

HOUSE No. 1568

By Mr. Twohig of Boston, petition of the South Boston Citizens' Association, James J. Twohig, Jr., and James F. Condon for legislation relative to the purchase by the trustees of the Boston Metropolitan District of the property of the Boston Elevated Railway Company and to the public operation of said property. Metropolitan Affairs.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR THE PURCHASE AND PUBLIC OPERATION OF THE PROPERTY OF THE BOSTON ELEVATED RAILWAY COMPANY.

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 trustees of the Boston metropolitan
2 district shall purchase the assets, property and fran-
3 chises of the Boston Elevated Railway Company in
4 the manner provided by section seventeen of chapter
5 three hundred and thirty-three of the acts of nineteen
6 hundred and thirty-one and shall consummate the
7 transaction and take title to said assets, property and
8 franchises not later than three months from the
9 effective date of this act. Said district may forthwith
10 issue the bonds necessary to pay the purchase price in
11 the manner provided by section five of chapter three
12 hundred and thirty-three of the acts of nineteen hun-

13 dred and thirty-one and by section ten of chapter
14 three hundred and eighty-three of the acts of nineteen
15 hundred and twenty-nine, as amended by chapter
16 four hundred and sixty-four of the acts of nineteen
17 hundred and thirty-one and any acts in amendment of
18 and in addition to the above cited provisions. Said
19 railway shall henceforth be known as the Boston
20 Metropolitan Railway. As soon as may be after the
21 completion of said purchase the Boston Elevated
22 Railway Company shall be dissolved and the cash
23 received for the purchase shall be distributed among
24 its creditors and stockholders.

1 SECTION 2. The trustees of the Boston Elevated
2 Railway Company are hereby abolished. Said aboli-
3 tion shall take effect immediately upon the completion
4 of the purchase of said company as provided in section
5 one of this act.

1 SECTION 3. There shall be a commissioner of
2 metropolitan transportation who shall be appointed by
3 the governor, with the advice and consent of the coun-
4 cil, for the term of four years. The commissioner first
5 appointed shall enter upon his duties upon the taking
6 effect of the abolition of the trustees, as provided in
7 section two and shall succeed to all their powers and
8 duties, as provided by law, except such powers as it
9 has been necessary for them to exercise and such duties
10 as it has been necessary for them to perform because
11 of the corporate assets of the Boston Elevated Railway
12 Company. He shall receive an annual salary of ten
13 thousand dollars from the Boston Metropolitan Rail-
14 way. He shall co-ordinate the powers of the Boston
15 metropolitan district already existing by law and its

16 powers in connection with the operation of the Boston
17 Metropolitan Railway, and especially shall define what
18 funds shall be in the possession and control of the
19 treasurer of the district and what funds shall be under
20 the supervision and control of the treasurer of the rail-
21 way. In general, funds received from income shall be
22 kept in the treasury of the railway, while capital funds
23 shall be kept in the treasury of and invested by the
24 Boston metropolitan district.

1 SECTION 4. There shall be a general manager of the
2 Boston Metropolitan Railway who shall be appointed
3 by the governor, with the advice and consent of the
4 council, from a list of competent applicants to be sub-
5 mitted by the director of civil service after examina-
6 tion in accordance with chapter thirty-one of the
7 General Laws. He shall thereafter be removable only
8 for cause according to the laws of the commonwealth
9 and the rules of the civil service commission. He shall
10 receive from the district a salary of ten thousand
11 dollars a year. With respect to the Boston Metropoli-
12 tan Railway he shall succeed to the powers and duties
13 of the general manager of the Boston Elevated Rail-
14 way Company.

1 SECTION 5. All officers and employees of the Boston
2 Elevated Railway Company, except the general man-
3 ager and such officers as are necessary to the purely
4 corporate activities of said company and are not
5 engaged in transportation or other duties under the
6 direction of the trustees shall be certified by the direc-
7 tor of civil service as employed by the Boston Metro-
8 politan Railway immediately upon the consummation
9 of the purchase authorized by section one of this act

10 and shall thereafter be removable only for cause and
11 shall be replaced according to the rules and standards
12 of the civil service commission, except that attorneys
13 needed for the administration and operation of the
14 railway shall not be subject to any jurisdiction of said
15 director or any provision of the civil service law or
16 rules, but shall be appointed by the commissioner of
17 metropolitan transportation and shall hold office during
18 his pleasure.

1 SECTION 6. The compensation of all officers and
2 employees of the Boston Elevated Railway Company
3 retained in the service of the Boston Metropolitan
4 Railway shall remain the same after they become
5 officers and employees of said railway and shall there-
6 after be increased only by or pursuant to a law enacted
7 by the general court, except that salaries of executive
8 and administrative officers of the company shall be
9 adjusted by the commissioner of the Boston Metro-
10 politan Railway, subject to the approval of the division
11 of personnel and standardization of the commission on
12 administration and finance. Said salaries shall be on a
13 scale commensurate with the relation of such officers
14 in authority to that of the general manager and in rela-
15 tion to his salary. Such adjustments shall be an-
16 nounced by the commissioner not later than one month
17 prior to the first day of the existence of the Boston
18 Metropolitan Railway.

1 SECTION 7. The affairs of the Boston Metropolitan
2 Railway shall be conducted in the same manner by the
3 commissioner of metropolitan transportation as pre-
4 viously under the board of trustees of the company,
5 except that no raise in fares shall become effective for

6 any purpose without the express authorization of the
7 metropolitan transit council at least three months
8 prior thereto.

1 SECTION 8. Among the assets of the Boston Ele-
2 vated Railway Company purchased under authority
3 of section one shall be the interest of said company as
4 lessee under any leases by companies other than the
5 West End Street Railway Company and all of such
6 leased property shall continue to be managed and
7 operated by the Boston Metropolitan Railway during
8 the terms of such leases.

1 SECTION 9. This act shall take effect upon its pas-
2 sage for the purpose of making all arrangements neces-
3 sary for the purchase of the assets, property and
4 franchises of the Boston Elevated Railway Company
5 and for the appointments and transfers of duties re-
6 quired hereby, and shall take full effect upon the pur-
7 chase of the assets, property and franchises of the
8 Boston Elevated Railway Company, as provided in
9 section one.

