

HOUSE No. 1036

Bill accompanying the petition of Sanford Bates for the construction of a bridge over the Neponset river between the cities of Boston and Quincy. Roads and Bridges. January 19.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Fourteen.

AN ACT

To authorize the Construction and Maintenance of a New Bridge over the Neponset River between the Cities of Boston and Quincy.

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. A commission, as hereinafter specified,
2 shall forthwith construct as a highway a new bridge
3 across the Neponset river, to be known as Neponset
4 bridge, at or near the present site of the so-called Nepon-
5 set bridge, from Neponset avenue in Boston to Hancock
6 street in Quincy; shall construct any necessary ap-
7 proaches to said bridge on each end thereof; may con-
8 struct a temporary highway bridge to be used by vehicles,
9 street railway cars, and pedestrians during such construc-
10 tion; shall cause shoals to be dredged or otherwise re-
11 moved so as to afford vessels passing to or through the
12 draw of the bridge a depth of water equal at least to that

13 now afforded; and shall take such lands for the ap-
14 proaches to the bridge as they shall deem necessary for
15 carrying out the provisions of this act, and shall cause all
16 lands so taken to be properly filled and graded.

1 SECTION 2. The board of harbor and land commis-
2 sioners, or the directors of the port of Boston, shall au-
3 thorize such occupation of lands or flats outside the har-
4 bor lines, at and near each end of said bridge, as they
5 deem necessary for the proper construction of the bridge
6 and for avoiding angles that will tend to cause collections
7 of floating matter, and in granting licenses for the dredg-
8 ing of flats in said river shall endeavor to ensure the re-
9 moval of the shoals aforesaid by the licensees prior to
10 the necessity for such removal as required in the preced-
11 ing section.

1 SECTION 3. Said commission shall be styled the Ne-
2 ponset bridge commission, shall consist of one member to
3 be appointed by the mayor for the time being of the city
4 of Boston, one member to be appointed by the mayor for
5 the time being of the city of Quincy, and a third person
6 to be appointed jointly by said mayors, or in the event of
7 their failing to agree upon a third commissioner, then he
8 shall be appointed by the governor; and any vacancy
9 occurring by death, resignation, inability to serve, or
10 otherwise, on the part of any commissioner, shall be
11 filled by appointment in the manner herein provided for
12 the original appointment. Said commissioners shall re-
13 ceive such compensation for their services as said mayors
14 may agree upon, or, in case of their failure to agree, such
15 compensation as the governor may determine. The pro-
16 visions of section one of chapter three of the Revised
17 Laws shall not apply to the appointments to be made
18 under this act.

1 SECTION 4. Said bridge shall be constructed substan-
2 tially in accordance with the plans to be submitted to
3 said commission by the department engineers of the cities
4 of Boston and Quincy. The bridge shall be suitable for
5 all the purposes of ordinary travel, and for the use of
6 any street railway company duly authorized to occupy a
7 right of way over the same; shall be built not less than
8 sixty feet in width and with concrete or masonry piers
9 and abutments and a superstructure of iron or steel or
10 both and with a draw having a clear opening not less than
11 fifty feet in width according to plans to be determined by
12 said commission; shall be constructed and maintained
13 subject to the provisions of chapter ninety-six of the
14 Revised Laws and of all other general laws now or here-
15 after in force relating to bridges over tide water and to
16 the draws therein; except that no compensation for dis-
17 placement of tide water or for occupying any land or flats
18 of the commonwealth shall be required from said cities.

1 SECTION 5. The approaches to said bridges shall be
2 laid out by said commission as a highway not less than
3 sixty feet in width at its proximity to the abutments of
4 the bridge at either end. In laying-out the approaches
5 to the bridge the commission shall have the same power
6 and authority to determine the value of and assess upon
7 real estate the amount of betterments accruing to said
8 real estate by reason of any taking made by said commis-
9 sion, under the provisions of this act, of land for either
10 of the approaches to said bridge as are now conferred
11 upon the cities of Boston and Quincy, respectively, in
12 respect to betterments assessed for the taking of land for
13 the laying out of highways, and said commission shall
14 also have similar power with respect to the abatement of
15 any such betterments as the cities of Boston and Quincy,
16 respectively, now have.

1 SECTION 6. The cost of the laying out and construct-
2 ing of said approaches, including any damages awarded
3 on account of any taking of land or property on account
4 thereof, and the cost of construction of the abutments and
5 other parts of said bridge, changing the channel of the
6 river, including the cost of the temporary highway bridge,
7 and the salaries of the commissioners and of all employes
8 of said commission, and including all other expenses in-
9 curred in carrying out the provisions of this act, shall
10 be deemed the cost of construction of the bridge, and
11 shall in the first instance be paid by the commonwealth
12 of Massachusetts: *provided, however*, that the cost shall
13 not exceed two hundred thousand dollars, and the treas-
14 urer and receiver general of the commonwealth is author-
15 ized to borrow, on the credit of the commonwealth, such
16 sums of money as may from time to time be required for
17 the said cost, and may issue notes, receipts or certificates
18 for that purpose, and shall make payments from time to
19 time on account of work done under this act, on the order
20 of said commissioners.

