

HOUSE No. 1029

Bill accompanying the petition of John D. Bryant and others for legislation relative to the terminus of the Cambridge subway, especially to provide that the terminus in the city of Boston shall be in Scollay square. Metropolitan Affairs. January 27.

Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Nine.

AN ACT

Revoking the Authority of the Boston Elevated Railway Company and the Boston Transit Commission to make Park Street Subway Station the Terminus of the Cambridge Subway.

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. Section twenty-three of chapter
2 five hundred and twenty of the acts of the year
3 nineteen hundred and six is hereby amended by
4 striking therefrom in the eighteenth line thereof
5 the following words, "one of the routes", and
6 inserting in place thereof the words: — the route;
7 and beginning at the twenty-ninth line thereof
8 and striking out the following words, "or (2)

9 between the Park street subway station and a
10 point between Pinekney and Cambridge streets or
11 in Cambridge street or at or near such new bridge,
12 in and through a tunnel for two railway tracks
13 adapted to the use of elevated railway trains
14 and surface cars, with suitable appurtenances and
15 terminals, which the Boston transit commission is
16 hereby authorized to construct, upon the request
17 of the company as hereinafter provided, upon such
18 route as the commission may determine, in and
19 under any public or private ways or lands be-
20 tween such points; and thence, if such tunnel is
21 not extended to such new bridge, upon and over
22 a location hereby granted in, through and over
23 such street or streets or other public or private
24 lands as the company may deem suitable for such
25 route, to such new bridge, or to Cambridge street
26 and thence over the location (1) aforesaid to such
27 new bridge; and, from the westerly terminus of
28 either route, upon its location across such new
29 bridge and in Main street in Cambridge to a
30 connection with the Main street subway”, and in-
31 serting in place thereof the following words:—
32 and from the westerly terminus of such route upon
33 its location across such new bridge and in Main
34 street in Cambridge to a connection with the Main
35 street subway; also striking out beginning with the
36 third line of the second paragraph of said section
37 the following words, “and the commission shall
38 thereupon determine which of such structures
39 shall be constructed, and shall give the com-
40 pany written notice of such determination; and
41 if the company is dissatisfied therewith it may
42 within thirty days after such notice apply to the

43 board for a revision thereof, and thereupon the
44 board may consider and finally determine the
45 question ”; also by striking out the sixth para-
46 graph of said section, so that said section will read
47 as follows:— *Section 23.* Section fifteen of chap-
48 ter five hundred of the acts of the year eighteen
49 hundred and ninety-seven is hereby so far amended
50 that the company shall not erect any elevated
51 structure upon its elevated railway location over the
52 new Cambridge bridge, except so far as may be ne-
53 cessary or convenient to make a suitable connection
54 at the easterly terminus thereof with its elevated
55 railway structure, if any, on the location herein-
56 after described, and its tenure thereof or other
57 rights shall not be impaired by omission so to do;
58 nor shall it be required to apply for the elevated
59 railway route between Boston and Cambridge, de-
60 scribed in said section fifteen, within six months
61 after the time when such bridge is finished, nor to
62 construct its elevated railway thereon; but in
63 lieu thereof it is hereby authorized and required
64 to construct and complete its elevated railway,
65 within the time allowed for completion of the
66 Main street subway herein provided for, upon
67 and over the route in the city of Boston here des-
68 ignated, namely: between Scollay square and
69 North Russell street, or the westerly terminus of
70 the subway authorized by section five of chapter
71 five hundred if extended nearer to Charles river
72 than said street, in and through such subway if
73 built, and thence if such subway is not extended to
74 such new bridge upon and over its location granted
75 by chapter five hundred and forty-eight of the
76 acts of the year eighteen hundred and ninety-four,

77 in and through Cambridge street and Charles
78 street and in and over any intervening public
79 or private ways or lands to such new bridge, and
80 from the westerly terminus of such route upon its
81 location across such new bridge and in Main street
82 in Cambridge to a connection with the Main street
83 subway.

84 Within six months after its acceptance of this
85 act the company shall request the commission
86 to construct such subway or such tunnel, and the
87 commission shall proceed as soon as may be, with
88 the work of construction.

89 If the subway hereinabove referred to is con-
90 structed, it shall be constructed, except as other-
91 wise expressly provided herein, in the manner and
92 under the terms and conditions described by
93 said section five of said chapter five hun-
94 dred.

95 If the tunnel hereinabove described is con-
96 structed it shall, except as otherwise provided
97 herein, be constructed and paid for upon and
98 under the same terms, conditions and provisions,
99 so far as the same are applicable, and with the
100 same rights, powers and privileges in respect to
101 the construction thereof, which rights, powers and
102 privileges are hereby conferred for such purposes,
103 upon the commission, the board, the city of Bos-
104 ton and its treasurer, the company, and other
105 public officers and parties in interest, respectively,
106 including any persons sustaining damages by the
107 taking of or injury to property by the commis-
108 sion under authority hereof, as are prescribed by
109 chapter five hundred and thirty-four of the acts
110 of the year nineteen hundred and two for the

111 construction of the tunnel therein provided for;
112 including the rights and powers conferred by
113 section thirteen of said act, which section shall
114 also apply to the location of the tunnel and to the
115 construction of the subway referred to in this sec-
116 tion if that is constructed.

117 If the construction of the subway or tunnel
118 upon the route determined upon requires such a
119 permanent cut in any street as to necessitate the
120 widening thereof, or if the construction in con-
121 nection with the subway or tunnel of an incline
122 from the elevated railway structure to the
123 surface in any street necessitates the widening
124 thereof, the commission may take or purchase
125 lands for such necessary widening, which shall
126 not exceed thirty feet on each side nor extend less
127 than thirty nor more than one hundred feet be-
128 yond the ends of such open cut or incline, and may
129 construct a highway thereon; and the cost thereof,
130 including all compensation or damages for prop-
131 erty taken or purchased therefor, shall be
132 repaid by the company to the city of Boston,
133 with interest at four per cent per annum from
134 the time of expenditure to the time of repay-
135 ment.

136 Upon or before completion of the work the
137 commission shall execute with the company, in
138 the name of the city of Boston, a contract for
139 the sole and exclusive use of the subway or
140 tunnel and its appurtenances and terminals by
141 the company for the running of its elevated trains
142 and surface cars therein and for other pur-
143 poses, for a term of not less than twenty years
144 from its opening for use, at an annual rental

145 equal to four and seven eighths per cent of its
146 net cost, including therein interest at four per
147 cent per annum on the debt incurred in construc-
148 tion prior to the beginning of the use, and con-
149 taining in substance the additional car tolls com-
150 pensation clause, and the provisions relating to
151 the city's police and fire alarm wires and ap-
152 paratus, of the subway lease dated December
153 seventh, eighteen hundred and ninety-six, and such
154 other provisions and conditions, following the
155 form of the lease of the Washington street tunnel
156 dated September twenty-fifth, nineteen hundred
157 and two, so far as the same are applicable, as the
158 commission and the company may agree upon,
159 or in case of difference as the board may deter-
160 mine.

1 SECTION 2. This act shall take effect upon its
2 passage.