

SENATE No. 243

To accompany the petition of Frederick Butler and others, county commissioners, for legislation relative to the maintenance and operation of certain bridges in Essex County. Counties.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO BRIDGES MAINTAINED AND OPERATED BY THE COUNTY OF ESSEX.

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 cost of maintaining and operating
2 or maintaining the bridges controlled by the county
3 commissioners of the county of Essex under authority
4 of various Special Acts of the legislature shall hereafter
5 be paid in the first instance by the county of Essex,
6 and apportioned and assessed as follows: — sixty per
7 cent of the total cost of so maintaining and operating
8 or maintaining such bridges in each year shall be
9 apportioned and assessed upon the county of Essex,
10 and the remaining forty per cent of said cost shall be
11 apportioned and assessed upon the cities and towns
12 in which said bridges lie, in the proportion to be deter-
13 mined by the county commissioners for each such city
14 or town that the total length of such bridge or bridges
15 in that city or town bears to the total length of all
16 such bridges in the county.

1 SECTION 2. In case such bridges, or any of them,
2 hereafter require rebuilding in whole or in part the
3 cost of such rebuilding shall in the first instance be
4 paid by the county of Essex and shall thereafter be
5 apportioned and assessed upon the county and upon
6 the cities and towns in which such bridges lie in the
7 proportions provided in section one for the apportion-
8 ment and assessment of the cost of maintenance and
9 operation. If in any case bonds shall hereafter be
10 issued by said county to cover the cost of such re-
11 building the amount to be apportioned and assessed
12 as aforesaid in each year thereafter for each such case
13 shall be the amount of the payment due in that calen-
14 dar year for principal and interest on such bonds, but
15 this act shall not in any way apply to or affect county,
16 city or town bonds now outstanding or any payments
17 thereon.

1 SECTION 3. In the event that any contribution be
2 made hereafter, either by the commonwealth or
3 otherwise, toward the cost of maintaining and operat-
4 ing the bridges herein referred to, or any of them, or
5 toward the cost of rebuilding such bridges, or any of
6 them, then such contribution shall be deducted from
7 the cost of maintaining and operating or rebuilding
8 such bridge or bridges, as the case may be, and the
9 amount to be apportioned and assessed on the county
10 and on cities and towns as herein provided shall be
11 the balance after deducting such contribution.

1 SECTION 4. In allocating forty per cent of the
2 costs to various cities and towns as provided in section
3 one the following adjustments shall be made: — the
4 Plum Island bridge shall be considered as equally

5 within the city of Newburyport and the town of
6 Newbury, the whole of Chain bridge shall be con-
7 sidered as within the city of Newburyport, and the
8 total bridge length in the city of Gloucester shall be
9 taken, both for the city portion and in the county
10 total, as six hundred fifty feet, which is approximately
11 the average length of all the bridges now controlled
12 by the county commissioners.

1 SECTION 5. The county commissioners shall an-
2 nually in the month of November certify a statement
3 of the net cost of maintaining and operating said
4 bridges for the year ending October thirty-one of that
5 year, together with the amount paid or due in the
6 calendar year for principal and interest on notes or
7 bonds issued as aforesaid, and apportion and assess
8 said amount as herein provided. They shall there-
9 upon forthwith send an attested copy of their record
10 of said statement and such apportionment and assess-
11 ment to the mayor of each city and the selectmen of
12 each town upon which such apportionment and assess-
13 ment other than the county tax is made. Within
14 thirty days thereafter each of said cities and towns
15 shall pay into the county treasury the amount appor-
16 tioned and assessed upon it as aforesaid, subject to
17 the provisions of section twenty-four of chapter
18 thirty-five of the General Laws. Upon failure of any
19 city or town to make such payment as herein provided,
20 the county may recover the same in an action of
21 contract.

1 SECTION 6. Any and all provisions of the Special
2 Acts relating to the bridges herein referred to, and
3 now in effect, in so far as they are inconsistent herewith
4 are hereby repealed.

1 SECTION 7. This act shall take effect upon its
2 acceptance before November one, nineteen hundred
3 and Thirty-Eight by the county commissioners of
4 the county of Essex, and if so accepted apportion-
5 ments and assessments made in November nineteen
6 hundred and thirty-eight shall be as herein provided.