

HOUSE No. 2757

The Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, June 18, 1914.

The committee on Bills in the Third Reading, to whom was referred the Bill relative to the abolition of grade crossings in the city of Quincy (House, No. 1539), report recommending that the same be amended by the substitution of the accompanying bill.

For the committee,

EDWARD CARR.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Fourteen.

AN ACT

Relative to the Abolition of Grade Crossings in the City of
by Depressing the Tracks.

*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 crossings at grade of Saville and
2 Water streets in the city of Quincy with the location of
3 the New York, New Haven and Hartford Railroad and
4 the Old Colony Railroad shall, as expeditiously as possible
5 after the acceptance of this act, as hereinafter provided,
6 be abolished by depressing the tracks of said railroads
7 from Norfolk Downs to South Quincy at the Braintree
8 line.

1 SECTION 2. The superior court sitting in and for
2 the county of Norfolk shall have jurisdiction in equity
3 upon a petition by the city council of Quincy or by the
4 New York, New Haven and Hartford Railroad, after
5 notice by the petitioners to the public service commis-
6 sion of the entry of such petition, to appoint a com-
7 mission of three disinterested persons.

1 SECTION 3. Except as herein otherwise provided the
2 said commission of three persons shall have all the pow-
3 ers and duties and all proceedings shall be had by and
4 before said commission and the public service commission
5 and in the said court, as if said commission were ap-
6 pointed under a petition filed under section twenty-nine
7 of chapter four hundred and sixty-three of the acts of the
8 year nineteen hundred and six and acts in addition thereto
9 and in amendment thereof.

1 SECTION 4. Upon the passage of this act all proceed-
2 ings or acts for the abolition of the crossings at grade
3 of Saville and Water streets with the New York, New
4 Haven and Hartford Railroad and the Old Colony Rail-
5 road under the decree of the superior court which has
6 heretofore been entered upon the petition of the New
7 York, New Haven and Hartford Railroad, or for the
8 assessment of damages thereunder, shall be suspended
9 until the question of the acceptance of this act by the
10 city of Quincy shall be determined as hereinafter pro-
11 vided.

1 SECTION 5. All easements, rights and interests in land
2 taken under the proceedings heretofore had in the su-
3 perior court for the abolition of the said grade crossings
4 at Saville and Water streets shall, upon the acceptance
5 of this act, be deemed to be restored to the persons from
6 whom they were taken or to the persons entitled thereto.
7 A person who has suffered loss or been put to expense by
8 the proceedings heretofore had in the superior court for
9 the abolition of the said grade crossings at Saville and
10 Water streets shall be indemnified therefor by the city
11 of Quincy. If the amount of said damages cannot be
12 agreed upon they shall be determined by a jury upon a

13 petition filed in the superior court by either the city of
 14 Quincy or the person so damaged and paid in the manner
 15 provided by law for the determination and payment of
 16 damages suffered by the laying out or discontinuance of
 17 highways.

1 SECTION 6. Except as is otherwise provided in sec-
 2 tion four, this act shall not take effect until it is accepted
 3 by the city of Quincy in the manner hereinafter provided.

1 SECTION 7. At the annual municipal election to be
 2 held at the city of Quincy in nineteen hundred and four-
 3 teen there shall be placed on the official ballot the fol-
 4 lowing question: "Shall chapter of the acts of
 5 the year nineteen hundred and fourteen, being an act
 6 relative to the abolition of grade crossings
 7 in the city of Quincy by depressing the tracks,
 8 be accepted?"

YES.	
NO.	

9 If a majority of the votes cast upon the said question
 10 are in the affirmative, this act shall take full effect.

1 SECTION 8. Section four of this act shall take effect
 2 upon the passage of this act.