

# HOUSE . . . . No. 1255

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, April 16, 1927.

The committee on Ways and Means, to whom was committed the subject matter on which was based the bill relative to the construction of the traffic route between the City of Boston and the Territory North and East thereof (House, No. 1045), report the accompanying bill (House, No. 1255).

For the committee,

HENRY L. SHATTUCK.

## The Commonwealth of Massachusetts

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

An Act relative to the Construction of the Traffic Route between the City of Boston and the Territory North and East thereof.

1    *Whereas*, The deferred operation of this act would in  
2 part defeat its purpose, therefore it is hereby declared  
3 to be an emergency law, necessary for the immediate  
4 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. Section one of chapter four hundred and  
2 eighty-nine of the acts of nineteen hundred and twenty-  
3 four, as amended by section one of chapter three hundred  
4 and nineteen of the acts of nineteen hundred and twenty-  
5 five and by sections one and two of chapter three hun-  
6 dred and fifty-seven of the acts of nineteen hundred  
7 and twenty-six, is hereby further amended by striking  
8 out, in the fourteenth and fifteenth lines of the next to  
9 the last paragraph the words "and applied to the pay-  
10 ment of the notes issued under section five" and insert-  
11 ing in place thereof the following:—, and twenty-five  
12 per cent of such proceeds shall be credited to the High-  
13 way Fund and the balance shall be paid to the cities  
14 and towns determined to be specially benefited by the  
15 work authorized by this act in proportion to the amounts  
16 which they are required by section three to contribute

17 to three quarters of the cost of such work, — so that  
18 said next to the last paragraph will read as follows: —  
19 After so much of the above specified land and property  
20 has been appropriated for said way as is needed therefor,  
21 said commission may, in the name and on behalf of the  
22 commonwealth, sell and convey the remainder for value,  
23 with or without suitable restrictions. The commission  
24 may also, in the name and on the behalf of the common-  
25 wealth, sell and convey land and property or any interest  
26 therein, or abandon any such interest less than fee,  
27 taken or acquired but no longer needed for the actual  
28 construction of said way, with or without suitable re-  
29 strictions. The proceeds of all land and property so  
30 sold and of all betterments levied and collected under  
31 this act shall be paid to the commonwealth, and twenty-  
32 five per cent of such proceeds shall be credited to the  
33 Highway Fund and the balance shall be paid to the  
34 cities and towns determined to be specially benefited  
35 by the work authorized by this act in proportion to the  
36 amounts which they are required by section three to  
37 contribute to three quarters of the cost of such work.

1 SECTION 2. Said chapter four hundred and eighty-  
2 nine, as amended in section two by section two of said  
3 chapter three hundred and nineteen, is hereby further  
4 amended by striking out said section two of said chapter  
5 four hundred and eighty-nine, as amended, and inserting  
6 in place thereof the following: —

7 *Section 2.* The cost of laying out and constructing said  
8 proposed new way, including any damages awarded or  
9 paid on account of any taking of land or property under  
10 this act or for damage to any property and any sums paid  
11 for lands or rights purchased, and the salaries and wages  
12 of all employees of the commission, the cost of moving

13 any building or structure on land of the commonwealth  
14 in the Charles river dam and of erecting any building or  
15 structure in place thereof and all other expenses incurred  
16 in carrying out the provisions of this act, including in-  
17 terest on money borrowed by the state treasurer under  
18 section five, shall be deemed to be the cost of the work,  
19 and such cost shall in the first instance be paid by the  
20 commonwealth; provided, that such cost shall not exceed  
21 in the aggregate two million nine hundred and fifty  
22 thousand dollars. Twenty-five per cent of such cost shall  
23 be borne by the commonwealth and shall be paid in the  
24 manner provided in section six. When the work au-  
25 thorized hereunder is completed and the full cost thereof  
26 ascertained, three fourths of such cost shall be paid by  
27 the cities and towns determined to be specially benefited  
28 by the work authorized by this act, in the manner pro-  
29 vided in section three.

1 SECTION 3. Section three of said chapter four hundred  
2 and eighty-nine is hereby amended by adding at the end  
3 thereof the following: — or of sales hereunder of land or  
4 other property or of betterments assessed and collected  
5 hereunder, — so as to read as follows: — *Section 3.*  
6 The supreme judicial court, upon application of the  
7 commission and after notice and a hearing, shall appoint  
8 three commissioners, who shall, after due notice and  
9 hearing, and in such manner as they deem just and  
10 equitable, determine the proportion in which any city  
11 and town which they deem to be specially benefited by  
12 the work performed under the provisions of this act, shall  
13 pay money into the treasury of the commonwealth, to  
14 meet three fourths of the cost of said work, and shall  
15 return their award into said court; and when said  
16 award shall have been accepted by said court the same

17 shall be a final and conclusive adjudication of all matters  
18 herein referred to said commissioners and shall be bind-  
19 ing on all parties. Said court shall fix and determine the  
20 compensation of said commissioners and such compensa-  
21 tion, together with such incidental costs of hearings,  
22 experts and printing as may be incurred by the commis-  
23 sioners shall be deemed part of the cost of the work  
24 herein authorized. The amount of money so required  
25 shall be estimated by the state treasurer in accordance  
26 with the proportions determined as aforesaid and shall  
27 be included in and made a part of the sum charged  
28 to such city or town, and shall be assessed and collected  
29 by the state treasurer in the apportionment and assess-  
30 ment of the annual state tax. Such assessments may be  
31 paid from the proceeds of taxation or of loans issued  
32 under section seven or of sales hereunder of land or other  
33 property or of betterments assessed and collected here-  
34 under.

1 SECTION 4. Section five of said chapter four hundred  
2 and eighty-nine is hereby amended by striking out, in  
3 the fourteenth and fifteenth lines, the words "one million  
4 eight hundred thousand" and inserting in place thereof  
5 the words: — two million two hundred and twelve thou-  
6 sand five hundred, — so as to read as follows: — *Section*  
7 *5.* The state treasurer shall, upon request of the com-  
8 mission and subject to the approval of the governor and  
9 council, issue and sell at public or private sale temporary  
10 notes of the commonwealth to an amount to be specified  
11 from time to time by the commission, sufficient to pro-  
12 vide means for the payment of the cost of the work  
13 herein authorized as defined in section two. All such  
14 temporary notes shall be issued, and may be renewed, for  
15 such maximum term of years, as the governor may rec-

16 ommend to the general court in accordance with section  
17 three of Article LXII of the amendments to the consti-  
18 tution of the commonwealth, and shall bear interest  
19 payable semi-annually at such rate as shall be fixed by  
20 the state treasurer, with the approval of the governor  
21 and council. The total amount of any notes issued here-  
22 under shall not exceed the sum of two million two hun-  
23 dred and twelve thousand five hundred dollars, in the  
24 aggregate at any one time outstanding.

1 SECTION 5. Said chapter four hundred and eighty-  
2 nine is hereby further amended by striking out section  
3 six and inserting in place thereof the following:—

4 *Section 6.* To meet the twenty-five per cent of the  
5 expense of said work required to be paid by the com-  
6 monwealth there shall be annually appropriated from  
7 the receipts in the Highway Fund in each of the years  
8 nineteen hundred and twenty-five and nineteen hun-  
9 dred and twenty-six the sum of three hundred thousand  
10 dollars, and in the year nineteen hundred and twenty-  
11 seven the sum of one hundred and twenty-five thousand  
12 dollars.



