

HOUSE No. 1824

By Mr. Barry of Boston, petition of Maurice J. Tobin (mayor) providing for the removal of the incline and approach to the subway in Boylston Street in the city of Boston and relative to taking of land for municipal and other purposes by said city. Transportation.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR THE REMOVAL OF THE PRESENT INCLINE AND APPROACH TO THE TREMONT STREET SUBWAY LOCATED IN BOYLSTON STREET BETWEEN ARLINGTON STREET AND CHARLES STREET IN THE CITY OF BOSTON UPON THE DISCONTINUANCE OF THE USE THEREOF BY THE BOSTON ELEVATED RAILWAY COMPANY AND RELATIVE TO THE TAKING OF CERTAIN LAND FOR MUNICIPAL AND OTHER PURPOSES IN SAID CITY.

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. Upon the discontinuance by the Boston
2 Elevated Railway Company, hereinafter called the
3 company, of its use of the present incline and ap-
4 proach to the Tremont street subway, located in
5 Boylston street between Arlington street and Charles
6 street in the city of Boston, hereinafter called the
7 city, constructed under authority of chapter eight
8 hundred and ten of the acts of nineteen hundred and

9 thirteen and used by said company under its contract
10 with said city for the use of the Boylston street sub-
11 way, dated December seventh, nineteen hundred and
12 eleven, and as modified by the contract of said com-
13 pany with said city, dated September twenty-ninth,
14 nineteen hundred and thirteen, said city, acting
15 through the transit department of said city, herein-
16 after called the department, is hereby authorized to
17 remove the said incline and approach and to fill up
18 the excavation of said incline and, when said incline
19 and approach have been removed and said incline
20 filled in, to repave and resurface so much of Boylston
21 street between Arlington street and Charles street as
22 it may deem necessary for traffic purposes.

1 SECTION 2. The department may order the tem-
2 porary removal or relocation of any surface tracks,
3 and the temporary or permanent removal or reloca-
4 tion of any conduits, pipes, wires, poles, or other
5 property located in public ways or places, which it
6 deems to interfere with the work authorized by this
7 act, and shall grant new locations for any such struc-
8 tures so removed or relocated. Such orders, to the
9 extent specified therein shall be deemed a revocation
10 of the right or license to maintain such tracks, con-
11 duits, pipes, wires, poles, or other property in such
12 public ways or places, and the owner of any such
13 structures in public ways or lands shall comply with
14 such orders without expense to the city. If any such
15 owner shall fail to comply with the order of the
16 department within a reasonable time, to be fixed in
17 the order, the department may discontinue and re-
18 move such tracks, conduits, pipes, wires, poles, or
19 other property and may relocate the same, and the

20 cost of such discontinuance, removal or relocation
21 shall be repaid to the city by the owner. No such
22 discontinuance, removal, or relocation shall entitle
23 the owner of the property thus affected to any dam-
24 ages on account thereof. Any gas or electric lighting
25 company shall shut off the gas or current from any
26 pipes or wires affected by any acts done hereunder,
27 so far and for such time as may be necessary to pre-
28 vent the escape or explosion of gas, or other public
29 danger.

1 SECTION 3. So much of the provisions of section
2 three of said chapter eight hundred and ten as pro-
3 vides that if the new incline therein provided for shall
4 be discontinued at any future time the land taken
5 under authority thereof from the Public Garden for
6 the widening of Boylston street shall revert back to
7 its then present use as a part of the Public Garden,
8 and the then existing street line of Boylston street
9 shall be re-established, is hereby repealed.

1 SECTION 4. The taking without compensation
2 therefor, under an order passed June twenty-fifth,
3 nineteen hundred and fourteen, by the board of street
4 commissioners of said city, approved by the mayor
5 of said city June twenty-ninth, nineteen hundred and
6 fourteen, of the parcel of public land, hereinafter de-
7 scribed, for the making in said city of the public im-
8 provement consisting of the widening and construction
9 of Boylston street, Boston proper, as a highway, on
10 the northerly side, easterly from Arlington street,
11 substantially as shown on a plan marked City of
12 Boston Boylston St. Boston Proper May 20, 1914
13 F. O. Whitney Chief Engineer Street Laying Out

14 Department, deposited in the office of said depart-
15 ment, and in said order named, bounded and de-
16 scribed as follows:— “The highway named Boylston
17 street is hereby widened on northerly side, easterly
18 from Arlington street, and the Boston Transit Com-
19 mission is hereby authorized to construct the same.
20 Said highway as hereby widened is bounded — West
21 by Arlington street, forty and $15/100$ feet; north by
22 the northerly line of Boylston street as hereby widened,
23 three hundred seventy-six and $45/100$ feet; south-
24 east by the northwesterly line of Boylston street as
25 established by the Boston Transit Commission under
26 authority of chapter 810 of the Acts of the Legisla-
27 ture of 1913, three hundred seventy-five and $16/100$
28 feet: containing seventy-five hundred twenty-nine
29 square feet more or less.” is hereby authorized, rati-
30 fied and confirmed.

1 SECTION 5. This act shall take effect upon its
2 passage.