

# HOUSE . . . . . No. 510.

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[Bill accompanying the petition of A. S. Howe and others. Roads and  
Bridges.]

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## Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred.

### AN ACT

To provide for the Construction of a New Bridge across the Connecticut River between the City of Springfield and the Town of West Springfield.

*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 county commissioners of the county  
2 of Hampden are hereby authorized and required, within  
3 three years from the passage of this act, to construct and  
4 complete a bridge with suitable approaches thereto across  
5 the Connecticut river between the city of Springfield and  
6 the town of West Springfield. Three commissioners,  
7 no one of them being a resident of the county of Hamp-  
8 den, shall be appointed by the supreme judicial court or  
9 by any justice thereof, upon application by the county  
10 commissioners of the county of Hampden, or any other

11 party in interest, which application shall be made within  
12 thirty days from the passage of this act, to select the site  
13 and grade of the bridge to be built under the authority  
14 of this act. The commissioners appointed by said court  
15 shall give one or more hearings in the city of Springfield,  
16 of which due notice shall be given, at which all parties  
17 in interest shall be heard as to the site and grade most  
18 proper for said bridge; and after hearing such parties,  
19 inspecting the sites proposed and taking such other steps  
20 as said commissioners may deem proper, they shall,  
21 within six months from the date of their appointment,  
22 select a site for the said bridge and file their finding in  
23 the office of the clerk of the supreme judicial court for  
24 Hampden county; their finding when accepted by said  
25 court shall be binding upon all parties. The said com-  
26 missioners shall severally receive such pay for their ser-  
27 vices and expenses as shall be approved by a justice of  
28 the supreme judicial court and shall be paid by the county  
29 of Hampden. The amount so approved and paid shall  
30 be regarded as part of the cost of the bridge authorized  
31 by this act.

1 SECTION 2. The bridge authorized by this act shall  
2 be a substantial structure; the roadway thereof shall be  
3 not less than fifty-seven feet wide, out of which pro-  
4 vision shall be made for double street car tracks, and it  
5 shall be so built that it can be paved with brick or  
6 asphalt; the footwalks shall be not less than six feet  
7 wide each; the piers of said bridge shall be so located  
8 and the bridge so constructed that a draw can be con-  
9 veniently and economically placed in the structure  
10 when required; and the plans of the bridge in this  
11 respect must be approved by the board of harbor  
12 and land commissioners. The easterly approaches of  
13 said bridge shall pass under the tracks of the New York,

14 New Haven and Hartford Railroad Company at a suitable  
15 grade for the passage of vehicles and street cars; and the  
16 design, dimensions and construction of the foundations  
17 of the piers and abutments of said bridge shall be such  
18 as to permit of the construction of piers and extension  
19 of the abutments thereon on the down stream or south-  
20 erly side of the bridge, of sufficient length and form to  
21 admit of the convenient and safe placing of a pipe line  
22 and its supporting bridge, trusses or girders, for the con-  
23 veying of water to the city of Springfield, and any in-  
24 creased cost caused thereby in the designs, dimensions  
25 and construction of the foundations of the piers and  
26 abutments of said bridge shall be determined by the con-  
27 tractor for the foundations and the county commissioners  
28 and paid by the city of Springfield.

1 SECTION 3. Said county commissioners shall construct  
2 two lines of street car tracks across said bridge, to be in-  
3 cluded in the cost thereof, and may grant to any street  
4 railway company or companies the privilege of running  
5 their cars over said bridge, but upon conditions and  
6 restrictions and for such compensation as in their judg-  
7 ment public interest and convenience may require: *pro-*  
8 *vided* that no grant or privilege to run cars over said  
9 bridge shall be for a longer period than ten years. The  
10 revenue if any, from leasing street railway privilege shall  
11 be paid to the county treasurer and apportioned by him  
12 on the county, cities and towns in such proportions as by  
13 the award of commissioners, hereinafter provided for,  
14 they severally pay towards the cost of maintaining said  
15 bridge.

1 SECTION 4. Said county commissioners are hereby  
2 authorized to take and hold such land and other property  
3 as may be necessary for the construction and use of said



4 new bridge and the approaches thereto. They shall es-  
5 timate and determine the damages which may be sustained  
6 by any person by such taking and holding; and any per-  
7 son aggrieved by such determination may have his or her  
8 damages assessed by a jury in the same manner in which  
9 damages sustained by the laying out of highways are as-  
10 sessed under the provisions of the Public Statutes. Said  
11 county commissioners shall not be disqualified to act in  
12 carrying out the instructions of this act on account of  
13 residence.

