

# HOUSE . . . . . No. 1192.

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Bill accompanying the petition of Henry L. Plummer for legislation relative to the payment of tolls for the use of the East Boston tunnel, Metropolitan Affairs. March 25.

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## Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Four.

### AN ACT

#### Relative to the Payment of Tolls in the East Boston Tunnel.

*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. Section seventeen of chapter five  
2 hundred of the acts of the year eighteen hundred  
3 and ninety-seven is hereby amended so as to read  
4 as follows:—

5 *Section 17.* Whenever said corporation is au-  
6 thorized to begin the construction of its railroad  
7 over the route first applied for, as provided in  
8 section thirteen of this act the Boston transit  
9 commission shall construct a tunnel or tunnels, of

10 sufficient size for two railway tracks, with ap-  
11 proaches, entrances, sidings, stations and connec-  
12 tions therefor, and for the running of railway  
13 cars therein, from a point on or near Hanover  
14 street in the city of Boston, or such other point  
15 or points as said board may deem proper for a  
16 suitable connection with the subway or subways  
17 provided for in section twenty-five of said chap-  
18 ter five hundred and forty-eight, to a point at or  
19 near Maverick square in that part of Boston  
20 called East Boston where a suitable connection  
21 with surface tracks may be made. Said tunnel or  
22 tunnels shall be constructed in a thorough and  
23 substantial manner, with special reference to  
24 strength, durability and safety for railway travel,  
25 and shall be water tight, or in case of leakage  
26 the water shall be taken care of by said city.  
27 Upon completion thereof said commission shall  
28 execute a lease thereof in writing to said cor-  
29 poration for a term expiring twenty-five years  
30 from the date of the passage of this act, at an  
31 annual rental equal to three-eighths of one per  
32 cent. of the gross receipts for each year ending  
33 September thirtieth, of all lines owned, leased or  
34 operated by said corporation to be paid to said  
35 city on or before the last day of November in  
36 each year, with the privilege to the lessee to sub-  
37 let the same, such lease to contain such other  
38 terms and provisions as may be agreed on by  
39 said commission and said corporation, or in case  
40 of disagreement, as shall be determined by the  
41 board of railroad commissioners. Said rental

42 shall be in full compensation for the exclusive  
43 use of said tunnel by said corporation, its sub-  
44 lessees, successors or assigns. Said city shall set  
45 aside from the compensation received by said city  
46 under section ten of this act a toll of one cent for  
47 each person passing through said tunnel in either  
48 direction: *provided, however*, that if in any year  
49 ending on the thirtieth day of September such  
50 tolls set aside, together with the rental above  
51 provided for, amount to a sum so in excess of the  
52 interest and sinking fund requirements of said  
53 bonds for that year that the board of railroad  
54 commissioners is of the opinion that the toll so  
55 set aside may be reduced said board shall on  
56 petition of the mayor of said city establish such  
57 reduced toll for the period of one year from the  
58 first day of January next ensuing, as will in its  
59 opinion yield an amount sufficient to meet, with  
60 said rental, said interest and sinking fund require-  
61 ments for that year; or said board may altogether  
62 discontinue such toll when it is of opinion that  
63 such rental alone is sufficient to meet said require-  
64 ments. The whole amount of such tolls and of  
65 said rentals is hereby pledged to meet the prin-  
66 cipal and interest of the bonds issued to pay for  
67 the construction of said tunnel or tunnels, and  
68 this pledge shall be expressed on the face of such  
69 bonds as one of the terms thereof: *provided*,  
70 *however*, that after such tolls have been discon-  
71 tinued if said rentals shall for any year ending on  
72 the thirtieth day of September yield an amount  
73 more than sufficient to meet the interest and

74 sinking fund requirements of said bonds for such  
75 year such excess over said requirements shall be  
76 regarded as general revenue of said city. In  
77 case in any year the rentals and tolls above-  
78 provided for shall not yield a sufficient amount to  
79 meet said interest and sinking fund requirements  
80 the general revenue of said city shall be applied  
81 so far as may be necessary toward meeting such  
82 requirements. Said corporation shall be the agent  
83 of said city to determine the amount of such tolls  
84 under such arrangements as shall be agreed upon  
85 by said city and said corporation, or in case of  
86 disagreement, as shall be determined by the board  
87 of railroad commissioners.

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