTAIN WATERFRONT PROPERTIES IN THE CITY OF BOSTON.

1 *Whereas*, The deferred operation of this act would
2 tend to defeat its purpose, which is to make immedi-
3 ately operative the powers vested in the Port of
4 Boston Authority and to aid in the development of
5 the Port of Boston, therefore this act is hereby de-
6 clared to be an emergency law necessary for the im-
7 mediate preservation of the public convenience.

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. Chapter 714 of the acts of 1941 is
2 hereby amended by striking out section 1 and insert-
3 ing in place thereof the following section: —

4 *Section 1.* Subject to the conditions imposed in
5 this section, the Port of Boston Authority, successor,

6 by virtue of the provisions of section five of chapter
7 six hundred and nineteen of the acts of nineteen hun-
8 dred and forty-five, to the rights, powers and duties
9 hereunder originally vested in the department of pub-
10 lic works, for the purpose of improving the pier facili-
11 ties in the Port of Boston, is hereby authorized to
12 acquire by purchase or otherwise, or take by eminent
13 domain under chapter seventy-nine or eighty A of the
14 General Laws, property of the Boston and Maine
15 Railroad being that portion of the property known as
16 the Mystic wharves lying easterly of Chelsea street
17 and now known and more particularly numbered as
18 piers forty-six, forty-seven, forty-eight, forty-nine and
19 fifty together with such lands on the westerly side of
20 said Chelsea street as may be necessary for the con-
21 struction of a ramp or ramps, and other accessories,
22 all to such extent as may be necessary to develop a
23 waterfront terminal with highway and railroad con-
24 nections on said property and may construct a pier
25 thereon substantially in the location of said piers
26 forty-six and forty-seven, but extending a distance of
27 not more than two hundred feet beyond any line
28 limiting structures in tidewater heretofore established,
29 notwithstanding any other provision of law, with
30 sheds, tracks, roadways and appurtenances, and may
31 dredge berths and approaches thereto and provide
32 such other accessories as it may deem desirable; pro-
33 vided, that nothing shall be done under this act unless
34 and until the department is satisfied that labor and
35 materials are available for the performance of the
36 work provided for by this act; and provided, further,
37 that the Authority shall first have executed a written
38 contract, approved by the governor and council, with

39 some responsible party providing for the lease of said
40 property for the period and upon the terms hereinafter
41 provided, except, that the expenses deemed necessary
42 by the Authority for preliminary surveys, engineering
43 and the drafting of detailed plans and specifications
44 for developing the properties and facilities referred to
45 herein may be incurred and paid from the proceeds of
46 the bond issue hereinafter authorized, without the
47 prior execution of such contract for lease. Said lease
48 shall be for a term beginning on the date on which
49 the property is acquired and ending on June thirtieth,
50 nineteen hundred and sixty-three, shall provide for a
51 basic rental of dollars per annum for said
52 term, shall provide that for the balance of the term
53 after the date of the completion of said pier as deter-
54 mined by the Authority, the lessee shall pay to the
55 commonwealth an additional amount of
56 dollars per annum, and shall provide that at the ex-
57 piration of the term of the lease, provided that the
58 lease is continued in full force and effect at all times
59 during such term, it may at the option of the lessee
60 be renewed for a further period of twenty years at a
61 rental of such amount per annum, not less than
62 dollars, as may be agreed upon by the Au-
63 thority and the lessee or, in case of failure so to agree,
64 as may be determined by three arbitrators, one to be
65 named by the Authority, one by the lessee, and the
66 third to be selected by the two so chosen. Said lease
67 shall further be subject to such provisions and condi-
68 tions as may be agreed upon by the Authority and the
69 lessee. The cost of acquiring and developing such
70 property with the facilities hereinbefore specified shall
71 not exceed six million dollars.

1 SECTION 2. Chapter 714 of the acts of 1941 is
2 hereby further amended by striking out section 2 and
3 inserting in place thereof the following: —

4 *Section 2.* To meet the expenditures necessary in
5 carrying out the provisions of this act, the state treas-
6 urer shall upon request of the Authority issue and sell
7 at public or private sale bonds of the commonwealth,
8 registered or with interest coupons attached, as he
9 may deem best, to an amount to be specified by the
10 Authority from time to time but not exceeding, in the
11 aggregate, the sum of four million seven hundred thou-
12 sand dollars. All bonds issued by the commonwealth
13 as aforesaid shall be designated on their face "Boston
14 Harbor Terminal Facilities Loan, 1941" and shall be
15 on the serial payment plan for such maximum term of
16 years, not exceeding five years, as the governor may
17 recommend to the general court pursuant to section 3
18 of Article LXII of the Amendments to the Constitu-
19 tion of the Commonwealth, the maturities thereof to
20 be so arranged that the amount payable each year
21 other than the final year shall be as nearly equal as in
22 the opinion of the state treasurer it is practicable to
23 make them. Said bonds shall bear interest semi-
24 annually at such rate as the state treasurer, with the
25 approval of the governor, shall fix.

26 For the purpose of meeting the cost of such property
27 and facilities in excess of the amount of the bond issue
28 hereby authorized, the state treasurer shall, upon re-
29 quest of the Authority, issue and sell of the bonds of
30 the commonwealth authorized by section ten of chap-
31 ter six hundred and nineteen of the acts of nineteen
32 hundred and forty-five such amount as shall be speci-
33 fied by the Authority from time to time, but not ex-

34 ceeding the sum of one million three hundred thousand
35 dollars.

1 SECTION 3. Chapter 714 of the acts of 1941 is
2 hereby further amended by striking out section 3 and
3 inserting in place thereof the following:—

4 *Section 3.* The director of the Authority may ap-
5 point and remove such engineering, clerical and other
6 assistants as the work authorized in this act may re-
7 quire. Such appointments shall be subject to chapter
8 thirty-one of the General Laws and the rules and
9 regulations made thereunder but may be made on a
10 temporary basis for the duration of the period required
11 for the completion of such work or for any portion
12 thereof, any provisions in said chapter thirty-one or
13 said rules and regulations to the contrary notwith-
14 standing, and the director may terminate such ap-
15 pointments whenever, in his opinion, the necessity
16 therefor no longer exists, and the director shall termi-
17 nate such appointments upon the completion of such
18 work or, as to any such appointments as are for only
19 a portion of such work, upon the completion of said
20 portion.



