

Expenses of
commission,
how paid.

said company or arisen out of said instrument purporting to be a contract. The compensation and expenses of said special commission shall be paid by the commonwealth out of the highway fund.

SECTION 3. This act shall take effect upon its passage.
Approved June 6, 1932.

*Chap.*286

AN ACT CHANGING CERTAIN APPROPRIATIONS FOR BERKSHIRE COUNTY.

Emergency
preamble.

Whereas, The deferred operation of this act would cause substantial inconvenience, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

1932, 228, § 2,
amended.

Section two of chapter two hundred and twenty-eight of the acts of the current year is hereby amended by striking out, under the heading "*Berkshire County*" item twenty-one and inserting in place thereof the following: —

Greylock state
reservation.

21 For the care and maintenance of Greylock state reservation, a sum not exceeding eight thousand dollars, except that a portion thereof, not exceeding thirty-five hundred dollars, may be used, together with private contributions, for the erection of a summit house on Mount Greylock . . . 8,000 00 and by striking out item twenty-four and inserting in place thereof the following: —

Reserve fund.

24 For a reserve fund, a sum not exceeding seven thousand dollars 7,000 00

Approved June 6, 1932.

*Chap.*287

AN ACT RELATIVE TO STREET AND OTHER TRAFFIC IMPROVEMENTS IN CONNECTION WITH THE CONSTRUCTION OF A VEHICULAR TUNNEL BETWEEN BOSTON PROPER AND EAST BOSTON.

Be it enacted, etc., as follows:

1929, 297, § 1,
amended.

SECTION 1. Section one of chapter two hundred and ninety-seven of the acts of nineteen hundred and twenty-nine is hereby amended by inserting after the word "tunnel" the first time it occurs in the fifteenth line the words: — , and, in addition, the laying out, widening, relocating, reconstructing, extending and constructing to a width of not less than eighty feet nor more than ninety feet, as may be determined by the department with the approval of the mayor, of a street beginning on Merrimac street at its intersection with Portland and Chardon streets and extending over public ways and private property along the southerly side of Merrimac street to Friend street and on

the northerly and southerly side of Merrimac street from Friend street to and including Haymarket square and thence along or adjacent to Cross street to Hanover street including the construction of a traffic circle and pedestrian underpasses in Haymarket square; said laying out, widening, relocating, reconstructing, extending and constructing shall be made in substantial conformity with the lines shown on a plan filed with said transit department and by copy with the state secretary, entitled 'Proposed Improvement of Haymarket Square, Cross St. from Haymarket Square to Hanover St., and Merrimac St. from Haymarket Square to Chardon St.', dated April 27, 1932, — so as to read as follows:— *Section 1.* The city of Boston, hereinafter called the city, acting by the transit department of the city of Boston, hereinafter called the department, shall proceed with the laying out and construction of a tunnel which shall consist of two or more roadways or lanes for vehicular traffic contained in one or two tubes, with or without physical connection, under Boston harbor from a convenient point or points in Boston proper to a convenient point or points in that part of the city known as East Boston, and with the laying out and construction of all facilities and appurtenances incidental thereto, including plazas and street approaches extending not more than one thousand feet from the tunnel entrances or exits as the department shall deem necessary and desirable to facilitate the movement of traffic entering and leaving the tunnel, and, in addition, the laying out, widening, relocating, reconstructing, extending and constructing to a width of not less than eighty feet nor more than ninety feet, as may be determined by the department with the approval of the mayor, of a street beginning on Merrimac street at its intersection with Portland and Chardon streets and extending over public ways and private property along the southerly side of Merrimac street to Friend street and on the northerly and southerly side of Merrimac street from Friend street to and including Haymarket square and thence along or adjacent to Cross street to Hanover street including the construction of a traffic circle and pedestrian underpasses in Haymarket square; said laying out, widening, relocating, reconstructing, extending and constructing shall be made in substantial conformity with the lines shown on a plan filed with said transit department and by copy with the state secretary, entitled 'Proposed Improvement of Haymarket Square, Cross St. from Haymarket Square to Hanover St., and Merrimac St. from Haymarket Square to Chardon St.', dated April 27, 1932. The word "tunnel" as used in this act shall connote the plural in so far as it may consist of two tubes with or without physical connection.

Transit department of city of Boston to construct vehicular tunnel under Boston harbor from point in Boston proper to East Boston.

Laying out, widening, relocating, reconstructing, extending and constructing a street beginning on Merrimac street at its intersection with Portland and Chardon streets, etc.

Word "tunnel" to connote the plural, etc.

SECTION 2. Said chapter two hundred and ninety-seven is hereby further amended by striking out section eight and inserting in place thereof the following:—

1929, 297, § 8, amended.

