

# HOUSE . . . . No. 1228

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By Mr. Birmingham of Boston, petition of Leo M. Birmingham and John F. Murphy that the transit department of the city of Boston be authorized to construct an extension of the Boylston Street Subway from Governor Square in said city through the town of Brookline to the city of Newton. Transportation.

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## The Commonwealth of Massachusetts

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

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An Act providing for the Construction of an Extension of the Boylston Street Subway from Governor Square on Commonwealth and Brighton Avenues.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

- 1 Chapter three hundred and forty-one of the acts of
- 2 nineteen hundred and twenty-five is hereby amended
- 3 by striking out section two and inserting in place
- 4 thereof the following:—
- 5 *Section 2.* The transit department of the city of
- 6 Boston shall construct in the cities of Boston and
- 7 Newton and the town of Brookline a subway to be
- 8 known as the Boylston Street subway extension, so
- 9 constructed as to be adapted to contain two railroad
- 10 tracks commencing at Kenmore square, Boston,
- 11 thence continuing under Commonwealth avenue to
- 12 the corner of Brighton avenue, thence continuing

13 under both Brighton avenue and under Common-  
14 wealth avenue and under or on other streets or pri-  
15 vate land to such point in Cleveland circle, Brookline  
16 and Newton Corner, Newton, as may be determined  
17 by the transit department, with such stations as may  
18 be agreed upon by the Boston Elevated Railway  
19 Company. Said department shall make such altera-  
20 tions at Governor square in said city as shall elimi-  
21 nate the crossings at grade at said square, and to that  
22 end shall have the powers conferred upon the transit  
23 commission by chapter seven hundred and forty-one  
24 of the acts of nineteen hundred and eleven and the  
25 amendments thereof, in connection with the con-  
26 struction of the Boylston Street subway. The cost of  
27 such alterations and extensions shall be paid by the  
28 cities of Boston and Newton and the town of Brook-  
29 line and the owners of such properties adjacent to  
30 such subways in each respective municipality as shall  
31 be specially benefited as determined by said depart-  
32 ment. The cost of such extensions to be paid by the  
33 city of Boston shall be met by bonds to be issued by  
34 the city of Boston in the same manner as bonds  
35 issued to meet the original cost of the Boylston  
36 Street subway. A proportion of such cost payable by  
37 the city of Newton and the town of Brookline shall  
38 be met by the issuance by said city and town of bonds  
39 under the provisions of the general laws in so far as  
40 the same are applicable thereto. Before any such  
41 work is done, however, the Boston Elevated Railway  
42 Company shall execute a lease of such extensions for  
43 a term ending with that of the lease of the said Boyl-  
44 ston Street subway. Said company, acting through  
45 its trustees, is hereby authorized and directed to  
46 execute a lease of such alterations and extensions and

47 thereafter from time to time renew the same; pro-  
48 vided, that no such lease or renewal thereof shall  
49 extend beyond the period of public operation except  
50 with the consent of the directors of said company.  
51 Such lease shall provide that the company shall pay  
52 to the cities of Boston and Newton and the town of  
53 Brookline an annual rental at a rate sufficient to  
54 provide an amount of one half of one per cent of said  
55 net cost in addition to the annual amount of interest  
56 on the bonds issued to pay for said net cost. The  
57 lease shall be in the same general form as those  
58 authorized by said chapter seven hundred and forty-  
59 one except so far as any other provisions may be  
60 agreed upon by said transit department and the  
61 company as specially applicable to the demised  
62 premises. The said net cost shall be determined in  
63 the manner provided in chapter seven hundred and  
64 forty-one, and the rental shall be paid in instalments  
65 corresponding to the requirements for the payment of  
66 rental of said Boylston Street subway, and the pro-  
67 visions of said chapter are hereby extended to affect  
68 the city of Newton and the town of Brookline.

69 The title to said improvements shall be in said  
70 cities and said town in its private and proprietary  
71 right to and only to the time when it shall have been  
72 fully repaid the cost thereof and thereafter it shall be  
73 in the respective city and town in trust for the public  
74 for transportation service within the area served by  
75 the Boston Elevated Railway Company for the time  
76 being, subject to the direction of the general court.

