

HOUSE No. 1508

By Mr. Wondolowski of Worcester (by request), petition of John F Cahill for the purchase by the Commonwealth of certain property of the Boston Terminal Company in the city of Boston conditioned upon assurance of passenger service in the Old Colony area of the New York, New Haven and Hartford Railroad Company. Transportation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-One.

AN ACT PROVIDING FOR THE PURCHASE BY THE COMMONWEALTH OF CERTAIN PROPERTY OF THE BOSTON TERMINAL COMPANY IN THE CITY OF BOSTON, AND THE CONTROL, LEASING AND USE OF SAID PROPERTY, CONDITIONED UPON ASSURANCE OF PASSENGER SERVICE IN THE SO-CALLED OLD COLONY AREA OF THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

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 governor, with the advice and
2 consent of the council, is hereby authorized and
3 directed to purchase in the name of and in behalf of
4 the commonwealth all the real and personal property
5 of the Boston Terminal Company free of liens for
6 not in excess of nine million dollars; provided, that
7 such purchase shall not be made unless and until,
8 subject to the approval of the Interstate Com-
9 merce Commission with respect to the applicable

10 provisions of the railroad's plan of reorganization
11 during the term of the lease, a contract has been
12 made between the New York, New Haven and Hart-
13 ford Railroad Company and the commonwealth
14 through the department of public utilities acting as
15 its agent, and subject to approval of the governor
16 and council, to give adequate and proper service in
17 the Old Colony area; provided, further, that said
18 purchase shall not be made unless and until there
19 shall have been filed with the governor a joint certi-
20 ficate of the trustee under the outstanding bonds of
21 the Boston Terminal Company and of the bankruptcy
22 trustee that the claims under the bonds and all other
23 claims have been settled by voluntary action or
24 provided for in a plan which has been approved by
25 the Interstate Commerce Commission and finally
26 confirmed by the federal courts so far as required
27 by law, and subject only to the consummation of
28 the purchase by the commonwealth; nor unless at
29 the time of such purchase said New York, New
30 Haven and Hartford Railroad Company, or the
31 Boston and Albany Railroad Company, shall, as
32 lessees, lease from the commonwealth, for the full
33 term of all the bonds issued as hereinafter provided,
34 the entire property, except that section of about
35 five thousand feet over the trains known as The
36 Train Sheds, upon which shall be constructed an
37 auditorium as a memorial to soldiers of all wars which
38 shall be capable of seating sixty thousand people.
39 This auditorium will be available for conventions,
40 expositions, shows, races and other events that would
41 aid the commonwealth, at a rental sufficient to pay
42 the principal and interest in full, when currently due,

43 of all bonds issued in respect to the property so
44 leased; nor unless and until the Interstate Com-
45 merce Commission shall have approved said purchase
46 and said lease, and so far as required by law, the
47 terms and provisions of the bonds issuable in respect
48 to such properties by the commonwealth.

1 SECTION 2. The provision of the lease referred to
2 in section one shall be such as to provide for the
3 maintenance of the property by the lessees in good
4 condition during its term, and shall provide also
5 that, if and so long as the Boston and Providence
6 Railroad Corporation shall be an independent carrier,
7 said corporation may use said property on payment
8 to the lessee of a fair share of the rent as determined
9 by the parties at interest or as determined by the
10 department of public utilities if said parties do not
11 agree thereon. The lease shall also provide for
12 management and operation of the station and its
13 facilities by the lessees, including the right to sublet
14 for their own account such rentals and for such
15 terms not exceeding the term of the base lease as
16 they in their sole discretion may determine. The
17 lease shall further provide that each of said railroad
18 companies, its successors and assigns, shall be jointly
19 and severally liable to the commonwealth for the
20 expenses of operation and for the rent payable to the
21 commonwealth. The lease shall further provide for
22 payment to the city of Boston in lieu of taxes the
23 sum of three hundred thousand dollars. The lessees
24 shall be jointly and severally liable therefor in the
25 same manner and as provided with respect to the
26 rent payable to the commonwealth.

1 SECTION 3. The New York, New Haven and
2 Hartford Railroad Company, the Boston and Albany
3 Railroad Company, and, to the extent provided by
4 section one of this act, the Boston and Providence
5 Railroad corporation, and their respective successors
6 and assigns and the lessees of any of them, as from
7 time to time existing, shall operate and use the prop-
8 erty and its facilities if leased as herein provided, as
9 and for their principal passenger terminal operations
10 in Boston during the term of the lease.

11 The employees of the Boston Terminal Company
12 shall become employees of the New York, New Haven
13 and Hartford Railroad Company, the terms and
14 conditions of their employment to be determined in
15 accordance with the existing bargaining agreements
16 between the New York, New Haven and Hartford
17 Railroad Company and of the New York Central
18 Railroad Company; the terms and conditions of
19 their employment to be determined in accordance
20 with existing bargaining agreements between the
21 New York, New Haven and Hartford Railroad Com-
22 pany and the New York Central Railroad Company
23 and the several employees' organizations.

24 For the purpose of carrying out the foregoing provi-
25 sions, the agreement of May twenty-first, nineteen
26 hundred and thirty-six, entered into at Washington,
27 District of Columbia, between certain carriers and
28 certain organizations of employees, to which agree-
29 ment the Boston Terminal Company, and the New
30 York Central Railroad Company and the New York,
31 New Haven and Hartford Railroad Company are
32 signatories, shall be incorporated in and made a part
33 of said lease, and the employees of the Boston Terminal
34 Company shall be considered thereunder as though

35 they were employees of the New York, New Haven
36 and Hartford Railroad Company and the New York
37 Central Railroad Company on the date of the lease.

1 SECTION 4. All rentals payable to the common-
2 wealth by the above railroad companies and their
3 respective successors and assigns under the leases
4 made under authority of this act shall be collected
5 by the state treasurer, paid into the state treasury
6 and credited to a separate fund which shall be estab-
7 lished and set up on the books of the commonwealth
8 and shall be known as the "South Station Terminal
9 Fund."

1 SECTION 5. To meet the expenditures necessary
2 in carrying out the provisions of this act the state
3 treasurer shall, upon request of the governor with
4 the approval of the council, issue and sell at public
5 or private sale bonds of the commonwealth, registered
6 or with interest coupons attached, as he may deem
7 best, to an amount to be specified by the governor,
8 with like approval, from time to time, but not ex-
9 ceeding, in the aggregate, the sum of nine million
10 dollars. All bonds issued by the commonwealth as
11 aforesaid shall be designated on their face, South
12 Station Terminal Loan, Act of 1949, and shall be
13 for such maximum term of years and contain such
14 other provisions as the governor may recommend
15 to the general court pursuant to section 3 of Article
16 LXII of the Amendments to the Constitution of the
17 commonwealth. Said bonds shall bear interest semi-
18 annually at such rate as the state treasurer, with the
19 approval of the governor, shall fix.

1 SECTION 6. Chapter five hundred and sixteen
2 of the acts of eighteen hundred and ninety-six, and
3 acts in amendment thereof and in addition thereto,
4 are hereby repealed.

1 SECTION 7. Section six of this act shall not take
2 effect until the purchase of the property of the Boston
3 Terminal Company as provided by this act shall
4 have been effected.

