

HOUSE No. 176

Accompanying the petition of Martin Hays for construction by the city of Boston of a station near Audubon Road in the Beacon Street Extension of the Boylston Street Subway. Metropolitan Affairs.

The Commonwealth of Massachusetts

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

An Act providing for Construction of a Station near Audubon Road in the Beacon Street Extension of the Boylston Street Subway.

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 transit department of the city of
2 Boston, hereinafter called the department, shall,
3 after a contract for the use thereof is made as here-
4 inafter provided, construct in the city of Boston,
5 hereinafter called the city, an additional station in
6 connection with the Beacon street extension of the
7 Boylston street subway, so called, and to that end
8 shall have the powers conferred upon the Boston
9 transit commission by chapter seven hundred and
10 forty-one of the acts of nineteen hundred and eleven
11 and amendments thereof. Said station shall be
12 located at or near the junction of Audubon road
13 with Beacon street and shall conform to the general

14 design, character and dimensions of the other stations
15 in the Boylston street subway.

16 The department is hereby authorized to make
17 such changes in the present subway as may be neces-
18 sary for the proper construction of the said station
19 and its entrances and exits, and may devise and use
20 any means that it may deem proper to connect for
21 easy access the north and south platforms of said
22 station. The cost of such station and necessary
23 alterations of the existing tunnel shall be met by
24 bonds to be issued by the city of Boston in the same
25 manner as bonds issued to meet the original cost of
26 the Boylston street subway. No such work shall be
27 done, however, unless and until a plan therefor shall
28 be approved by the department of public utilities
29 and unless and until a contract between the city
30 and the Boston Elevated Railway Company shall
31 have been executed for the sole and exclusive use by
32 said company of such station and alterations for a
33 term ending upon the termination of the lease of
34 said Boylston street subway. Any plan so approved
35 may be altered at any time by a new plan submitted
36 and approved in like manner, except that after the
37 execution of said contract no such alterations shall
38 be made without the consent of the company thereto
39 in writing. Such contract shall provide that the said
40 company shall pay to the city a rental at the rate of
41 four and one half per cent per annum upon the net
42 cost of such station and alterations, provided, how-
43 ever, that the annual rental shall be sufficient to
44 provide an amount equal to one half of one per cent
45 of said net cost in addition to the annual amount of
46 interest on the bonds issued to pay for said net cost,
47 but not less than said four and one half per cent in

48 any event. The contract shall be in the same gen-
49 eral form as those authorized by said chapter seven
50 hundred and forty-one, except in so far as any
51 other provisions may be agreed upon by the depart-
52 ment and the said company as specially applicable
53 to the demised premises. The said net cost shall be
54 determined in the manner provided in said chapter
55 seven hundred and forty-one, and the rental shall be
56 paid in instalments corresponding to the require-
57 ments for the payment of rental of said Boylston
58 street subway.

1 SECTION 2. This act shall take effect upon its ac-
2 ceptance both by vote of the city council of the city
3 of Boston, approved by the mayor, and by the
4 Boston Elevated Railway Company by vote of its
5 board of directors, and upon the filing of certificates
6 of such acceptances with the state secretary; pro-
7 vided, that such acceptances, approval and filing
8 occur during the current year.

