

SENATE No. 290.

Commonwealth of Massachusetts.

IN SENATE, April 27, 1872.

The Committee on Railways, to whom was committed the petition of the Eastern Railroad Company for authority to take land for increasing its terminal facilities in Boston and Charlestown,

R E P O R T :

The Eastern Railroad Company is to-day without sufficient terminal facilities in Boston.

In 1864, and again in 1869, the legislature passed Acts, which, had they been availed of, would have afforded to the Eastern Railroad Company ample and suitable terminal facilities, both for freight and passengers ; but those grants were not accepted.

Recently, it has purchased a large lot of land near the State Prison, in Charlestown, and has thus secured ample space and facilities for its merchandise traffic.

But in its passenger accommodations it is lamentably deficient. On the west side of its present passenger station are the grounds of the Lowell Railroad, once owned by the Eastern Railroad, upon which the Lowell Railroad, with the foresight and energy that characterize its managers, is erecting a passenger station, unequalled in New England and capable of accommodating the business of that road for many years to come. And upon the east side are the freight grounds and buildings of the Boston and Maine Railroad, long since secured by the managers of that railroad, never more needed than now,

and which, in a few years, will not be sufficiently capacious for the constantly increasing business of the road.

Between the Boston and Lowell and the Boston and Maine Railroads lies the narrow strip of ground owned and occupied by the Eastern Railroad. And upon this narrow strip of ground is the narrow passenger station of that corporation, with only two tracks, one outward and one inward, and with two narrow platforms. This station is considered by the counsel of the corporation as dangerous to life, totally unfit for the purposes for which it is used, as a disgrace and a nuisance. In this opinion the Committee concur. Of it the travelling public have a right to complain. For its existence in its present condition the corporation can offer no valid excuse. The corporation had ample land for a commodious station, but they sold a portion of it to the Lowell Railroad. They had ample grants in 1864 and 1869, of which, through lack of foresight and incapacity in management, they failed to avail. And therefore the stockholders of the corporation have nobody to blame for its present total want of necessary passenger accommodations except the managers of the corporation, who have so repeatedly neglected, not only their interests, but also the just and proper demands of the travelling public.

If only the Eastern Railroad was interested in the matter, the Committee would not hesitate for a moment in granting to the petitioners leave to withdraw, and would not consent to permit even a temporary occupancy of the premises of a rival railroad which has had the sagacity and foresight to secure for itself proper accommodations.

But railroads are for public use; upon them the public depend for accommodation. Without the safe use of the railroads now built, many lives would be endangered, the public would be greatly inconvenienced and their business would be seriously interfered with. It is for the public, therefore, that the legislature must make provision, which the directors of the Eastern Railroad, forgetful of their duties to the public, have failed to provide. And in this matter immediate action is necessary.

The public safety and convenience require better accommodations in the city of Boston for passengers arriving and departing in the trains of the Eastern Railroad. The absence of such accommodations was, without doubt, one of the causes of the

terrible accident at Revere. To a repetition of such an accident the public should not be exposed, if it is in the power of the legislature to prevent it.

And, therefore, after a full and thorough examination and consideration of the whole subject, the Committee are of the opinion, that such an exigency exists as not only warrants, but requires, that for immediate but only temporary use, such portion of the freight grounds of the Boston and Maine Railroad as can most easily be dispensed with by that road, should be taken forthwith by the Eastern Railroad, to be used mostly for a passage-way to an enlarged temporary passenger station, which should be erected immediately and before the rush of summer travel begins. The bill provides for occupying land enough for a passenger station sufficiently wide for four tracks, with wide platforms, ample and safe for passengers. By it the public can be accommodated without danger during the time required to build, in some other locality, a more commodious and permanent structure.

