

HOUSE No. 1010

Bill accompanying the petition of Henry Howard for a general plan for the comprehensive development and improvement of the transportation system of Boston and the metropolitan district. Metropolitan Affairs. January 19.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Fourteen.

AN ACT

To give the Boston Transit Commission Additional Powers Relative to Transportation Facilities in the Metropolitan District.

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. The Boston Transit Commission, in
2 addition to the powers and duties conferred and imposed
3 upon it by existing laws, shall have and exercise the
4 powers and perform the duties imposed upon by this act.

1 SECTION 2. The said board is authorized to employ
2 an executive secretary at an annual salary of not exceed-
3 ing seven thousand dollars, who shall be styled the
4 secretary for metropolitan transportation, and such

5 experts, counsel and other assistants, and to incur such
6 other expenses as it may deem necessary, not exceeding
7 in the aggregate in any year, including the salary of
8 the said secretary, the sum of fifty thousand dollars.
9 The board shall make an annual report in January of
10 each year to the general court.

1 SECTION 3. It shall be the duty of the board:—

2 1. To obtain and to analyze information as to the col-
3 lection and distribution of people and goods in the cities
4 and towns which are now included within the metropoli-
5 tan park district, or the metropolitan sewer district, or
6 the metropolitan water district, and such other cities
7 and towns as may hereafter be joined to any one of said
8 districts, and to make forecasts of the future requirements
9 for transportation facilities therein.

10 2. To obtain and to analyze information as to the earn-
11 ings, capital, expenditure and finances generally of the
12 transportation companies and transportation business in
13 said cities and towns and information on any other
14 subject bearing on the development of the transportation
15 system therein.

16 3. To prepare with all practicable dispatch a general
17 plan for the future comprehensive development and
18 improvement of the transportation system in said cities
19 and towns, including therein all passenger and freight
20 railroads and railways, whether surface, sub-surface or
21 elevated, whether within private rights of way or within
22 public streets and including the important public
23 thoroughfares thereof, whether occupied by street rail-
24 ways or not; and to report to the next and each succes-
25 sive session of the general court in detail the progress
26 which it shall have made in the preparation of such
27 a plan.

28 4. To report to the legislature annually upon matters
29 with which the board is charged ; with a statement (*a*)
30 as to what changes in or additions to the transportation
31 system, if any, ought in the opinion of the board to be
32 made in the immediate future, and as to how the cost
33 of the same may best be met and as to the financial effect
34 upon the companies involved ; (*b*) as to any changes
35 which the board may have thought best to make in its
36 plan for future developments of the system ; and (*c*) as to
37 any recommendations which the board may feel disposed
38 to make for legislative action, including drafts of bills
39 to carry out the same.

40 5. To advise with officers of the transportation com-
41 panies in said cities and towns and with officials of the
42 various municipalities therein in regard to proposed ex-
43 tensions, new locations and relocations for railways
44 and railroads and to approve or disapprove of such loca-
45 tion as may be granted by any of the said municipalities.

46 6. To advise with officers of the various municipalities
47 of such district in regard to proposed extensions,
48 locations, relocations and widenings of highways, to
49 examine the plans of the same before they shall be put
50 into execution and, in case of such plans as, in the
51 opinion of the board, are likely to have a material
52 influence upon the development of the general system
53 of main thoroughfares and transportation routes, to
54 approve or disapprove.

55 7. Said various municipalities shall, before final action
56 in regard to proposed extensions, locations, relocations,
57 and widenings referred to in clauses five and six hereof,
58 submit, or cause to be submitted, the proposed plans
59 for the same to the said board for its decision as to
60 whether such plans are likely to have a material influence
61 upon the development of the general system of main

62 thoroughfares and transportation routes; and, if the
63 board notifies the official who filed any such plan, within
64 ten days after the filing thereof, that the said plan is in
65 its opinion likely to have a material influence upon the
66 development of the general system of main thoroughfares
67 and transportation routes, the municipality shall then
68 wait for the approval or disapproval of said board, and
69 said board shall, after due public notice, hold a public
70 hearing upon the proposed plan, and if it disapproves
71 said plan shall state in full its reasons for such decision.

1 SECTION 4. For the purpose of enabling the board
2 to perform the duties and carry out the objects contem-
3 plated by this act, and to enable the general court to
4 receive the aforesaid findings and recommendations as a
5 basis for such laws relating to the transportation of said
6 district as the general court shall deem meet to enact,
7 the board shall have power to require the attendance
8 and testimony of witnesses and the production of all
9 books, papers, contracts and documents relating to any
10 matter within the scope of the said investigation, or
11 which may be material in the performance of the duties
12 imposed by this act. Such witnesses shall be summoned
13 in the same manner and be paid the same fees as
14 witnesses before the municipal courts of the city of
15 Boston. Each of such witnesses may be represented by
16 counsel. The chairman or any member of the board
17 may administer oaths to or take the affirmation of
18 witnesses who appear before the board. The board
19 may prescribe reasonable rules and regulations for the
20 conduct of hearings and the giving of testimony.

1 SECTION 5. If any person so summoned and paid
2 shall refuse to attend, or to be sworn, or to affirm, or to
3 answer any question, or to produce any book, contract,

4 document or paper pertinent to the matter of inquiry in
5 consideration before the board, a justice of the supreme
6 judicial court or of the superior court, in his discretion,
7 upon application by the board or any member thereof,
8 authorized thereto by vote of said board, may issue an
9 order requiring such person to appear before the board,
10 and to produce his books, contracts, documents and papers
11 and to give evidence touching the matter in question.
12 Any failure to obey such order of the court may be
13 punished by such court as a contempt thereof.

1 SECTION 6. Any person so summoned and paid who
2 shall refuse to attend, or to be sworn, or to affirm, or to
3 answer any question, or to produce any book, contract,
4 document or paper pertinent to the matter in consider-
5 ation by the board, and any person who wilfully inter-
6 rupts or disturbs, or is disorderly, at any hearing of the
7 board shall be punished by a fine not exceeding fifty
8 dollars, or by imprisonment for not more than thirty
9 days, or by both such fine and imprisonment.

1 SECTION 7. Any person who wilfully swears or
2 affirms falsely before the board upon any point material
3 to the matter of inquiry shall be guilty of perjury, and
4 shall be subject to the provisions of chapter two hundred
5 and ten of the Revised Laws and amendments thereof.

1 SECTION 8. Upon application by the board to any
2 justice of the supreme judicial court or the superior
3 court, the said justice may issue a commission to one or
4 more competent persons in another state for the exam-
5 ination of a person without this commonwealth relative
6 to any matter within the scope of the said investigation
7 or of this act. The testimony of such person may be
8 taken by open commission or otherwise under the pro-

9 cedure, so far as the same may be applicable, provided
10 by section forty-three of chapter one hundred and
11 seventy-five of the Revised Laws, and the said justice may
12 issue letters rogatory in support of said commission.

1 SECTION 9. Nothing in this act shall be construed to
2 compel any person to give any testimony or to produce
3 any evidence, documentary or otherwise, which may
4 tend to incriminate him.

1 SECTION 10. This act shall take effect upon its
2 passage.

