

HOUSE No. 1779

Printed on motion of Mr. Washburn of Worcester.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Ten.

AN ACT

To authorize the Reconstruction of the Joint Railroad and Highway Bridge over Taunton Great River, between Fall River and Somerset, and to construct a Tunnel under the City of Fall River.

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. Whereas public necessity and conven-
2 ience require the reconstruction of the joint railroad and
3 highway bridge, commonly known as Slade's Ferry bridge,
4 lying over Taunton Great river, between the city of
5 Fall River and the town of Somerset, the New York,
6 New Haven and Hartford Railroad Company, lessee of
7 the Old Colony Railroad Company, its successors or
8 assigns, shall reconstruct said Slade's Ferry bridge and
9 locate the same at a point northerly thereof, but not ex-
10 ceeding one hundred feet therefrom, in the manner

11 hereinafter stated. Said reconstructed bridge shall be
12 adapted to railroad and highway purposes respectively,
13 and it shall be provided with a suitable draw operated by
14 electric or other power, except man power; the plans,
15 construction and draw, as well as the piers and abut-
16 ments thereof, and approaches and ways leading thereto,
17 shall be subject to the approval or direction of all federal
18 and state departments and boards having jurisdiction
19 of the same. The said reconstructed bridge shall be of
20 sufficient width to provide two tracks for the railroad
21 part and also two tracks for street railways on the high-
22 way part so that two street cars may reasonably meet
23 thereon while going in opposite directions; and due pro-
24 vision shall be made for the accommodation of foot pas-
25 sengers thereon.

1 SECTION 2. For the purposes of connecting its rail-
2 road and the highways at the termini of said bridge said
3 railroad company is authorized to take, use or acquire
4 by purchase or otherwise, all necessary land not exceed-
5 ing five rods in width for railroad purposes; and not
6 exceeding the area or quantity of land approved by the
7 city council of Fall River to be used for highways lead-
8 ing to said reconstructed bridge. And, in the case of
9 taking land otherwise than by purchase, or the use of
10 its own land for the purpose, said Old Colony Rail-
11 road Company shall file a statement with a proper plan
12 of said bridge, approaches and ways signed by its engi-
13 neer and by the city engineer of Fall River, in the
14 registry of deeds of the Fall River district. And said
15 railroad company is authorized to take such further land,
16 rights or easements, including slope and embankment
17 rights, as may be deemed necessary for the construction,
18 security or location of said bridge, ways, approaches and

19 appurtenances relating thereto, and for the construction
20 or improvement of any station used in connection with
21 said railroad.

1 SECTION 3. The said railroad company shall pay all
2 damages caused by the laying out and construction of
3 said new bridge, ways and approaches leading thereto;
4 and any person, or corporation injured thereby, may file
5 a petition, to recover his or its damages against said com-
6 pany, in the superior court within one year from the filing
7 of the statement and plan as provided in the preceding
8 section, and have the same assessed by a jury in the same
9 manner, and to the same extent, as in case of land taken
10 for highway purposes under the general laws.

1 SECTION 4. The cost of reconstruction of said Slade's
2 Ferry joint railroad and highway bridge, piers, abut-
3 ments, approaches and ways leading thereto shall be borne
4 by said railroad company in the first instance; but the
5 city of Fall River shall reimburse said company for the
6 additional cost of the highway part thereof to the amount
7 of two hundred thousand dollars, to be paid within thirty
8 days after the completion of the reconstruction of said
9 bridge and ways leading thereto.

1 SECTION 5. The highway part of said bridge, as well
2 as the ways and approaches thereto belonging, shall be
3 subject to the approval and direction of the city engineer
4 of the city of Fall River; and the railroad part of said
5 bridge shall be subject to the approval of the board of
6 railroad commissioners.