For this the bill also provides and allows eight months for the Eastern Railroad Company to fix and determine upon its location. Requisite authority is given to the corporation to alter and discontinue its present track into the city of Boston from Somerville, and the provisions of the Act of 1869 are so far revived as to permit the Boston and Lowell Railroad, for a period of twelve months from the passage of this Act, to take the lands to the westward of its present location, and also to authorize the Eastern Railroad to buy the lands now occupied by the passenger station of the said Boston and Lowell Railroad. It will be noticed that no authority is given to the Eastern Railroad to take, for permanent use and occupancy, any land in Boston belonging to either of the railroad corporations which have already secured terminal facilities in that city. This is because neither the Fitchburg, the Boston and Maine, nor the Boston and Lowell Railroads have at present any more land than is needed by those roads respectively, and it would be manifestly unfair and unwise to take from any railroad, for permanent occupancy by any other railroad, the land which the present occupant requires for his own use.

But with the right to buy from the Boston and Lowell Railroad, and with the right to take lands west of Charles River

Bridge not occupied by railroads, the Eastern Railroad Company will again have, if the accompanying bill is passed, the requisite authority to secure proper terminal facilities in Boston. And if it should avail of the right now given it to locate its station to the eastward of the Fitchburg Railroad, the crossings at grade over the tracks of the Fitchburg, and the Boston and Maine will be obviated and the safety of the passengers by all three of these railroads will be increased, and the expense of grade crossings will be saved.

By the bill two objects are secured: 1st, the providing at once of ample transporting facilities and conveniences in the present passenger station of the Eastern Railroad; and 2d, proper provision for permanent terminal facilities. With the privileges granted by this bill fully availed of, and with the new, able and efficient management of this railroad actively at work, the Eastern Railroad should enter upon a new era of prosperity. Its patrons should be fully accommodated with proper terminal facilities in Boston both for its passengers and its merchandise traffic, and the public should be satisfied.

In conclusion, the Committee do not hesitate to express the opinion that the ground near Causeway Street, now owned by the Eastern Railroad, is not sufficiently capacious to accommodate its present business, and that, even with the land authorized by the accompanying bill to be temporarily occupied by the Eastern Railroad, the accommodations would be sufficient for only a few years, while the Boston and Maine Railroad needs not only all the land it now owns, but even more, to properly accommodate its present business, so that there is no alternative except to allow to the Eastern Railroad only a temporary use of the land of the Boston and Maine Railroad, and to compel the Eastern to seek, in some other locality, suitable terminal facilities for permanent use and occupancy, unless it should agree with some other railroad to unite in the use of terminal facilities. The Committee therefore report the accompanying Bill.

For the Committee,

JOHN K. TARBOX.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Seventy-
Two.

AN ACT

To authorize the Eastern Railroad Company to increase its terminal facilities in the City of Boston, and for other purposes.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:—

1 SECT. 1. The Eastern Railroad Company, for the
2 temporary accommodation of its passenger traffic in
3 Boston, may, after thirty days' notice to the Boston
4 and Maine Railroad of its intention so to do, take
5 possession of, and occupy for a term not exceeding
6 three years, the whole, or such portion as it may deem
7 necessary, of the tract of land in said city, bounded
8 and described as follows:

9 Beginning on Causeway street at the easterly cor-
10 ner of the present station grounds of said Eastern

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11 Railroad Company; thence running twenty-nine feet
12 on said Causeway street to the freight house of the
13 Boston and Maine Railroad; thence in a straight line
14 northwesterly about three hundred feet to the north-
15 west corner of said freight house; thence northerly in
16 a straight line about two hundred and sixty four feet
17 to a point in the commissioners' line on the southerly
18 side of Charles river, forty-eight feet distant, measured
19 at right angles from the northeasterly line of the
20 present land of said Eastern Railroad Company;
21 thence along said commissioners' line to the land of
22 said Eastern Railroad Company; thence by said East-
23 ern Railroad Company's land to the point of begin-
24 ning; but shall erect no building on said land except
25 on the part which lies westerly of a line drawn from
26 a point in the westerly line thereof, two hundred and
27 fifty feet from Causeway street, to a point in the stone
28 wall of the wharf of said Boston and Maine Railroad,
29 distant twenty feet at right angles easterly from the
30 division line between the premises of said Boston and
31 Maine Railroad and said Eastern Railroad Company;
32 and no building shall be erected on any portion of
33 said land for other than passenger uses. If said
34 Eastern Railroad Company shall neglect to avail itself
35 of the authority hereinafter given to secure permanent
36 terminal facilities, within eight months, its right to
37 occupy and use the land described in this section shall
38 absolutely cease.