1 SECTION 5. The said county commissioners are hereby  
2 authorized to make all contracts which may be necessary  
3 for the construction of said bridge: *provided, however,*  
4 that no contract so made shall be valid until it is ap-  
5 proved by a justice of the supreme judicial court of this  
6 Commonwealth, all parties interested having been given  
7 due opportunity for a hearing before said court. If it is  
8 necessary to disturb the present old bridge during con-  
9 struction of the new bridge, the county commissioners  
10 are hereby authorized to construct such temporary bridge  
11 as may to them seem necessary to facilitate travel and  
12 the construction of the new bridge. The present bridge  
13 shall be removed when the new bridge is open for travel  
14 in such manner as the county commissioners may deter-  
15 mine, and all sums which may be realized from the sale  
16 of the old bridge shall be paid into the county treasury  
17 to be applied to the reduction of the cost of the new  
18 bridge.

1 SECTION 6. The said county commissioners shall  
2 severally receive such pay for their services and ex-  
3 penses in acting under the authority hereinbefore granted  
4 as shall be approved by a justice of the supreme judicial

5 court; the amount so allowed shall be regarded as part  
6 of the cost of the bridge authorized by this act.

1 SECTION 7. The county commissioners of the county  
2 of Hampden are hereby authorized to borrow upon the  
3 credit of the county a sum not to exceed four hundred  
4 thousand dollars, for the purpose of carrying into effect  
5 the authority granted in this act.

1 SECTION 8. All expenses incurred under this act, in-  
2 cluding all expenses of maintaining and keeping said  
3 bridge in repair, shall be paid by such parties and in  
4 such proportions as shall be determined under the follow-  
5 ing provisions: When said bridge and highway is com-  
6 pleted and the full cost thereof ascertained, including  
7 therein all land damages awarded or assessed, said county  
8 commissioners shall file a report of the fact, together  
9 with the amount of such cost, in the office of the clerk  
10 of the supreme judicial court for the county of Hamp-  
11 den. Whereupon, and upon the application of the  
12 county commissioners of the county of Hampden, or of  
13 any party interested, and after a hearing of all parties  
14 who may wish to be heard before said court, due notice  
15 of said hearing having been given, said court or a justice  
16 thereof in any county shall appoint a board of commis-  
17 sioners, consisting of three disinterested and suitable  
18 persons, not residents of the County of Hampden; said  
19 commissioners having been duly sworn to the faith-  
20 ful and impartial discharge of their duties shall, after  
21 due notice to all the parties interested, and a hearing,  
22 determine and decree what proportional part of the cost  
23 of said bridge and the approaches thereto, and all other  
24 expenses incurred under this act, including their own  
25 fees, and what proportional amount of all the expenses

26 of maintaining and repairing said bridge and its appur-  
27 tenances, not including any portion of the highway  
28 which lies easterly of the abutment of the bridge  
29 in Springfield or westerly of its abutment in West  
30 Springfield, shall be borne and paid by said county  
31 of Hampden and by such towns or cities in said county  
32 as they, the said commissioners, shall award and deter-  
33 mine are or will be benefited by the construction of said  
34 bridge, and assess upon them the costs of construction  
35 and maintaining in such manner and in such proportions  
36 as they shall deem equitable and just; and they shall  
37 also award and determine how, by and to whom, such  
38 proportional amounts shall be paid; and their determina-  
39 tion and decree, or that of the major part of them, shall  
40 be made in writing and reported to the supreme judicial  
41 court for the county of Hampden; and when the same  
42 is accepted and judgment entered thereon by the court,  
43 shall be binding upon all parties interested therein.

1 SECTION 9. Liability for defects in the bridge and  
2 its abutments shall exist on the part of the county and  
3 said cities and towns in such proportions as by the award  
4 of said commissioners they severally pay towards the  
5 cost of keeping the same in repair. Such portions of  
6 the highway laid out and constructed under this act as  
7 lie easterly of the abutment of the bridge in Springfield,  
8 and westerly of its abutment in West Springfield, shall  
9 be maintained and kept in repair by the city or town in  
10 which they are, and said city or town shall be liable for  
11 defects in the same manner as upon other highways within  
12 their limit.

1 SECTION 10. This act shall take effect upon its  
2 passage.