

# HOUSE . . . . . No. 1644

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## Commonwealth of Massachusetts.

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BOSTON, MASS., May 10, 1909.

*To the Honorable Senate and the House of Representatives.*

The following order was transmitted by the General Court on April 6, 1909:—

“*Ordered*, That the Board of Railroad Commissioners and the Boston Transit Commission, sitting jointly, be requested to investigate and report to the General Court, on or before the last day of April, whether or not it is advisable, in their opinion, to grant the petition for legislation to authorize the Boston and Eastern Electric Railroad Company to construct a tunnel under Boston harbor, and to connect the same with terminals and with the tracks of other companies, substantially in the manner set forth in the bill attached hereto, and under what restrictions, if any, such authority should be granted.”

Upon the receipt of this order the members of the Joint Board so constituted met forthwith and organized by choosing as its chairman the chairman of the Board of Railroad Commissioners. A public hearing was given after advertised notice at the rooms of the Railroad Commissioners on April 14. Since that date the Joint Board has devoted a great deal of time to the consideration of the subject referred to it, and has had many conferences with counsel for the petitioners and also with counsel for various other interests, including the

city of Boston, who desired to be heard in opposition to the petition and the proposed bill. Finding it impossible to finish its work by April 30, the Joint Board on that date addressed a communication to the General Court requesting that the time allowed for making its report be extended to May 10, and since the making of such request it has given much additional time to the study of the subject in its many aspects.

The Joint Board has further thought it proper to take note of certain legislative action subsequent to the date of the above order. On April 9 the Committee on Metropolitan Affairs reported to the Legislature a resolve (House Document 1545) providing for an investigation by this same Joint Board "as to the desirability of constructing additional subways, tunnels and elevated structures in the city of Boston." This resolve requests the Joint Board "to investigate and report to the General Court on or before the second Saturday of January, 1910, whether or not in their opinion it is advisable, expedient and in the public interest to grant any or all" of certain petitions for legislation, twelve in number, specifically referred to with their respective accompanying bills. All of said petitions relate to proposed new subways or tunnels, or the use of existing subways or tunnels, in the city of Boston. One of them calls for an investigation "into the subject of the necessity and the cost of construction of a tunnel or subway between the city of Boston and the city of Chelsea." By the terms of this resolve as now amended the Joint Board is requested to report "under what conditions and restrictions, if any, and in what form such petitions should be granted." This resolve has now been passed to be engrossed by both branches of the Legislature, but a minor Senate amendment has not yet reached the House for concurrence.

On April 15 the Committee on Metropolitan Affairs reported a resolve (Senate Document 309) instructing "the members of the Board of Railroad Commissioners, the Board of Harbor and Land Commissioners, the Boston Transit Commission and the Metropolitan Park Commission to sit together as a joint board for the purposes specified in chapter 108 of the resolves of the year 1907," and referring to such Joint Board for its consideration the report of the Metropolitan Improvement Commission transmitted to the General Court under the terms of the above mentioned resolve. By the terms of this pending resolve the Joint Board so constituted is instructed to make a preliminary report to the General Court on or before the first day of January, 1910, "informing the General Court whether or not any immediate action by it is necessary or desirable." This resolve has been passed by the Senate and is now before the Committee on Ways and Means of the House of Representatives.

On April 21 the Committee on Street Railways reported a resolve (Senate Document 320) providing for an investigation by the Board of Railroad Commissioners and the Boston Transit Commission sitting jointly of certain financial and corporate questions relating particularly to the Boston Elevated Railway Company but having an important bearing upon the whole question of passenger transportation within the metropolitan district, and also providing for an inquiry as to whether said company should be authorized to extend its elevated railway to the city of Medford. This resolve has now been passed to be engrossed by both branches of the Legislature and has also been enacted by the House of Representatives.

Assuming, as it feels warranted in doing, that the resolves above referred to are likely to be finally passed, and with such knowledge as it now possesses of the matters which

would thus be referred to it and of the reasons which led the above-named committees to report these resolves, and have thus far led the General Court to take favorable action upon them, this Joint Board concludes that a new legislative policy is in process of adoption, apparently without serious opposition, with respect not only to the construction of tunnels and subways within the city of Boston but to the whole question of metropolitan transportation. This policy seems to be that of making better provision than in the past for the preliminary study of special transportation projects with reference to the best present and future development of the transportation system as a whole. The members of the Joint Board deem it proper to state that in their opinion the adoption of such a policy would be in the public interest.

In view of the above facts and considerations and believing that action at the present time upon the petition and bill of the Boston & Eastern Electric Railroad Company would not be in conformity with the policy above referred to and might prejudice the fair consideration of some proposal or subject included within the aforesaid references the Joint Board now reports its conclusion that it is not advisable at this time to pass the bill accompanying the petition or any substitute therefor containing further restrictions.

If, however, the resolves above referred to should not finally be adopted, or if the conclusion reached in this report should not be approved by the General Court and it should desire that a bill containing all proper restrictions and safeguards should be submitted to at the present session, this Joint Board will endeavor to comply promptly with any such request.

The Joint Board distinctly recognizes the sole authority vested by law in the Board of Railroad Commissioners to decide the question whether public convenience and necessity

require the construction of an electric railroad under the general electric railroad law and the conclusion above stated is not deemed to be inconsistent with any past action or to prejudice any future action of the Board of Railroad Commissioners under the general law.

The above report is unanimously submitted.

For the Joint Board,

W. P. HALL,  
*Chairman.*

