

HOUSE No. 1593

Moved by Mr. Brown of Woburn as a substitute for House, No. 1587.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Eighteen.

AN ACT

To establish the Metropolitan Transportation Commission.

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 governor with the advice and con-
2 sent of the council shall appoint three persons, then and
3 for a period of five years next preceding their appoint-
4 ment residents, outside the city of Boston, of the metro-
5 politan district as defined in chapter four hundred and
6 seven of the acts of eighteen hundred and ninety-three,
7 and the mayor of Boston shall appoint two persons, then
8 and for a period of five years next preceding their ap-
9 pointment, residents of the city of Boston, who shall
10 constitute the Metropolitan Transportation Commission.
11 The appointees of the governor shall hold office for terms
12 of three, four and five years, and the appointees of the
13 mayor for terms of one and two years, respectively. As
14 the term of each member expires, or in the event of a

15 vacancy, a successor shall be chosen by the authority
16 making the original appointment, for a five-year term,
17 or for the unexpired term, as the case may be. At their
18 first meeting, and thereafter whenever a new appoint-
19 ment is made or any vacancy in the commission is filled,
20 the commissioners shall choose one of their number as
21 chairman. The compensation of said commission shall
22 be the same as that specified in section twenty-three of
23 chapter five hundred and forty-eight of the acts of
24 eighteen hundred and ninety-four, and acts in amend-
25 ment thereof and in addition thereto. Section twenty-
26 one of chapter three of the Revised Laws shall not apply
27 to appointments under this act.

1 SECTION 2. All rights, powers and duties now per-
2 taining to the Boston transit commission are hereby
3 vested in the metropolitan transportation commission,
4 which shall in all respects be the lawful successor of said
5 Boston transit commission; *provided, however*, that every
6 act, order or vote of the metropolitan transportation
7 commission involving the expenditure of more than one
8 thousand dollars, or relating to any contract, shall be
9 subject to the approval in writing of the mayor of the
10 city of Boston.

11 Immediately upon the organization of the metropolitan
12 transportation commission, the person or persons in
13 custody of the papers, plans, blue prints, records, files
14 and equipment of the Boston transit commission shall
15 deliver the same to the said metropolitan transportation
16 commission.

1 SECTION 3. The metropolitan transportation commis-
2 sion shall have the power to investigate and study the
3 question of passenger traffic in the metropolitan district,

4 as herein defined, whether by steam railroad, electric
5 railroad or street railway, to recommend to the several
6 companies and to the general court such plans for the
7 improvement and co-ordination of the existing facilities,
8 and such general plans for the construction of new
9 facilities, as the commission may from time to time deem
10 advisable. Said commission shall investigate and report
11 at the request of the governor, or at the request of the
12 public service commission, upon all questions relative to
13 metropolitan passenger traffic.

1 SECTION 4. The metropolitan transportation commis-
2 sion shall also have the power to investigate and to
3 study the question of freight transportation in the metro-
4 politan district, and to make plans and recommendations
5 to the several public service corporations and to the
6 general court, as the said commission may deem neces-
7 sary or advisable, for the co-ordination and intercon-
8 nection between the several railroads and steamship com-
9 panies entering the metropolitan district, as will make
10 metropolitan Boston a union terminal.

1 SECTION 5. Upon the request of the mayor of any city
2 or of the board of selectmen of any town within the
3 metropolitan district as defined in section one, the met-
4 ropolitan transportation commission shall, so far as its
5 appropriation may be sufficient therefor, or out of any
6 appropriation made for such purpose by such city or
7 town, investigate the desirability of, and make an esti-
8 mate of the cost of, any proposed improvement in or
9 addition to transportation facilities to be located within
10 such city or town. If such proposed improvement or
11 addition is approved by said commission, such city or
12 town may make an appropriation as recommended by

13 said commission for the construction of the same and may
14 authorize the construction thereof by said commission and
15 after plans therefor prepared by said commission have been
16 approved by the public service commission and filed with
17 the mayor of said city or the board of selectmen of said
18 town, said commission may proceed to contract for the
19 construction of the same in the name of such city or
20 town. In connection with any such construction said
21 commission shall within the limits of such city or town,
22 and acting upon its behalf, enjoy all of the powers, and
23 shall be subject to all of the duties and limitations, set
24 forth in respect to the Boston transit commission and the
25 city of Boston in sections fourteen to twenty-six inclusive
26 of chapter seven hundred forty-one of the acts of the year
27 nineteen hundred and eleven. The metropolitan trans-
28 portation commission shall make an annual report to the
29 general court and to the city council of the city of Bos-
30 ton.

1 SECTION 6. All of the expenses of the metropolitan
2 transportation commission incurred in carrying out the
3 provisions of section seventeen of chapter five hundred
4 of the acts of the year eighteen hundred and ninety-
5 seven, of chapter five hundred and thirty-four of the
6 acts of the year nineteen hundred and two, of section
7 twenty-three of chapter five hundred and twenty of the
8 acts of the year nineteen hundred and six, of chapter
9 seven hundred and forty-one of the acts of the year
10 nineteen hundred and eleven, of chapter three hundred
11 and seventy-six of the Special Acts of the year nineteen
12 hundred and fifteen, of chapters three hundred and thirty-
13 five, three hundred and sixty-four, and three hundred and

14 seventy-three of the Special Acts of the year nineteen
15 hundred and seventeen, and of any acts or parts of acts
16 in amendment thereof or in addition thereto, shall be
17 paid as provided in said acts or by other provisions of
18 law and in the leases thereunder executed by the city
19 of Boston acting by the Boston transit commission and
20 the Boston Elevated Railway Company. Such expenses
21 shall include a just proportion, to be determined by the
22 commission, of the salaries of the members of the com-
23 mission and of its employees. All expenses connected
24 with the construction of subways or other construction
25 by said commission shall be charged to, and included
26 with, the cost of such construction. The remainder of
27 the expenses of said commission shall be paid in the first
28 instance by the commonwealth and shall be assessed upon
29 the metropolitan district as established by chapter four
30 hundred and seven of the acts of the year eighteen hun-
31 dred and ninety-three and acts in addition thereto and
32 amendment thereof, and in the proportions now fixed for
33 the payment of the assessments provided for by said
34 acts. The commission may appoint a secretary and such
35 experts, clerks and other assistants, and may pay them
36 such salaries and may incur such other expenses, not
37 exceeding such sums as may be appropriated by the
38 general court, as it may deem necessary and proper,
39 subject, however, to the approval of the governor and
40 council. All appointments except secretary and chief
41 engineer shall be in accordance with the rules and regu-
42 lations of the civil service commission and employees so
43 appointed shall be removed only in accordance with such
44 rules and regulations. Any of the present employees of
45 the Boston transit commission shall be eligible to appoint-
46 ment under this section without further examination.

1 SECTION 7. Nothing herein shall be construed to
2 impair or abridge the rights and jurisdiction of the
3 public service commission or of the commission on water-
4 ways and public lands as conferred by law upon said
5 commissions: *provided, however,* that the metropolitan
6 transportation commission may call to the attention of
7 the public service commission any cases of unjust rates
8 or discrimination which shall come within their knowl-
9 edge.

1 SECTION 8. So much of this act as provides for the
2 appointment of the members of the metropolitan trans-
3 portation commission shall take effect upon its passage.
4 All other provisions thereof shall take effect on the first
5 day of July, nineteen hundred and eighteen.