

SENATE No. 133

To accompany the petition of Louis B. Connors that provision be made for the construction by the Department of Public Works of an overpass over the tracks of the Boston and Maine Railroad, in Moody Street in the city of Waltham. Highways and Motor Vehicles.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR THE CONSTRUCTION OF AN OVERPASS OVER THE TRACKS OF THE BOSTON AND MAINE RAILROAD, IN MOODY STREET IN THE CITY OF WALTHAM.

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 department of public works, here-
2 inafter called the department, is hereby authorized
3 and directed to construct an overpass over the tracks
4 of the Boston and Maine Railroad in Moody street
5 in the city of Waltham, with such connecting road-
6 ways and alterations to existing roadways in the city
7 as the department may deem necessary, and to make
8 necessary alterations to street railway tracks and
9 appurtenances thereof.

1 SECTION 2. For the purpose of carrying out this
2 act the department may use public lands and ways
3 without compensation therefor, and may take by

4 eminent domain under chapter seventy-nine of the
5 General Laws, or acquire by purchase or otherwise,
6 for and on behalf of the city, lands in fee, and ease-
7 ments, estates and rights in land; and such taking in
8 fee or otherwise may be made whether the lands taken
9 or otherwise affected are held under or by title derived
10 through eminent domain or otherwise, and may be
11 made for the purpose of providing locations for pipes,
12 wires, conduits and other structures, the relocation
13 of which is made necessary or expedient by the con-
14 struction of the overpass authorized by this act. Any
15 person sustaining damage by reason of property or
16 rights in property taken under authority of this or
17 the preceding section, except public lands and ways
18 which may be taken and used without compensation
19 as hereinbefore provided, shall be entitled to recover
20 therefor under said chapter seventy-nine. The mem-
21 bers of the department shall not be liable personally
22 for any such damage.

1 SECTION 3. The department may order the tempo-
2 rary removal or relocation of any surface tracks, and
3 the temporary or permanent removal or relocation of
4 any conduits, pipes, wires, poles or other property
5 located in public ways or places, which it deems to
6 interfere with the laying-out or construction of the
7 overpass authorized by this act, and shall grant new
8 locations for any such structures so removed or relo-
9 cated. Such orders, to the extent specified therein,
10 shall be deemed a revocation of the right or license to
11 maintain such tracks, conduits, pipes, wires, poles or
12 other property in such public ways or places, and the
13 owner of any such structures in public ways or lands
14 shall comply with such orders without expense to the

15 city. If any owner shall fail to comply with the order
16 of the department within a reasonable time, to be
17 fixed in the order, the department may discontinue
18 and remove such tracks, conduits, pipes, wires, poles
19 or other property, and may relocate the same, and the
20 cost of such discontinuance, removal or relocation
21 shall be repaid to the city by the owner. No such
22 discontinuance, removal or relocation shall entitle the
23 owner of the property thus affected to any damages
24 on account thereof. Any gas or electric lighting com-
25 pany shall shut off the gas or current from any pipes
26 or wires affected by any acts done hereunder, so far
27 and for such time as may be necessary to prevent the
28 escape or explosion of gas or other public danger.
29 Said overpass, when completed, shall be under the
30 control of the public works department of the city.

1 SECTION 4. The construction work on the over-
2 pass herein provided for shall, as far as practicable,
3 be performed in such a manner so as to interfere as
4 little as possible with the operation of the trains of
5 such railroad and with the reasonable flow of traffic
6 on said Moody street.

1 SECTION 5. The total cost of said work shall not
2 exceed thousand dollars to be paid from
3 the Highway Fund.

1 SECTION 6. This act shall take effect upon its
2 passage.

The first of these is the *Journal of the Proceedings of the*
General Assembly of the Church of Scotland, 1711. This
 volume contains a full and accurate account of the
 proceedings of the General Assembly, from the
 opening of the Session on the 1st of October, to
 the 15th of December, 1711. It is a most
 interesting and valuable work, and is
 highly recommended to all who are
 desirous of knowing the true
 state of the Church of Scotland, at
 this important period. It is
 published by the General Assembly,
 and is sold by the Booksellers,
 in Edinburgh, Glasgow, and
 London.