To meet cost of tunnel, city treasurer may issue and sell bonds of city, etc.

Traffic Tunnel Bonds, City of Boston, Act of 1929.

Sinking fund for payment of bonds, etc.

Section 8. For the purpose of meeting the cost of the tunnel, which shall include all expenses incurred in laying out and constructing the same and all facilities and appurtenances incidental thereto, including plazas, street approaches, and additional street and traffic improvements, all as described in section one, and all land damages, expenses of the department, such proportion of the salaries of the department as may in its opinion be properly chargeable thereto and all interest accruing prior to the use of the tunnel on debt incurred for the foregoing, the treasurer of the city shall, from time to time, on request of the department, with the approval of the mayor of the city and without any other authority than that contained in this act, issue and sell at public or private sale the bonds of the city, registered or with interest coupons attached, as he may deem best, to an amount not exceeding nineteen million dollars. Such bonds shall be designated on their face, Traffic Tunnel Bonds, City of Boston, Act of 1929, sixteen million dollars of which shall be for such terms, not exceeding fifty years, and three million dollars of which shall be for such terms, not exceeding thirty years, as in each case the mayor and the treasurer of the city may determine, and shall bear such interest, payable semi-annually, as the mayor and the treasurer of the city may determine. Such bonds may be called, retired and cancelled by the city on any date upon which interest is payable on said bonds after twenty years from their respective dates, by payment by the city of the amount of the face of said bonds with any accumulated unpaid interest, and the bonds shall contain a statement to such effect. The proceeds of such bonds shall be used only to meet the cost of the tunnel as hereinbefore defined. The said three million dollars of bonds shall also be designated on their face, Series B. The debt incurred from time to time under the provisions of this act shall not be included in determining the limit of indebtedness of the city as established by law. The board of sinking fund commissioners of the city shall establish a primary sinking fund for the payment of the said sixteen million dollars of bonds and a supplemental sinking fund for the payment of the principal and interest of the said three million dollars of bonds. There shall annually be paid into such primary sinking fund from tolls and charges or otherwise as herein-after provided such sum at least as is necessary to provide for the payment of the said sixteen million dollars of bonds at the expiration of fifty years from their respective dates, and from the excess of tolls and charges available under section twelve there shall annually be paid into such supplemental sinking fund such sum at least as is necessary to provide for the payment of the interest on the said three million dollars of bonds as it becomes due and the principal of such bonds at the expiration of thirty years from their respective dates; provided, that the first payment into

Proviso.

either of said funds shall not be made prior to the expiration of one year after the entire tunnel is in operation. Upon and after the completion of the tunnel as aforesaid there shall also be paid into said primary sinking fund the proceeds received from any sales or leases under section four and the balance of the proceeds of any bonds previously issued hereunder and no longer required for construction purposes.

All tolls, rents, percentages, compensation and other charges received for any use of the tunnel shall be used by the treasurer of the city only to meet the operating costs, exclusive of interest on the said three million dollars of bonds and payments into the said supplemental sinking fund, and, subject to the provisions of section twelve, the excess in any year of such tolls and charges over operating costs, exclusive of the said interest and sinking fund payments in respect of the said three million dollars of bonds, shall be paid into said primary sinking fund.

The treasurer of the city may, from time to time, on the request of the department, with the approval of the mayor of the city and without any other authority than that contained in this act, make a temporary loan for a period of not more than one year in anticipation of the money to be derived from the sale of any issue of bonds herein authorized, and may issue notes therefor; and such notes may be refunded from time to time by the issue of new notes maturing within one year from the date of their issue; provided, that the period from the date of issue of the original loan to the date of maturity of the final refunding period of the permanent loans herein authorized shall not be extended by reason of the temporary loans.

SECTION 3. Said chapter two hundred and ninety-seven is hereby further amended by striking out section nine and inserting in place thereof the following: — *Section 9.* Upon the completion of the tunnel, the public works department of the city shall operate the same as a toll tunnel, and shall from time to time establish a schedule of tolls and charges for the use of the same, which, in the opinion of said public works department, subject to the approval of the department of public utilities, will pay all operating costs, which term wherever used in this act shall include charges for adequate maintenance and upkeep, operating expenses including therein proper policing, lighting, and ventilating, interest on all bonds or notes issued under authority hereof, and such annual amounts as are necessary to provide a sinking fund for the payment of the principal of the said sixteen million dollars of bonds upon the expiration of such period of time, not less than twenty nor more than fifty years after their respective dates, and a sinking fund for the payment of the said three million dollars of bonds upon the expiration of such period of time, not less than twenty nor more than thirty years after their respective dates, as in each case said public

Tolls, rents, etc., to be used to meet operating costs, etc.

City treasurer may make temporary loan, and issue notes, etc.

Proviso.

