
By Mr. Tanner of Reading, petition of Frank D. Tanner and others for the establishment of the northwestern suburbs transportation district. Transportation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Four.

AN ACT RELATIVE TO THE ESTABLISHMENT OF THE NORTHWESTERN
SUBURBS TRANSPORTATION 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 territory within and the inhabitants of the
2 following cities and towns to wit: Boston, Melrose, Reading
3 and Wakefield are hereby made a body politic and corporate
4 and a political subdivision of the commonwealth under the
5 name of the Northwestern Suburbs Transportation District,
6 hereinafter in this act called the district, with the power to
7 take real estate or any interest therein by eminent domain
8 under chapter seventy-nine of the General Laws, to hold prop-
9 erty, to sue and be sued in law and in equity, to prosecute and
10 defend in all actions relating to its property and affairs; and
11 to contract and do other necessary acts relative to its property
12 and affairs; and the district shall be liable for its debts and
13 obligations, but the property of the district shall not be subject
14 to attachment nor levied upon by execution or otherwise.
15 Process may be served upon the treasurer of the district or
16 in the absence of the treasurer, upon any member of the board
17 appointed to administer the affairs of the district, as provided
18 in section two. The territory within and the inhabitants of
19 other cities and towns may hereafter be added to said district
20 by acceptance of this act by vote of the board of aldermen of
21 a city in accordance with the provisions of its charter and by
22 vote of a town at a regular or special town meeting called for
23 the purpose, but not otherwise.

1 SECTION 2. The affairs of the district shall be managed by
2 a board of four members, hereinafter called the members, to
3 be appointed as follows: one resident of the city of Boston by
4 the mayor thereof; one resident of the city of Melrose by the
5 mayor thereof; one resident of the town of Wakefield by the
6 selectmen thereof; and one resident of the town of Reading by
7 the selectmen thereof; each of whom shall serve for a term of
8 three years and until his successor has been appointed and quali-
9 fied. Any other city or town that is added to said district shall
10 have one member of the board and the total membership of
11 said board shall be increased accordingly, and said new member
12 shall be a resident of the city or town added to said district
13 and shall be appointed by the mayor of any city so added and
14 shall be appointed by the selectmen of any town so added.
15 The successor of each member shall be appointed in a like man-
16 ner for a like term except that any person appointed to fill a
17 vacancy shall serve only for the period of the unexpired term.
18 Any member may be removed for cause by the mayor of the
19 city or the selectmen of the town of which he was a resident
20 at the time of his appointment. Section three of chapter
21 twelve of the General Laws shall not apply to the said mem-
22 bers of the district.

1 SECTION 3. The members shall be sworn to the faithful per-
2 formance of their official duties. The members shall serve
3 without compensation. Each member shall be reimbursed for
4 his actual expenses necessarily incurred in the performance of
5 his duties. All expenses incurred in carrying out the provisions
6 of this act shall be paid solely from funds provided under the
7 authority of this act, and no liability or obligation shall be
8 incurred by the district hereunder beyond the extent to which
9 funds shall have been provided under authority of this act.

1 SECTION 4. The members shall elect one of their own num-
2 ber as chairman. A majority of the members shall constitute
3 a quorum for the transaction of any business, and the action
4 of a majority of the membership shall be required for any ac-
5 tion. The members shall also elect one of their own number as
6 vice chairman. The members shall also elect a secretary-
7 treasurer who need not be a member. The secretary-treasurer

8 shall execute a surety bond in the penal sum of twenty-five
9 thousand dollars, such surety bond to be conditioned upon the
10 faithful performance of the duties of his office, to be executed
11 by a surety company authorized to transact business in the
12 commonwealth as surety and to be approved by the attorney
13 general and filed in the office of the secretary of the common-
14 wealth.

1 SECTION 5. The members shall adopt a corporate seal for
2 the district, and designate the custodian thereof. The members
3 may from time to time appoint, and at their pleasure remove,
4 a general manager in charge of operations, a clerk, and such
5 other officers, agents and employees of the district as they deem
6 necessary, and may determine their duties and their compensa-
7 tion. The members shall cause, at all times, accurate accounts
8 to be kept of all receipts and expenditures of the funds of the
9 district, and they shall make an annual report, containing an
10 abstract of such accounts to the governor, to the general court
11 and to the municipalities which comprise the district.

