

firmed, and shall be deemed to include the authorizing of the committee therein mentioned to purchase said stock of said corporation as and for the purpose provided in this act, and with the same effect as if section one of this act had been in effect on said date. Said committee, acting by and with the advice and consent of its town counsel, is hereby vested with power and authority in behalf of said town to take all lawful and legal steps to acquire said property as aforesaid whether by voting said stock, dissolving and liquidating said corporation, or otherwise.

SECTION 3. This act shall take effect upon its passage.

*Approved June 9, 1948.*

AN ACT RELATIVE TO THE MAKING BY THE TRANSIT DEPARTMENT OF THE CITY OF BOSTON OF ALTERATIONS IN CERTAIN SUBWAYS, TUNNELS, AND RAPID TRANSIT EXTENSIONS AND FACILITIES. Chap. 520

*Be it enacted, etc., as follows:*

SECTION 1. From time to time, upon request of the Metropolitan Transit Authority (hereinafter in this act called the authority), the transit department of the city of Boston (hereinafter in this act called the department) may make such alterations as it may deem necessary or advisable in any subway, tunnel or rapid transit extension or facility, including any station or terminal and the exits and entrances thereof, which at the time of such request is owned by said city and used by the authority under lease or contract for the use thereof. Such alterations may include, in connection with any station or terminal, suitable means for the convenient interchange of passengers between the subway, tunnel or rapid transit line and street railway, trackless trolley or bus lines or another subway, tunnel or rapid transit line.

SECTION 2. For the purposes of this act the department shall have all the powers conferred upon the Boston transit commission by chapter five hundred and forty-eight of the acts of eighteen hundred and ninety-four and by chapter seven hundred and forty-one of the acts of nineteen hundred and eleven and amendments thereof, either generally or in connection with the construction or operation of any tunnel or subway authorized by said chapters, and like powers as conferred by chapter four hundred and eighty of the acts of nineteen hundred and twenty-three with respect to the works authorized thereunder, and by all other acts conferring authority upon the Boston transit commission or the department.

Any alteration authorized by this act may be made upon, under or over public or private ways or lands including lands devoted to the public use and property belonging to a railroad company.

For the purpose of making any alteration authorized by

this act the department may enter upon and use the land of others. Any person injured in his property by such entry or use of his land by the department may recover his damages under chapter seventy-nine of the General Laws.

SECTION 3. To meet the cost of such alterations, the treasurer of said city shall from time to time, on request of the department, and without further authorization than herein contained, issue and sell at public or private sale the bonds of the city, registered or with interest coupons attached, as he may deem best, to an amount not exceeding the cost of such alterations. Such bonds shall be designated on their face "City of Boston — Rapid Transit Loan — Subway, Tunnel and Rapid Transit Alterations"; shall be for such terms, not exceeding forty-five years, as the mayor and treasurer of said city may determine; and shall bear interest payable semi-annually, at such rate as the treasurer shall determine. The proceeds of such bonds, including any premiums realized from the sale thereof, shall be used to meet all damages, costs and expenses incurred by the department or by the city in making such alterations. The proceeds from any sale or sales of lands or rights taken or acquired by purchase or otherwise shall be used for the same purposes as the rentals of such alterations, or shall be used for the payment of expenditures incurred for alterations, as the department may determine, and all rentals received by the city under the provisions of this act shall be used in the first instance for the payment of interest on any bonds issued under this act without regard to priority or purpose of issue, and the balance shall be used for the payment of the principal of such bonds. Said city shall have, hold and enjoy in its private or proprietary capacity, for its own property, the alterations and all rentals received under the provisions of this act, and the same shall never be taken by the commonwealth except on payment of just compensation. Debts incurred by said city for the purposes of this act shall not be considered in determining the statutory limit of indebtedness of the city. Nothing in this act shall impair the rights of holders of bonds issued prior to the effective date of this act for the construction of subways, tunnels and rapid transit extensions and facilities authorized under the provisions of previous acts.

SECTION 4. Upon the completion of any alteration made under this act, the department shall determine, and certify to the authority, the net cost of such alteration. Thereafter, so long as a statute, lease or contract requires the payment of a rental for the use of the subway, tunnel or rapid transit extension or facility altered, the authority shall, for the use of such alteration, pay to said city at the same times as the rental under said statute, lease or contract, a rental computed in the same manner as said rental with respect to the percentage of the net cost of such alteration or the percentage of said net cost in addition to the annual amount of interest on bonds issued to pay for said net cost,

as the case may be. The term "net cost" shall be construed in each case as provided in the statute under which the subway, tunnel or rapid transit extension or facility altered was constructed.

The trustees of the authority are hereby directed, quarterly in each year, on the first day of January, April, July and October, to certify to the state treasurer the amount paid during the preceding quarter for rentals of alterations made under this act in subways and rapid transit extensions and facilities referred to in the first paragraph of section twenty-one of chapter five hundred and forty-four of the acts of nineteen hundred and forty-seven, and the commonwealth shall thereupon pay over to the authority the amount so certified. In order to meet any payment required of the commonwealth under this section, the state treasurer may borrow at any time, in anticipation of assessments to be levied upon the cities and towns constituting the authority, such sums of money as may be necessary to make said payments and he shall repay any sum so borrowed as soon after said assessments are paid as is expedient. Any sums so paid to the authority, together with interest or other charges incurred in borrowing the money therefor, shall be assessed on the cities and towns constituting the authority as provided by section twenty of chapter fifty-nine of the General Laws, as amended, in proportion to the amount paid under the last preceding assessment under section fourteen of chapter one hundred and fifty-nine of the Special Acts of nineteen hundred and eighteen or under section thirteen of chapter five hundred and forty-four of the acts of nineteen hundred and forty-seven.

SECTION 5. This act shall take effect upon its passage and shall apply to all bonds issued after its effective date by the city of Boston with respect to expense incurred subsequent to January first, nineteen hundred and forty-eight, in connection with alterations described in section one of this act, whether or not such expense has been temporarily met from other funds.

*Approved June 9, 1948.*

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AN ACT RELATIVE TO THE FILLING OF VACANCIES IN THE SCHOOL COMMITTEE OF THE CITY OF WOBURN. Chap. 521

*Be it enacted, etc., as follows:*

SECTION 1. Notwithstanding the provisions of section 2 of chapter 194 of the acts of 1928, any vacancy in the school committee of the city of Woburn due to death, resignation or any other cause shall be filled forthwith by election by the remaining members of said committee, and any person so elected shall serve until the qualification of his successor who shall be elected at the next regular municipal election for the balance of the unexpired term, if any.

SECTION 2. This act shall take effect upon its passage, and shall not be operative after January second, nineteen hundred and fifty.

*Approved June 9, 1948.*