

HOUSE No. 832.

Bill accompanying the petition of Stephen W. Reynolds and others for legislation relative to electric railroad companies. Street Railways. January 23.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Seven.

AN ACT

Relative to Electric Railroad Companies.

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 two of chapter five hundred and
2 sixteen of the acts of the year nineteen hundred and six
3 is hereby amended by inserting after the word "six,"
4 in the sixteenth line, the words:— so far as applicable
5 and, — so that the section as amended will read as fol-
6 lows:—

7 *Section 2.* Such company shall have authority, subject
8 to the provisions of this act to construct, operate and main-
9 tain a railroad or railway, including poles, wires or other
10 appliances and equipment connected therewith, of the
11 class operated by electricity or by any power other than
12 steam, which the board of railroad commissioners shall
13 approve, and constructed wholly upon private land pur-

14 chased or taken by said company under the provisions of
15 this act; or constructed partly upon such private land so
16 purchased or so taken by said company and partly upon
17 public ways and places, but at least one-half of which is
18 constructed upon such private land. Such company shall
19 have all the powers and privileges, and be subject to all
20 the duties, liabilities and restrictions, relative to railroad
21 corporations, set forth in chapter four hundred and sixty-
22 three of the acts of the year nineteen hundred and six,
23 so far as applicable and except as is otherwise specially
24 provided in this act.

1 SECTION 2. Section six of said chapter five hundred
2 and sixteen is hereby amended by striking out all after
3 the word "commissioners," in the sixteenth and seven-
4 tenth lines, and inserting in place thereof the following:
5 — and by posting copies of said notice in two or more
6 public places in said city or town at least two weeks be-
7 fore such hearing, — so that the section as amended will
8 read as follows:—

9 *Section 6.* In case the board of railroad commissioners
10 grants the certificate specified in the preceding section, the
11 directors may, within sixty days after the granting thereof,
12 apply to the board of aldermen of each city and to the se-
13 lectmen of each town in which the railroad is to be located
14 to fix the route of the railroad in such city or town, and
15 with such application the directors shall file a copy of the
16 maps and general profile, and, upon request, the other
17 information presented to the board of railroad commis-
18 sioners. The board of aldermen and the selectmen shall
19 give fourteen days' notice of the time and place for a
20 hearing on such application by publication thereof in
21 one or more newspapers, if there be any, published in
22 said city or town, otherwise in such newspaper or news-

23 papers published in the county in which the city or town
24 is situated as shall be designated by the board of rail-
25 road commissioners; and by posting copies of said notice
26 in two or more public places in said city or town at least
27 two weeks before such hearing.

1 SECTION 3. Section seven of said chapter five hundred
2 and sixteen is hereby amended by striking out all after
3 the word "directors," in the seventeenth line, down to
4 and including the word "directors," in the twenty-sixth
5 line, and inserting in place thereof the following: — may
6 apply to the board of railroad commissioners, which shall,
7 after notice to the board of aldermen or the selectmen,
8 and after public notice and a hearing, fix the route of
9 said railroad in such city or such town, — so that the
10 section as amended will read as follows: —

11 *Section 7.* If the route designated in the application
12 is agreed to by the board of aldermen or the selectmen,
13 and all requirements in respect of the part of said route
14 located longitudinally upon public ways and places are
15 assented to by the directors, and thereafter are approved
16 in writing by the board of railroad commissioners, the
17 board of aldermen or the selectmen shall make a certifi-
18 cate setting forth the route as fixed by them, which shall
19 be certified by said board or their clerk to the directors,
20 and no further proceedings shall be necessary, but the
21 route so agreed to shall be the route of said railroad in
22 such city or town. If the board of aldermen or the select-
23 men agree with the directors upon a route different from
24 that designated in the application, or if the board of
25 aldermen or the selectmen fail to agree with the directors
26 upon a route, or as to the requirements in respect of the
27 part of the route located longitudinally upon public ways
28 and places, the directors may apply to the board of rail-

29 road commissioners, which shall, after notice to the board
30 of aldermen or the selectmen, and after public notice and
31 a hearing, fix the route of said railroad in such city or
32 such town. Said board shall thereupon make a certifi-
33 cate setting forth the route as fixed by it, which route
34 shall be certified by its clerk to the directors. In fixing
35 such route the board of railroad commissioners shall not
36 locate it longitudinally upon any public way or place
37 in such city or town without the consent of the board of
38 aldermen of such city or the selectmen of such town.
39 That part of the route which consists of a location longi-
40 tudinally upon a public way or place shall not be deemed
41 to be fixed until all requirements which may be imposed
42 in respect of it by the board of aldermen or the select-
43 men, as the case may be, are approved in writing by the
44 board of railroad commissioners.

1 SECTION 4. Section twelve of said chapter five hun-
2 dred and sixteen is hereby amended by striking out the
3 word "forty-one," in the twelfth line, and inserting in
4 place thereof the word: — forty, — and by striking out
5 the word "forty-three," in the fifteenth line, and insert-
6 ing in place thereof the word: — forty-two, — so that the
7 section as amended will read as follows: —

8 *Section 12.* An electric railroad company shall not be
9 subject to the following provisions of law relative to rail-
10 road corporations contained in part two of said chapter
11 four hundred and sixty-three: so much of section twenty-
12 two of said chapter as refers to tracks laid longitudinally
13 within the limits of a public way; so much of section
14 forty-six of said chapter as applies to grain elevators;
15 sections fifty-eight, fifty-nine and sixty of said chapter,
16 relative to stock or bonds of other corporations; sections
17 one hundred and forty-seven, one hundred and fifty-six,

18 one hundred and seventy-three to one hundred and seventy-
19 six, inclusive, and two hundred and forty, of said chap-
20 ter relative to operation; section one hundred and fifty-
21 five of said chapter relative to the obstruction of high-
22 ways; and so much of section two hundred and forty-two
23 of said chapter as applies to locations longitudinally
24 within the limits of a public way; but the board of rail-
25 road commissioners shall prescribe rules and regulations
26 relative to the equipment of cars, the ringing of bells,
27 the sounding of whistles and the giving of signals, for
28 the prevention of accidents.

1 SECTION 5. Section thirteen of said chapter five hun-
2 dred and sixteen is hereby amended by striking out the
3 word "thirty-three," in the first line, and inserting in
4 place thereof the word: — thirty-two, — so that the sec-
5 tion as amended will read as follows: —

6 *Section 13.* Section two hundred and thirty-two of
7 part two of said chapter four hundred and sixty-three
8 shall apply to an electric railroad company, with the ad-
9 dition, after the word "tracks," in the second line thereof,
10 of the words: — not within the limits of a highway;
11 and section sixty-three of part one of said chapter shall
12 apply to such company, with the addition, after the word
13 "upon," in the fourteenth line thereof, of the words: —
14 that part of, — and after the word "railroad," in the
15 fourteenth and fifteenth lines thereof, of the words: —
16 not within the limits of a highway.