12 The state auditor shall annually make an examination of the
13 books of the district.

1 SECTION 6. The members shall have full power to represent
2 the district, to have the care of its property and the manage-
3 ment of its business and affairs, and to sell and convey any
4 real estate or other property not needed for its business or
5 affairs, by deed or other instrument sealed with the corporate
6 seal signed and acknowledged by a majority of the members,
7 or in like manner to authorize such sale and conveyance by
8 any of its officers or agents.

1 SECTION 7. The real and personal property of the district
2 shall be exempt from taxation by the cities and towns in which
3 it is located.

1 SECTION 8. It shall be the general duty of the members to
2 so exercise their powers under this act as to secure an adequate
3 and efficient system of public transportation between the cities
4 and towns within the district; provided, that until the Boston
5 and Maine Railroad seeks by petition to the department of public

6 utilities, or other appropriate regulatory agency, to reduce the
7 passenger train service in effect at the time of the passage of
8 this act between the cities and towns within the district, or
9 seeks to discontinue such service completely, the members
10 shall take no steps other than to organize under section four,
11 to establish a system of public transportation.

1 SECTION 9. The members acting for the district are hereby
2 authorized and empowered to enter into an agreement with the
3 Boston and Maine Railroad for the rental and use of two or
4 more tracks of the main line and appurtenant facilities owned
5 by the Boston and Maine Railroad and operated by the Boston
6 and Maine Railroad in the cities of Boston, Malden, Somer-
7 ville, Medford and Melrose and the towns of Reading and
8 Wakefield. Such agreement shall include a provision for the
9 joint use of the said facilities by the district or its operating
10 agent and the railroad, and such joint use shall be subject to
11 existing rules and regulations for safe operation as may be re-
12 quired by the department of public utilities.

1 SECTION 10. The members, acting for the district, are hereby
2 authorized and empowered (1) To enter into an agreement with
3 the Boston and Maine Railroad, or any successor thereto, for
4 the rental and use of two or more tracks within the terminal
5 company yard and for such additional facilities as the district
6 may deem necessary for the storage and maintenance of equip-
7 ment;

8 (2) To enter into agreements with any other public or private
9 body for the lease of such facilities as the district may deem
10 necessary for the safe and efficient operation of its public trans-
11 portation system;

12 (3) To purchase or lease suitable equipment for the trans-
13 portation of its passengers;

14 (4) To undertake projects to provide special facilities for the
15 operation of passenger service or to reimburse the railroad if
16 it agrees to provide such special facilities;

17 (5) To contract with any qualified corporation licensed to
18 conduct business under the laws of the commonwealth to oper-
19 ate, as the agent of the district, a suburban passenger service
20 utilizing the rights and equipment of the district on terms agreed
21 upon by the district and the corporation.

1 SECTION 11. The operating agent of the district shall, with
2 the approval of the district, determine the character and extent
3 of the transportation service to be provided and shall in like
4 manner determine the rate of fares to be charged the patrons
5 of the system for the service furnished.

1 SECTION 12. The district shall be liable in tort to passengers,
2 and to persons in the exercise of due care who are not passen-
3 gers or in the employment of the district, for personal injury
4 and for death and for damages to property in the same manner
5 as though it were a railroad corporation as defined in section
6 one of chapter one hundred and sixty of the General Laws.

1 SECTION 13. All persons employed by the corporation in the
2 operation of the transportation service shall have the same
3 rights to organize and bargain collectively with the corpora-
4 tion as though the corporation was incorporated as a railroad
5 corporation as defined in section one of chapter one hundred
6 and sixty of the General Laws.

1 SECTION 14. If the district determines that it is impractical
2 to contract with a private corporation for the operation of the
3 transportation service, the district itself may undertake to oper-
4 ate such service for the benefit of the municipalities which com-
5 prise the district.

1 SECTION 15. If the district elects to operate the said trans-
2 portation service, the district shall set such rates of fares and
3 charges for service furnished as it shall deem necessary to in-
4 sure the maximum passenger use and financial stability of the
5 system. Fares shall be set by the district so as to cover at least
6 all direct costs of operation excluding the costs incurred by the
7 district under sections nine and ten and the interest charges
8 incurred under sections sixteen and seventeen.

