

# HOUSE . . . . No. 1394.

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## Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, May 17, 1900.

The committee on Railroads, to whom was referred the petition (with accompanying bill, House, No. 668) of Thomas Arthur and another for legislation relative to the crossings of railroads and public ways in East Boston, report the accompanying bill.

For the Committee,

HUGH L. STALKER.

## Commonwealth of Massachusetts.

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In the Year One Thousand Nine Hundred.

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### AN ACT

Relative to the Crossings of Railroads and Public  
Ways in East Boston.

*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 commission appointed by the  
2 superior court for the county of Suffolk, upon  
3 petition of the mayor and aldermen of the city of  
4 Boston under the provisions of chapter three hun-  
5 dred and ninety of the acts of the year eighteen  
6 hundred and ninety-nine, if it determine that the  
7 public interests require the abolition of the grade  
8 crossings, or any of them, referred to in said act,  
9 shall have power to determine and decide that  
10 the present location of the tracks of the rail-  
11 roads referred to in said act, or any portion of  
12 any of them, be discontinued and changed and  
13 that a new location for the tracks thus discontin-  
14 ued, or any of them, be established; but the

15 tracks of the Boston, Revere Beach and Lynn  
16 Railroad Company shall not be crossed at grade  
17 and the present locations of said company shall  
18 not be taken or disturbed without its consent.  
19 The said commission shall also have power, if it  
20 determine that the public interests require the  
21 abolition of said grade crossings, or any of them,  
22 to discontinue any portion of Marginal street,  
23 or any portion of Webster street west of Orleans  
24 street, or any portion of Maverick street east of  
25 the present location of the Boston, Revere Beach  
26 and Lynn Railroad Company; and may determine  
27 and decide a location or locations for suitable  
28 yards either in East Boston or Chelsea for any  
29 of the railroads, the tracks of which may be  
30 relocated under this act. The commission may  
31 take land in fee simple, or otherwise, for the  
32 rights of way or locations which it shall determine  
33 to be necessary for the said relocation of the said  
34 tracks, or any of them, and may also take land in  
35 East Boston or Chelsea for such new yards as it  
36 shall determine to be necessary for said railroad  
37 companies, or either of them. Said takings shall  
38 be under and in accordance with the provisions of  
39 section four of chapter four hundred and twenty-  
40 eight of the acts of eighteen hundred and ninety.

1 SECTION 2. In case the said commission shall  
2 determine that the public interests require the re-  
3 location of the tracks of the Boston and Maine or  
4 Boston and Albany railroads, or any of them, the  
5 present yards of the Boston and Albany Railroad

6 Company between Marion and Bennington streets  
7 in East Boston may be used for storage and  
8 switching purposes pending any change in the  
9 location of said railroad that may be ordered by  
10 said commission under section one of this act,  
11 and the said railroad company may continue to  
12 cross at grade such streets as are necessary to  
13 reach said yards until said change of location has  
14 been effected, but in no event for a longer term  
15 than three years from the passage of this act.

1 SECTION 3. In case the said commission shall  
2 determine that the public interests require the  
3 abolition of said grade crossings, or any of them,  
4 and in case the location of the Boston, Revere  
5 Beach and Lynn Railroad Company is not taken  
6 under Section two of this act, no right of way  
7 shall be taken through the flats of the East Bos-  
8 ton Company, except and unless the said com-  
9 pany shall convey the same in fee without charge  
10 for the purpose of such right of way; and if the  
11 tracks of the Boston and Maine and Boston  
12 and Albany railroads, or either of them, shall be  
13 relocated as hereinbefore provided, said commis-  
14 sion shall determine the proportion in which the  
15 cost of carrying out the recommendations and de-  
16 cisions of the commission shall be borne, and such  
17 proportion shall be in lieu of the proportion pro-  
18 vided in section four of said chapter three hun-  
19 dred and ninety of the acts of the year eighteen  
20 hundred and ninety-nine: *provided, however, that*  
21 the proportion to be borne by the Commonwealth

22 shall not exceed the proportion to be borne by  
23 the Commonwealth under said last-mentioned  
24 section.

1 SECTION 4. Said commission shall not be re-  
2 quired to hear and pass upon the matters and  
3 things provided by this act before October one,  
4 nineteen hundred, and shall not be required to re-  
5 port to the superior court for the county of Suf-  
6 folk upon the matters referred to said commission  
7 by said chapter three hundred and ninety of the  
8 acts of the year eighteen hundred and ninety-  
9 nine or upon the matters referred to said com-  
10 mission by this act until April one, nineteen hun-  
11 dred and one; and upon the report to the said  
12 court of the recommendations and decision of the  
13 said commission the same shall, if confirmed by  
14 the court, be forthwith carried out.

1 SECTION 5. The provisions of this act shall  
2 be considered as an amendment to the provisions  
3 of section three of said chapter three hundred  
4 and ninety of the acts of the year eighteen hun-  
5 dred and ninety-nine, but nothing herein shall  
6 effect the other provisions of said act.

1 SECTION 6. This act shall take effect upon its  
2 passage.

