

HOUSE No. 1369

Bill accompanying the petition of Charles H. Morrill and another for legislation to provide for state and city ownership of street railways. Street Railways. January 19.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Eleven.

AN ACT

Relative to the Operation of Street Railways by the Commonwealth and by Cities.

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. It shall be lawful for the commonwealth
2 to purchase, own and operate any or all street railways
3 constructed or operated within the commonwealth: *pro-*
4 *vided*, that the general court at any session so votes;
5 and *provided*, that such vote is, and any such vote shall
6 be, submitted to the voters of the state at the following
7 state election; and *provided*, that a majority of the voters
8 voting thereon vote in the affirmative.

1 SECTION 2. In case a petition asking for the sub-
2 mission to the voters of the commonwealth of the

3 question of state ownership and operation of all the
4 street railways in the state, or of any designated street
5 railways, is filed with the secretary of the common-
6 wealth thirty days or more before any annual state
7 election, such question shall so be submitted at such
8 election: *provided* that the aforesaid petition is signed
9 by at least ten per centum of the total number of voters
10 voting at the last preceding state election, certified to be
11 legal voters by the registrars of voters of the cities or
12 towns in which they live.

1 SECTION 3. If a decision to purchase, own and operate
2 any or all street railways constructed or operated within
3 the commonwealth is made as aforesaid, then a plan and
4 means for operating any such street railway shall be
5 enacted by the general court at the session following the
6 state election at which such vote is taken.

1 SECTION 4. The price to be paid by the common-
2 wealth for the property, rights and privileges of any
3 such street railway company shall be the estimated cost
4 of duplicating the property acquired, allowing nothing
5 for the franchise or good will of the company, or for the
6 franchise or good will of any company which may have
7 been absorbed by the company whose property the state
8 acquires.

1 SECTION 5. The said price shall be estimated by a
2 commission of three persons, of whom one shall be
3 selected by the governor of the commonwealth, one by
4 the street railway company and the third by those two.
5 Their decision shall be final, except that in respect to
6 any item exceeding five thousand dollars in amount either
7 party may appeal to the board of railroad commissioners,

8 whose decision shall be final. Any such appeal must be
9 made within ten days after the commission have made
10 and reported their estimate.

1 SECTION 6. It shall be the duty of the street railway
2 company to appoint its member of the commission afore-
3 said within ten days after receiving notice of the appoint-
4 ment of the commissioner on behalf of the commonwealth ;
5 and to convey and deliver its property to the common-
6 wealth as soon as payment or tender has been made of
7 the price finally determined as aforesaid. When the
8 said property has been conveyed and delivered, the right
9 of the street railway company to operate a street railway
10 shall cease, but the company shall not be dissolved except
11 by legal decree made in accordance with law.

1 SECTION 7. Any city in the commonwealth, may, if
2 the city government so votes, purchase of any street
3 railway company operating within its limits, the fran-
4 chise, property rights and privileges of such railway com-
5 pany, and after such purchase may operate the same with
6 all the powers and privileges and subject to all the duties
7 and liabilities pertaining to the operation of the said rail-
8 way by the street railway company. But no such pur-
9 chase shall be made of any street railway belonging to
10 the commonwealth, or in respect to which any of the pro-
11 ceedings above provided for in the general court or other-
12 wise is pending.

1 SECTION 8. In case ten per centum of the voters of
2 any city file a petition with the city clerk asking that
3 the matter of the purchase and operation by the city of
4 any street railway operated therein be submitted to the
5 voters of the city, it shall so be submitted at the next

6 city election; and if a majority of the voters voting
7 thereon vote in the affirmative, the city shall purchase
8 the said railway or railways in the manner designated
9 herein: *provided*, that such railways do not belong to
10 the state, and that no proceeding in respect to them is
11 pending as aforesaid.

1 SECTION 9. In case such purchase is to be made by
2 any city, the price shall be determined, and other pro-
3 ceedings had, as provided above, substituting the mayor
4 of the city for the governor of the commonwealth, and
5 the city for the commonwealth.

1 SECTION 10. In case any street railway which a city
2 desires to purchase extends into an adjoining city or town
3 having a population less than that of the city desiring to
4 purchase, the city may purchase all the property, real
5 or personal, of the street railway company in the adjoin-
6 ing city or town, and may operate the railway therein
7 with all the powers and privileges, and subject to all the
8 duties and liabilities pertaining to the street railway com-
9 pany, and to such regulations as may be made by the
10 adjoining city or town, subject to revision, on appeal
11 by the board of railroad commissioners; but the said
12 purchasing city shall not possess in the said adjoining
13 city or town any greater rights or privileges than were
14 possessed therein by the railway company, except by
15 consent of the adjoining city or town.

1 SECTION 11. In case the adjoining city or town has
2 a population greater than that of the city desiring to pur-
3 chase and operate a street railway therein, such adjoining
4 city or town may by vote of its city council or town
5 meeting, authorize such purchase and operation; and in

6 that case the city desiring to purchase shall have the
7 same rights above provided for in respect to street rail-
8 ways in adjoining cities or towns having a population less
9 than that of the city desiring to purchase as aforesaid.

1 SECTION 12. It shall be lawful for any two cities,
2 jointly, to purchase and operate a street railway which is
3 constructed or operated in both of such cities : *provided*,
4 that each city, or the voters thereof, determines upon
5 such joint purchase and operation in the manner herein
6 prescribed for a city, or the voters therein, to determine
7 upon the purchase and operation of a street railway.

1 SECTION 13. For the purposes of this act, the town
2 of Brookline shall be regarded as a city.

1 SECTION 14. This act shall take effect upon its pas-
2 sage.

