

HOUSE No. 715

Bill accompanying the petition of C. H. Blood for legislation to establish a board of railway commissioners having general supervision of street railways and street railway companies. Street Railways. January 25.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Nine.

AN ACT

To establish a Board of Railway Commissioners.

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. There shall be a board of railway commis-
2 sioners, consisting of three competent persons, who shall
3 be appointed by the governor, with the advice and consent
4 of the council, one for the term of six months from the
5 first day of January in the year nineteen hundred and
6 ten, one for the term of one year and six months from
7 said day, and one for the term of two years and six
8 months from said day; and thereafter one member of said
9 board shall annually, before the first day of July, be
10 appointed by the governor, with the advice and consent of
11 the council, for a term of three years from said first

12 day of July. The board shall have a clerk, who shall be
13 appointed by the governor, who shall keep a full and
14 faithful record of its proceedings, and who shall serve
15 such notices as the commissioners may require. The
16 board may employ an assistant clerk, who shall perform
17 such clerical and other office work as the board may re-
18 quire, and who, in the absence or during the disability of
19 the clerk, may, if so directed by the board, perform his
20 duties. The board may employ an accountant skilled in
21 the methods of railway accounting, who shall, under its
22 direction, supervise the method by which the accounts of
23 corporations operating street railways are kept. The
24 board may from time to time, if in its opinion it is neces-
25 sary, appoint competent railway inspectors, not exceeding
26 one for every one thousand miles of railway track, each
27 for a term of three years, and may for cause remove any
28 such inspector and appoint another in his place. An ap-
29 pointment to fill a vacancy shall be for the residue of the
30 unexpired term. The board shall appoint one or more
31 competent experts to examine the reports required by
32 section fifty-eight, and may, whenever in its opinion the
33 public interests require, in connection with any proposed
34 issue of stock or bonds by a street railway company, em-
35 ploy competent experts to investigate the character, cost
36 and value for railway purposes of the property of such
37 company. The commissioners and clerks shall be sworn
38 before entering upon the performance of their duties, and
39 shall not be in the employ of or own stock in a railroad
40 corporation or street railway company, nor shall they
41 personally, or through a partner or agent, render any
42 professional service or make or perform any business
43 contract with or for a railroad corporation or street rail-
44 way company chartered under the laws of this common-
45 wealth, except contracts made with them as common car-
46 riers, nor shall they, directly or indirectly, receive a com-

47 mission, bonus, discount, present or reward from any
48 such corporation or company.

1 SECTION 2. The annual salary of the chairman of the
2 board shall be thousand dollars, that of
3 the commissioners thou-
4 sand dollars each, of the clerk thousand
5 dollars, of the assistant clerk not more than twelve hun-
6 dred dollars, and of each railway inspector two thousand
7 dollars, payable by the commonwealth. The commis-
8 sioners shall be provided with an office in the state house,
9 or in some other suitable place in the city of Boston, in
10 which their records shall be kept. In the performance
11 of their official duties, they shall be transported over the
12 railroads and railways in this commonwealth free of
13 charge, and may employ and take with them experts or
14 other agents whose services they consider temporarily of
15 importance. The board may expend not more than
16 thousand dollars annually in procuring necessary
17 books, maps, statistics and stationery and in defraying
18 expenses incidental and necessary to the performance of
19 its duties, and not more than hundred dol-
20 lars annually in defraying the compensation of an ac-
21 countant. A statement of such expenditures shall accom-
22 pany its annual report.

1 SECTION 3. The sums of money annually appropriated
2 by the general court for the salaries and expenses of the
3 board of the railway commissioners, its clerks and em-
4 ployees, shall be apportioned by the tax commissioners
5 among the several street railway companies, and on or
6 before the first day of July in each year he shall assess
7 upon each of said companies its share of such sums in
8 proportion to its gross earnings from the transportation
9 of persons and property for the last preceding year in

10 which the assessment is made; and such assessments shall
11 be collected in the same manner as taxes upon corpora-
12 tions.

1 SECTION 4. Of the amount so assessed and collected
2 any balance remaining on the thirtieth day of November
3 in any year shall be carried forward to the next year, and
4 shall be taken into account in making the appropriation
5 for that year.

1 SECTION 5. Said board shall have and exercise all the
2 powers and be charged with all duties in respect to all
3 matters relating to street railways and street railway com-
4 panies conferred or charged upon the board of railroad
5 commissioners by existing laws, and such as may here-
6 after be conferred and charged upon the board hereby
7 created; and the board of railroad commissioners is
8 hereby deprived and relieved of all said powers and
9 duties; but any orders, recommendations or findings made
10 by said board of railroad commissioners prior to the
11 time this act takes full effect shall be taken to be and
12 have all the force and effect of an order, recommendation
13 or finding of the board hereby created. The words "the
14 board", as used in chapter four hundred and sixty-three
15 of the acts of the year nineteen hundred and six and
16 amendments thereof, shall mean the board of railroad
17 commissioners or the board of railway commissioners
18 respectively, according as they manifestly relate to mat-
19 ters concerning railroads or railways. So far as said
20 chapter four hundred and sixty-three is inconsistent here-
21 with it is superseded hereby.

1 SECTION 6. This act shall take effect for the purpose
2 of appointments only on the first day of September next,
3 and for all other purposes on the first day of January in
4 the year nineteen hundred and ten.