1 SECTION 7. When said bridge and its approaches are
2 completed and the full cost thereof ascertained, the fol-
3 lowing parties shall each contribute and be assessed the
4 following percentages of the amount paid by the common-
5 wealth therefor, including any interest paid on any
6 money borrowed under the provisions of this act, viz:—
7 City of Boston, forty per centum thereof.
8 City of Quincy, twenty per centum thereof.
9 County of Norfolk, ten per centum thereof.
10 County of Plymouth, five per centum thereof.
11 Any street railway company or companies operating
12 tracks on said bridge, fifteen per centum thereof.
13 The commonwealth shall contribute and assume ten per
14 centum of said total cost and interest.

15 The amount due from each of said parties upon certifi-
16 cation of the same by the state treasurer shall be paid into
17 the treasury of the commonwealth at such times as the
18 treasurer of the commonwealth shall designate.

1 SECTION 8. The treasurer of the city of Boston, on
2 the request of the mayor thereof, and the treasurer of
3 the city of Quincy, on the request of the mayor thereof,
4 shall from time to time issue bonds of their respective
5 cities as either may require, in excess of the debt limit
6 prescribed by law, each bond to be designated on the face
7 thereof, Neponset Bridge Loan, and shall use the pro-
8 ceeds to meet the cost to be paid by them respectively
9 under this act. Such bonds shall bear interest, payable
10 semi-annually, at a rate not exceeding four per cent per
11 annum, and shall be payable at such times, not less than
12 ten nor more than forty years from their respective dates,
13 as shall be determined respectively by the treasurer and
14 mayor of the city of Boston and by vote of the city coun-
15 cil of the city of Quincy, and shall be expressed upon the
16 face of the bonds. The provisions of chapter twenty
17 seven of the Revised Laws, so far as they may be appli-
18 cable and are consistent herewith, shall apply to the
19 bonds issued under the authority of this act. The coun-
20 ties of Plymouth and Norfolk may, if their respective
21 county commissioners believe it advisable to do so, borrow
22 money for a period not exceeding ten years for the pur-
23 pose of meeting their respective assessments under this
24 act, and their respective county treasurers are authorized
25 on the order of said commissioners to issue bonds or notes
26 bearing not more than four per cent interest for that
27 purpose.

1 SECTION 9. Any person entitled by law to damages

2 for the taking of or injury to his property under au-
3 thority of this act may have the same determined by a
4 jury in the superior court for the county of Suffolk or
5 Norfolk on petition therefor, in the manner in which
6 damages are determined for the taking of lands for high-
7 ways in the cities of Boston and Quincy, respectively,
8 providing any action brought for such damages on ac-
9 count of any property in Norfolk county shall be heard
10 and tried in Norfolk county.

1 SECTION 10. When said bridge and its approaches are
2 completed, and all work contemplated by this act has been
3 performed, then the care and control of the bridge, draw
4 and its approaches shall vest in a commission consisting
5 of the mayor for the time being of the city of Boston, and
6 the mayor for the time being of the city of Quincy. Said
7 commission shall have the whole charge of lighting,
8 policing, managing, maintaining and keeping in repair
9 the said bridge, draw and approaches, and also the exclu-
10 sive authority to authorize poles, wires and other struc-
11 tures to be placed thereon, and in such place and manner
12 as said commission may deem proper.

13 The money required for lighting, policing, managing,
14 maintaining and keeping in repair said bridge, draw and
15 its approaches, as well as any cost or expense incurred by
16 said commission in connection therewith and all damages
17 recovered in any action at law by reason of any defect
18 or want of repair of the bridge, draw or its approaches,
19 and any expenses incurred in connection therewith shall
20 be paid in the first instance by the commonwealth on the
21 order of said commission, and each of the parties, re-
22 quired by section seven hereof to contribute to the original
23 cost of the bridge and its approaches, shall be assessed
24 and shall pay into the treasury of the commonwealth

25 annually its respective share thereof in the proportions
26 fixed by section seven for the payment of the original
27 cost.

1 SECTION 11. The attorney-general shall act as counsel
2 to both of the commissions created by this act, and shall
3 render such legal services as they may require, and shall
4 act as counsel for said commission in all legal proceedings
5 instituted by either of said commissions or which may be
6 brought against either of them.

1 SECTION 12. The supreme judicial court, or any
2 justice thereof, sitting in equity for either the county of
3 Norfolk or the county of Suffolk, shall in term time or
4 vacation, on the petition of any city, corporation or per-
5 son interested, or of the attorney of such petitioner, have
6 jurisdiction in equity to enforce the provisions of this act
7 and to prevent any violation thereof.

1 SECTION 13. This act shall take effect upon its pas-
2 sage.

