

HOUSE No. 1717

By Mr. Iannello of Boston, petition of John F. Collins (mayor of Boston) for legislation relative to an accelerated highway program for the Metropolitan District Commission. Highways and Motor Vehicles.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Five.

AN ACT RELATIVE TO THE ACCELERATED HIGHWAY PROGRAM.

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 metropolitan district commission, herein-
2 after called the commission, is hereby authorized and directed
3 to expend a sum not to exceed fourteen and one half million
4 dollars, in addition to any other appropriation which may have
5 heretofore been or may hereafter be made, for projects for the
6 laying out, construction, reconstruction, resurfacing, relocation
7 or improvement of highways, parkways, bridges, grade crossing
8 eliminations and alteration of crossings at other than grade, and
9 for construction of needed improvements on other through
10 routes not designated as state highways and without accept-
11 ance by the commonwealth of responsibility for maintenance
12 thereof; provided, that any portion of the sum authorized
13 herein may be used in conjunction with county, city or town
14 funds, and for traffic safety devices on parkways, and for traf-
15 fic studies.

16 Funds authorized in this section shall, except as otherwise
17 specifically provided in this act, be available subject to the
18 same conditions and for the same purposes as funds authorized
19 in chapter seven hundred and eighteen of the acts of nineteen
20 hundred and fifty-six and shall be in addition to the amounts
21 made available in chapter seven hundred and eighty-two of the
22 acts of nineteen hundred and sixty-two and chapter eight hun-

23 dred and twenty-two of the acts of nineteen hundred and sixty-
24 three.

1 SECTION 2. Pursuant to the provisions of section one hereof,
2 the commission is hereby authorized and directed to expend a
3 sum not to exceed fourteen and one half million dollars for the
4 following four projects: not more than one and one half million
5 dollars of said sum shall be expended for construction and main-
6 tenance of a high level bridge over the Charles river from
7 Leverett circle to the vicinity of City square in the city of
8 Boston; not more than three and one half million dollars for
9 improvements to the Jamaica way from Brookline avenue to
10 Kelly circle in the city of Boston and the town of Brookline;
11 not more than five and one half million dollars for elevated and
12 surface improvements to the Northern artery and Leverett cir-
13 cle from Second street in the city of Cambridge to and includ-
14 ing the Leverett circle improvements in the city of Boston; not
15 more than four million dollars for rebuilding Prison Point bridge
16 and its approaches from Commercial avenue and Memorial
17 drive in the city of Cambridge to the vicinity of Rutherford
18 avenue, Charlestown, in the city of Boston.

1 SECTION 3. No payment in excess of twenty thousand dol-
2 lars by way of purchase of real estate or any interest therein
3 shall be made, and no settlement in excess of twenty thousand
4 dollars shall be made out of court for damages recoverable un-
5 der chapter seventy-nine of the General Laws, in excess of the
6 amount recommended by the real estate review board estab-
7 lished by section six of chapter seven hundred and eighteen of
8 the acts of nineteen hundred and fifty-six, by reason of a pur-
9 chase or taking under this act. Each recommendation of said
10 real estate review board shall be in writing and shall be accom-
11 panied by a written statement indicating the reasons for such
12 recommendations.

13 No settlement, by reason of a taking under this act, in ex-
14 cess of twenty thousand dollars and in excess of the recommen-
15 dation of the real estate review board shall be made by agree-
16 ment of the parties during or after trial except with the written
17 approval of the court; provided, that settlements in excess of
18 the recommendation of the board may be made without such
19 approval if the settlement does not exceed the amount of any

20 verdict or finding which may have been rendered, together with
21 interest and costs.

22 The commission is hereby ordered and directed to file reports
23 of all payments in excess of ten thousand dollars for damages
24 resulting from a taking or for a purchase under this act with
25 the clerk of the house of representatives and with the clerk of
26 the senate not later than ninety days after payment. Such re-
27 ports shall contain the amount of the payment, an affidavit that
28 the amount was not in excess of the amount recommended by
29 the board if payment in excess of said amount is prohibited
30 hereunder, by whom and in what manner settled, the name of
31 the owner or owners of the land involved, and a description of
32 said land sufficient to identify it.

33 Any amounts made available by this act shall be available
34 for expenditure until June thirtieth, nineteen hundred and
35 seventy.

1 SECTION 4. In anticipation of the issue of bonds authorized
2 in section five, the state treasurer may borrow from time to
3 time, on the credit of the commonwealth, such sums of money
4 as may be necessary for the purpose and may issue and renew
5 as hereinafter provided, notes of the commonwealth therefor,
6 bearing interest payable at such times and at such rates as shall
7 be fixed by the state treasurer.

8 Such notes shall be issued and may be renewed one or more
9 times for such terms, not exceeding one year, as the governor
10 may recommend to the general court in accordance with Sec-
11 tion 3 of Article LXII of the Amendments to the Constitution
12 of the Commonwealth; but the final maturity of such notes,
13 whether original or renewal, shall be not later than June thir-
14 tieth, nineteen hundred and sixty-nine. Notwithstanding the
15 provisions of this act such notes shall be general obligations of
16 the commonwealth.

1 SECTION 5. To meet a portion of the expenditures necessary
2 in carrying out the provisions of section one of this act, or to
3 refinance notes issued as provided in section four of this act,
4 the state treasurer shall upon request of the governor, issue and
5 sell at public or private sale bonds of the commonwealth, regis-
6 tered or with interest coupons attached, as he may deem best,
7 to an amount to be specified by the governor from time to time,

8 but not exceeding in the aggregate the sum of fourteen and one
9 half million dollars. All bonds issued by the commonwealth as
10 aforesaid shall be designated on their face, Highway Improve-
11 ment Loan, Act of 1965, and shall be on the serial payment plan
12 for such maximum term of years, not exceeding twenty years,
13 as the governor may recommend to the general court pursuant
14 to section 3 of Article LXII of the Amendments to the Consti-
15 tution of the Commonwealth, the maturities thereof to be so
16 arranged that the amounts payable in the several years of the
17 period of amortization, other than the final year, shall be as
18 nearly equal as in the opinion of the state treasurer it is prac-
19 ticable to make them. Said bonds shall bear interest semi-
20 annually at such rate as the state treasurer, with the approval
21 of the governor, shall fix. The initial maturities of such bonds
22 shall be payable not later than one year from the date of issue
23 thereof, and the entire issue not later than June thirtieth, nine-
24 teen hundred and eighty-nine. All interest payments and pay-
25 ments on account of principal on such bonds shall be payable
26 from the Highway Fund; provided, that notwithstanding the
27 foregoing, such bonds shall be general obligations of the com-
28 monwealth.

1 SECTION 6. The commission shall include in the notice re-
2 quired under the provisions of section eight of chapter seventy-
3 nine of the General Laws a statement informing the owner of
4 property taken under the provisions of said chapter for the pur-
5 pose of constructing any project authorized by this act of his
6 rights for pro tanto payment under the provisions of section
7 eight A of said chapter. The commission shall, notwithstanding
8 the limitations of said section eight A, make available for pay-
9 ment within three months of the date of notice of taking such
10 funds as may be required under the provisions of said section.