1 SECT. 2. The Boston and Maine Railroad may,
2 during said term, continue to use, as a passage-way
3 to and from its freight premises, so much of said land
4 as may not be built upon by said Eastern Railroad

5 Company; and in case of any disagreement between
6 said corporations as to the mode of using said land,
7 the board of railroad commissioners, upon the appli-
8 cation of either party, shall prescribe regulations for
9 such use.

1 SECT. 3. The Eastern Railroad Company may
2 cover with a pile structure for its own use so much
3 of the parcel of flats between the bridges of the
4 said company and the Boston and Maine Railroad as
5 lies westerly from a line drawn from a point in the
6 southerly line of the draw, extended forty feet westerly
7 from the westerly side of the bridge of the Boston
8 and Maine Railroad, to a point in the stone wall of the
9 wharf of said Boston and Maine Railroad, distant
10 twenty feet at right angles easterly from the division
11 line between the premises of the Boston and Maine
12 Railroad and Eastern Railroad Company; and the
13 Boston and Maine Railroad may cover with a similar
14 pile structure that portion of said parcel of flats which
15 lies easterly from said described line: *provided*, that
16 such pile structures shall be in conformity with plans
17 satisfactory to the harbor commissioners.

1 SECT. 4. For the purpose of obtaining permanent
2 terminal facilities in Boston and Charlestown and for
3 access thereto, the Eastern Railroad Company is here-
4 by authorized to establish a new terminus in the city
5 of Boston, and may discontinue its present terminal
6 station and change or discontinue the location of its
7 tracks between its present terminus, near Causeway
8 street, in Boston, and its crossing with the Boston
9 and Maine Railroad in Somerville, and may take such

10 lands in Somerville, Charlestown and Boston as it
11 may deem necessary for that purpose, and may cross
12 Charles and Miller's rivers and the adjacent flats
13 with such bridges and structures as may be necessary
14 and on such terms and conditions, both as to con-
15 struction of new and the reconstruction of existing
16 structures, as the board of harbor commissioners may
17 prescribe and approve. But nothing herein shall
18 authorize the Eastern Railroad Company to cross
19 with its tracks any railroad not now crossed by it,
20 or Causeway street, in Boston, or to take the land or
21 property in Boston of any other railroad corporation,
22 or to take any land easterly from Charles River
23 bridge.

1 SECT. 5. The filing of the description of all land
2 taken for terminal facilities under authority of the
3 preceding section, shall be made within eight months,
4 and the changes of location authorized by said sec-
5 tion shall be completed within three years from
6 the passage of this act. No owner or occupant of
7 land taken under the fourth section shall be com-
8 pelled to vacate the same until after four months'
9 notice, in writing, of the taking of the same.

1 SECT. 6. The laws of the Commonwealth relating
2 to the taking of land for railroad purposes and the
3 location and construction of railroads shall be appli-
4 cable to and govern the proceedings in the taking of
5 lands and change of location provided for in the first
6 and fourth sections of this act, except that instead of
7 the county commissioners three disinterested persons
8 shall be appointed by the supreme judicial court as a

9 board of commissioners to adjudicate the damages for
10 the taking of said lands and property, from whose
11 decision an appeal to a jury shall lie in behalf of
12 either party, as is provided in case of lands taken for
13 railroad purposes.

1 SECT. 7. The time within which certain lands
2 in the city of Boston may be taken, under authority
3 of chapter two hundred and ninety-one of the acts of
4 the year eighteen hundred and sixty-nine, as fixed in
5 section six of said act, is hereby extended for a fur-
6 ther period of one year.

1 SECT. 8. Said Eastern Railroad Company, for the
2 purposes of this act, is authorized, by a vote of its
3 stockholders at a meeting duly called for the pur-
4 pose, to increase its capital stock to an amount
5 equal to the amount expended under this act, not
6 exceeding two million of dollars beyond the amount
7 now authorized by law.

1 SECT. 9. This act shall take effect upon its pas-
2 sage.

