

HOUSE No. 1247

Bill accompanying the petition of Thomas H. Dowd and others for legislation to provide for the renewal of a connection between the existing subway and the Atlantic avenue elevated railway structure and the re-establishment of train service around the loop so formed. Metropolitan Affairs. January 29.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Nine.

AN ACT

To provide Connections between the Subway, the Tunnel and the Atlantic Avenue Loop of the Boston Elevated Railway 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 Boston transit commission, herein-
2 after called the commission, shall forthwith construct in
3 the city of Boston, hereinafter called the city, a connec-
4 tion or connections between the existing subway and the
5 Atlantic avenue loop of the elevated railway structure
6 in such a way that there may be efficient train service
7 around the circuit, formed by said subway and said loop.

1 SECTION 2. The commission shall forthwith prepare
2 and file in the office of the city engineer a plan signed
3 by the commission, showing the method of making such
4 connection or connections, together with all the details
5 of the same including approaches, sidings, entrances,
6 stations, elevators, inclines, connections and other struc-
7 tures, and such plan shall include the location of a trans-
8 fer point at or near the junction of Castle street and
9 Washington street, and at Causeway street, so that at
10 such points passengers may be transferred from the sub-
11 way to the surface cars and to the tunnel, and vice versa.
12 As soon as may be, after the filing of such plans, the
13 commission shall give a public hearing or hearings upon
14 the question of adopting the same as filed or changing
15 the same.

1 SECTION 3. Upon the completion of said circuit, the
2 Boston Elevated Railway Company shall petition the
3 board of railroad commissioners for permission to operate
4 its elevated trains through and around such circuit. Up-
5 on such petition, the board of railroad commissioners
6 shall, after notice, give a public hearing or hearings and
7 thereupon shall determine upon what terms, under what
8 conditions, and by what method, said railway company
9 shall operate its trains therein. Such finding of the
10 railroad commissioners shall include a decision as to the
11 frequency with which trains shall be run, the amount
12 of compensation to be paid by the railway company for
13 the use of the circuit, and any other detail affecting the
14 use of such circuit by the railway company, and the
15 service furnished to the public thereby; in case the rail-
16 road commissioners shall make a contract with the rail-
17 way company for the sole and exclusive use of said cir-
18 cuit, the same shall provide that the right thereby granted

19 shall expire not later than the date upon which the
20 right of said railway company to use said tunnel, as
21 heretofore provided, expires; and such decision of the
22 railroad commissioners, except as to any provision grant-
23 ing an exclusive right to use, or a provision concerning
24 the compensation to be paid therefor, may be revised
25 by them at any time, after due notice and public hearing
26 or hearings.

1 SECTION 4. For the purpose of carrying out the pro-
2 visions of this act, the commission may make contracts
3 in the name of the city for the work herein authorized,
4 but all contracts involving an expenditure of two thou-
5 sand dollars or more shall be in writing and signed by
6 a majority of the commission; and no such contract
7 shall be altered except by an instrument in writing signed
8 by the contractor and a majority of the commission and
9 also by the sureties, if any, on the bond given by the
10 contractor for the completion of the original contract.
11 No such contract or alteration of any such contract shall
12 be valid or binding on the city unless executed as herein
13 specified.

1 SECTION 5. In the performance of the work provided
2 for hereunder the provisions of sections five, six, seven,
3 eight and nine of chapter five hundred and thirty-four
4 of the acts of the year nineteen hundred and two, as
5 they may have been amended shall, except where in con-
6 flict herewith apply.

1 SECTION 6. The net cost of the work provided for
2 by the terms of this act shall be deemed part of the cost
3 of the tunnel provided for by chapter five hundred and
4 thirty-four of the acts of the year nineteen hundred and

5 two, shall be met as therein specified and shall include
6 all expenditures in acquisition and construction, includ-
7 ing damages, and interest at three and one-fourth per
8 cent per annum on the debt incurred in construction
9 prior to the beginning of the use. For the purpose of
10 equipping the circuit hereby provided for, with appara-
11 tus necessary for the operation of its trains, and for any
12 other purpose of this act, the Boston Elevated Railway
13 Company may issue such amounts of its stocks or bonds,
14 or of each, as may be necessary therefor, subject to all
15 laws applicable to such issue; and it shall have all the
16 rights and powers, and be subject to all the restrictions,
17 liabilities and obligations conferred or imposed by sec-
18 tions eight, nine, eleven, twelve and fifteen of chapter
19 five hundred and forty-eight of the acts of the year eight-
20 een hundred and ninety-four, and sections seven, eight,
21 nine and twenty-one of chapter five hundred of the acts
22 of the year eighteen hundred and ninety-seven.

1 SECTION 7. All revenue received by the city of Boston
2 for the use of said circuit, or for the use of any lands
3 or rights taken under authority of this act, shall annually
4 be used by the treasurer, — first to meet the requirements
5 of and any deficiency in the sinking fund, — and second
6 to meet the interest on the bonds; and the surplus, if any,
7 shall be used as a part of the general revenue of the city.

1 SECTION 8. The supreme judicial court and the su-
2 perior court upon application of any party interested,
3 including the city or any ten taxable inhabitants thereof,
4 may enforce or prevent violation of the provisions of
5 this act by any appropriate process.

1 SECTION 9. Such change or changes in the subway
2 as are necessary to form such circuit shall be the property

3 of the city of Boston and said city shall have all rents,
4 tolls, income and profits from all contracts heretofore or
5 hereafter entered into for the use of the same or any part
6 thereof; and the same shall never be taken by the com-
7 monwealth except on payment of just compensation:
8 *provided, however,* that so much of such rents, tolls, in-
9 come and profits as may be necessary therefor shall be
10 paid into the respective sinking funds for the redemption
11 of said bonds and used for the payment of the interest
12 thereon.

1 SECTION 10. So much of chapter five hundred and
2 thirty-four of the acts of the year nineteen hundred and
3 two as is inconsistent herewith, and all other acts and
4 parts of acts inconsistent herewith, are hereby repealed.

1 SECTION 11. This act shall take effect upon its pas-
2 sage.

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