

HOUSE No. 939.

Bill accompanying the petition of William R. Black and others for legislation to define the duties of county commissioners and the Board of Railroad Commissioners in regard to crossings of a public way with a railroad and relative to such crossings. Railroads. January 22.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Eight.

AN ACT

To further define the Duties of County Commissioners in the Alteration or Repair of Crossings.

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 twenty-three of part one of chap-
2 ter four hundred sixty-three of the acts of the year nine-
3 teen hundred and six is hereby amended by inserting
4 after the word "crossing," in line ten, the words:— or
5 that such bridge should be repaired, strengthened or re-
6 built; and by inserting after the word "alteration," in
7 line fourteen, the words:— improvement or repair,—
8 so that said section shall read as follows:—

9 *Section 23.* If a public way and a railroad cross each
10 other, and the board of aldermen of the city or the select-
11 men of the town in which the crossing is situated, or the
12 directors of the railroad corporation, or the directors of a
13 street railway company having tracks on the said way,
14 are of opinion that it is necessary for the security or
15 convenience of the public that an alteration which does
16 not involve the abolition of a crossing at grade should be
17 made in the crossing, the approaches thereto, the loca-
18 tion of the railroad or way, or in a bridge at the crossing,
19 or that such bridge should be repaired, strengthened or
20 rebuilt, they shall apply to the county commissioners, or,
21 if the crossing is situated in the city of Boston, to the
22 board of railroad commissioners, who shall, after public
23 notice, hear all parties interested, and, if they decide
24 that such alteration, improvement or repair is necessary,
25 shall prescribe the manner and limits within which it
26 shall be made, and shall forthwith certify their decision
27 to the parties and to said board. In case any street
28 railway company is authorized to lay and use tracks
29 upon the said way, the said company shall bear such part
30 of the expense of building, repairing or improving a
31 bridge forming a part of said way, or of altering or im-
32 proving the approaches thereto, as shall be deemed to be
33 just by the commission provided for in sections twenty-
34 five and twenty-six.

1 SECTION 2. Section twenty-five of part one of said
2 chapter is hereby amended by inserting after the word
3 "alteration," in line five, the words:—improvement or
4 repair; by inserting after the word "thereto," in line
5 seven, the words:—or such bridge; by striking out after
6 the word "built," in line sixteen, the word "or;" and
7 by inserting after the word "repaired," in said line, the

8 word:— strengthened; by inserting after the word
9 “changes,” in line twenty, the word:— repairs; and by
10 inserting after the word “such,” in line twenty-one, the
11 words:— bridge or,— so that said section shall read as
12 follows:—

13 *Section 25.* A special commission of three disinter-
14 ested persons, who shall be appointed as provided in the
15 following section, shall determine which party shall carry
16 such decision into effect and which party shall pay the
17 charges and expenses of making such alteration, im-
18 provement or repair, and the future charges for keep-
19 ing such crossing and the approaches thereto or such
20 bridge in repair, as well as the costs of the application
21 to the county commissioners, or the board of railroad
22 commissioners, and of the hearing before said special
23 commission; and it may apportion all such charges, ex-
24 penses and costs between the railroad corporation, the
25 street railway company having tracks on said way, and
26 the counties, cities or towns in which said crossing is
27 situated, and other cities and towns which may be spe-
28 cially benefited. If a street railway company is author-
29 ized to lay and use tracks upon any bridge in a highway
30 which is built, repaired, strengthened or altered as above
31 provided for, or the approaches to which are altered or
32 improved as above provided for, the said commission
33 shall determine what part of the charges and expenses
34 of making such changes, repairs or improvements, or of
35 keeping such bridge or approaches in good condition,
36 shall be paid by the said street railway company.