1929, 297, § 9, amended.

Tunnel to be operated as toll tunnel, etc.

works department, with the approval of the department of public utilities, shall from time to time determine. If in any year such schedule of tolls and charges should prove to be insufficient, the said public works department shall establish such tolls and charges as will provide sufficient revenue to meet any deficit; provided, that if in the opinion of said public works department such new schedule of rates and charges would not result in an increase in revenue, then it may establish such new schedule of tolls and charges as it deems will produce the maximum revenue and any deficits resulting therefrom shall be met as provided in section eleven. All schedules of tolls and charges established under this section or under section twelve shall be subject to the approval of the department of public utilities. The said public works department shall collect such tolls and charges from the driver of each vehicle using said tunnel, and shall daily pay the same over to the city collector of Boston; provided, that no toll or charge shall be collected from the drivers of vehicles owned by the city or from drivers of ambulances.

Proviso.

Schedules of tolls and charges subject to approval, etc. Collection of tolls, etc.

Proviso.

1929, 297, § 10, amended.

SECTION 4. Section ten of said chapter two hundred and ninety-seven is hereby amended by inserting after the word "payment" in the seventh line the words:— subject to the priorities herein provided in favor of the said sixteen million dollars of bonds over the said three million dollars of bonds, — and by inserting before the word "bonds" in the last line of said section the words:— sixteen million dollars of, — so that said section shall read as follows:— *Section 10.* In addition to the full credit of the city, so much of all receipts from tolls and charges for or on account of the use of the tunnel as are required to be expended, by the provisions of this act, for the payment of the principal and interest of the bonds issued under section eight, as and when the same become due and payable, are hereby pledged to such payment subject to the priorities herein provided in favor of the said sixteen million dollars of bonds over the said three million dollars of bonds; and said provisions are hereby declared to constitute contracts between the city and the holders of said bonds within the meaning of section ten of Article I of the constitution of the United States, and a recital thereof shall appear on the face of said sixteen million dollars of bonds.

Certain amount of receipts from tolls and charges pledged to payment of principal and interest of bonds, subject, etc.

1929, 297, § 12, amended.

SECTION 5. Said chapter two hundred and ninety-seven is hereby further amended by striking out section twelve and inserting in place thereof the following:— *Section 12.* Whenever as of the last day of June in any year the receipts from tolls and charges as established under section nine or under this section exceed the operating costs, excluding for this purpose interest and sinking fund requirements in respect of the said three million dollars of bonds but including sinking fund requirements in respect of the said sixteen million dollars of bonds on a basis of

Procedure when receipts from tolls and charges exceed operating costs, etc.

the payment of all of the said sixteen million dollars of bonds at the expiration of twenty years after their respective dates, said excess shall be transferred to the general funds of the city so far as necessary to reimburse it for any amounts raised by taxation under section eleven, exclusive of any amounts so raised for interest or sinking fund requirements in respect of the said three million dollars of bonds. If any such excess occurs after the city shall have been reimbursed in full for all amounts so raised by taxation, exclusive of amounts for interest and sinking fund requirements in respect of the said three million dollars of bonds, the public works department shall, subject to the provisions of section nine, establish a reduced schedule of tolls and charges, sufficient, however, to meet the operating costs; provided, however, that until all of the said three million dollars of bonds shall become payable, whether at their final maturity or when called as hereinbefore provided, any such excess not so needed for such reimbursement shall be paid into the said supplemental sinking fund to be applied by the treasurer to the payment of the interest and principal of the said three million dollars of bonds. In case it shall be determined that all of such excess cannot be so paid without impairing rights secured by the constitution of the United States to holders of any of the said sixteen million dollars of bonds heretofore sold and paid for, then such part only of such excess as can be so paid without such impairment shall be paid into the said supplemental sinking fund as hereinbefore provided. If the amounts so directed to be contributed to the said supplemental sinking fund shall be more than necessary to meet the interest on the said three million dollars of bonds and to retire the principal thereof at the expiration of twenty years after their respective dates, the public works department shall establish the said reduced schedule as hereinbefore provided.

Proviso.

SECTION 6. If any provision hereof shall be invalid, such invalidity shall not affect any other provisions of this act or the validity of any of said nineteen million dollars of bonds as obligations secured not only by the full credit of the city but also by a pledge of the receipts from tolls and charges as herein provided to the extent that such provisions shall be valid.

Invalidity of any provision not to affect any other provisions of act, etc.

SECTION 7. Said chapter two hundred and ninety-seven, having been submitted to and accepted by the city council of the city of Boston, in accordance with the provisions of section fifteen thereof, this act in amendment of said chapter shall take effect upon its passage and without being further submitted to the city council of said city.

Effective upon passage, etc.

Approved June 6, 1932.