9 The fares established and the type and amount of service
10 furnished shall not be subject to regulation or review by
11 the department of public utilities or any other department of
12 the commonwealth or any of its political subdivisions. At least
13 sixty days prior to the effective date of any change in the rate
14 of fares, the district shall publish the proposed changes in at
15 least five newspapers published within the district and post

16 such proposed changes in all stations serving the transportation
17 operation.

1 SECTION 16. In order to obtain funds necessary for carrying
2 out the purposes of this act, the district may, from time to time,
3 issue bonds, debentures, notes or other evidences of indebted-
4 ness in an aggregate principal amount not to exceed three mil-
5 lion five hundred thousand dollars, for terms not to exceed
6 twenty years at such rate or rates as the district may determine
7 without obtaining the consent of any commission, board, bureau
8 or agency of the commonwealth or any city or town and with-
9 out any other proceeding or the happening of any other condi-
10 tions or things other than those which are specifically required
11 in this act.

1 SECTION 17. (a) In order to meet the payments on the bonds,
2 debentures, notes or other evidences of indebtedness authorized
3 by section sixteen and the expenses authorized under section
4 nine, the commonwealth shall pay to the district such amounts
5 as certified by the district.

6 (b) In order to meet any payment required of the common-
7 wealth under this section, the state treasurer may borrow at
8 any time, in an anticipation of the assessments to be levied
9 upon the cities and towns, except Boston, which comprise the
10 district, such sums of money as may be necessary to make such
11 payments, and he shall repay any sums so borrowed as soon
12 after said assessments are paid as is expedient, but in any event
13 before the close of the year in which the same is borrowed.

14 (c) In case the commonwealth shall be called upon to pay
15 the district any amount under this section, such amount with
16 interest and other charges incurred in borrowing the money for
17 the purpose shall be assessed by the treasurer upon the cities
18 and towns, except Boston, which comprise the district on the
19 basis of a passenger origin count, in which passengers not resi-
20 dents of a city or town in the district shall be excluded. The
21 members shall take such passenger origin count or counts each
22 calendar year and file a copy of such count as the members
23 may approve with the state treasurer. Such city or town shall
24 make provision for such payment in its next annual tax levy
25 after notice of said amount to the city or town treasurer.

1 SECTION 18. In the event that the revenue exceeds the oper-
2 ating costs of the passenger service, the district shall distribute
3 the surplus less normal working capital as determined by the
4 district to the cities and towns which comprise the district
5 upon the same basis as assessments are levied under section
6 seventeen.

1 SECTION 19. Any person who has in fact lost his employ-
2 ment with the Boston and Maine Railroad on account of the
3 termination of passenger service on the main line of the Boston
4 and Maine Railroad shall have the right, if exercised prior to
5 ninety days from the date of actual operation by the district,
6 to employment if qualified and required with the district or
7 its operating agency subject to negotiations between the labor
8 organizations involved and the district or its operating agency.

1 SECTION 20. In the event that the revenue of the district
2 is not adequate to cover all direct costs of operation excluding
3 the cost incurred by the district under sections nine and ten
4 and the interest charges incurred under sections sixteen and
5 seventeen, the district, on the written demand of any member
6 filed with the board of members within twenty days after the
7 revenues and said costs have been determined for any calendar
8 year, shall be dissolved, its assets sold to the highest competi-
9 tive bidder, its leases cancelled and its debts and obligations,
10 if any, shall become the direct responsibility of the cities and
11 towns which comprise the district, except the city of Boston,
12 and the liabilities of the district shall be assumed upon the same
13 basis as assessments are levied under section seventeen.

1 SECTION 21. At any time within one hundred and twenty
2 days after the close of any calendar year, the district may be
3 dissolved by a majority vote of the members, excluding the
4 members appointed by the mayor of Boston.

1 SECTION 22. This act shall take effect upon its acceptance
2 by all of the cities in the district by vote of the board of alder-
3 men of each such city in accordance with the provisions of its
4 charters, and by all of the towns in the district by vote of each
5 such town at a regular or special town meeting called for the
6 purpose, but not otherwise.

