

HOUSE No. 1251.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, April 15, 1901.

The committee on Street Railways, to whom was referred the petition (with accompanying bill, House, No. 12) of George H. Carter and another for legislation to authorize street railway companies to locate, construct, maintain and operate their railways upon private lands, and the petition (with accompanying bill, House, No. 726) of Adams Franklin Brown for legislation to allow street railway companies to operate their tracks in part upon private lands, report the accompanying bill.

For the Committee,

FRED C. GILPATRIC.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and One.

AN ACT

Relative to the Construction and Operation of
Street Railways upon Private Land.

*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. A street railway company organ-
2 ized under the laws of this Commonwealth or in
3 process of organization under said laws, having
4 first obtained the approval of the aldermen of the
5 city or selectmen of the town in which the land
6 referred to is situated to the construction of its
7 railway thereon, may, for the purpose of avoiding
8 grades and curves in a public street or way and
9 for such other purposes incidental to the use of
10 the public streets or ways as the board of railroad
11 commissioners may in the manner hereinafter
12 provided approve, petition said board for authority
13 to construct and maintain parts of its railway and
14 extensions thereof upon land outside the limits of
15 such public ways. The company in such petition
16 shall set forth the purpose for which such
17 authority is desired in each case, and shall file
18 with the petition a plan, in such form and upon

19 such scale as the board may prescribe, of the pro-
20 posed railway or extension and of the localities
21 where it is desired to construct the same upon
22 private land, and said board, after public notice and
23 a hearing, and if it is satisfied that public necessity
24 and convenience demand the proposed railway or
25 extension substantially on the locations granted to
26 and accepted by such company, and that the ap-
27 proval of the aldermen or selectmen of the city or
28 town in which the land is situated has been ob-
29 tained as aforesaid, may authorize the petitioner
30 to construct and operate its railway upon and
31 over private land, and for that purpose to pur-
32 chase or lease private land or rights therein and
33 thereover, in such cases and to such extent as
34 the board is of opinion that public necessity and
35 convenience in the construction and operation of
36 the proposed railway require. Said board in
37 granting such authority may prescribe the kind
38 of construction to be used, the grade and align-
39 ment of the tracks, and may order such special
40 appliances to be furnished and such safeguards
41 to be adopted in the construction and operation
42 of the railway upon private lands as, in its judg-
43 ment, regard for public necessity, convenience
44 and safety may demand.

1 SECTION 2. No street railway hereafter con-
2 structed upon private land shall be opened for
3 public use, until the board, after an examination,
4 certifies that all laws relating to its construction
5 and all requirements of said board have been com-
6 plied with, and that it appears to be in a safe con-

7 dition for operation, and said board may at any
8 time after the opening of any street railway for
9 public use, order such changes and improvements
10 in the construction and operation of any part of
11 the railway located on any private land as in its
12 judgment may be necessary for public safety in
13 the use thereof.

1 SECTION 3. Any street railway company which
2 has heretofore without special legislative authority
3 therefor constructed any part of its railway upon
4 private land with the consent of the owners of
5 such land or upon land leased or purchased by
6 such company, may continue to maintain and
7 operate its railway upon such private land, sub-
8 ject, however, to the same control by the board as
9 is provided in the preceding section and in other
10 general laws.

1 SECTION 4. Except as provided in this act,
2 and in chapter four hundred and four of the acts
3 of the year eighteen hundred and ninety-eight, or
4 for the purposes of reaching its car barns and
5 repair shops, and of reaching and providing con-
6 venient terminals in parks and pleasure resorts
7 situate upon the line of its railway, no street rail-
8 way company shall, unless heretofore or hereafter
9 authorized by special act of the general court so
10 to do, construct or operate any part of its railway
11 outside of the limits of a public highway, street or
12 bridge.

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