1 SECTION 6. After said new bridge, approaches and
2 ways have been completed and opened for use, the rail-
3 road company aforesaid shall remove the present joint

4 railroad and highway bridge built in accordance with the
5 provisions of chapter two hundred and ninety-five of the
6 acts of the year eighteen hundred and seventy-two; and
7 said bridge built under said last named act shall be dis-
8 continued thereafter for highway and railroad purposes.
9 And the railroad company shall use the new joint bridge,
10 built under the provisions of this act, and connect its
11 tracks with the same on both sides of the river, and the
12 highway part as well as the approaches and ways leading
13 thereto shall be public highways. And any street rail-
14 way company owning the tracks on the highway part of
15 the old Slade's Ferry bridge, shall have the right to lay
16 double tracks on the highway part of said reconstructed
17 bridge and to connect its tracks with the same on both
18 sides of the river, and to propel its cars thereon by elec-
19 tricity or other power, subject, however, to all the con-
20 ditions as to fares and other matters mentioned in the
21 grant of location to the Globe Street Railway Company
22 by the board of aldermen of the city of Fall River in the
23 year eighteen hundred and ninety-five on the old Slade's
24 Ferry bridge, so far as the same are applicable or lawful.

1 SECTION 7. The cost of care and maintenance of said
2 bridge and of the operation of the draw thereof shall
3 be borne by said railroad company, which shall also
4 have the control of the same; but said railroad company
5 shall be reimbursed for the cost of care, maintenance and
6 operation of said reconstructed bridge in the same man-
7 ner and to the same extent as determined under the pro-
8 visions of chapter two hundred and ninety-five of the
9 acts of the year eighteen hundred and seventy-two; and
10 under chapter two hundred and six of the acts of the
11 year nineteen hundred. In case of disagreement, how-
12 ever, between said railroad company, its successors or

13 assigns and other parties in interest as to the exact
14 amount of expense chargeable to such care, maintenance
15 and operation of said bridge, any party in interest may
16 file a petition against the others in the superior court
17 which after due notice, agreement or hearing, shall ap-
18 point three disinterested commissioners to hear the parties
19 in interest. Said commissioners, after due notice and
20 hearing, shall make a report in writing of their findings
21 or award to said court, which report, unless good cause
22 be shown to the contrary, shall be approved and con-
23 firmed by the superior court, and judgment or decree
24 entered thereon, subject to such rights of exceptions or
25 appeals as in other civil cases.

1 SECTION 8. The city of Fall River is hereby au-
2 thorized to borrow money, outside of the statutory debt
3 limit, to the amount of two hundred thousand dollars,
4 to pay the additional cost of the reconstruction of the
5 highway part of said bridge and ways leading thereto,
6 and to issue its bonds redeemable in a period not exceed-
7 ing fifty years, in such denominations as it may decree
8 by vote of its city council, bearing interest fixed by vote
9 of the city council of Fall River. And it shall provide
10 a sinking fund to redeem said bonds at maturity, as pro-
11 vided in the general laws; and a yearly sum by taxation
12 or otherwise to provide for its share of the cost of care,
13 maintenance and operation of said reconstructed bridge
14 as provided in this act.

1 SECTION 9. The New York, New Haven and Hart-
2 ford Railroad Company, lessee of the Old Colony Rail-
3 road Company, is hereby authorized and directed to lay
4 out, dig, construct and maintain a tunnel for railroad
5 purposes under the city of Fall River starting from

6 some point on or near the railroad leading from Fall
7 River to Newport and going in the direction of the Fall
8 River branch of the railroad, leading from Plymouth
9 avenue in Fall River, to the city of New Bedford, and
10 to locate its railroad therein. Said tunnel to be of suffi-
11 cient size and width to lay two tracks therein to carry
12 railroad cars and to equip the same so as to operate them
13 by steam, electricity or other power. And it may build
14 and maintain all necessary switches, turnouts, telegraph
15 and drainage systems or other additional appliances in
16 or about said tunnel. And it shall connect the tracks
17 of the main road from Fall River to Boston, Providence
18 and Newport with the tracks in said tunnel, and also
19 with the railroad tracks on the Fall River branch afore-
20 said leading to New Bedford; and it and its succes-
21 sors or assigns shall thereafter operate a railroad thereon
22 as before stated, subject to all laws relating thereto.

1 SECTION 10. The plans for said tunnel and railroad
2 shall be approved by the board of railroad commissioners;
3 and said railroad company shall provide all convenient
4 accommodations for passenger and freight traffic in and
5 through said tunnel, and it may also provide spur tracks
6 to industrial plants in Fall River and a passenger sta-
7 tion in some central or other suitable location approved
8 by said railroad commissioners, after due notice to said
9 city of Fall River and hearing thereon.

1 SECTION 11. For the purposes aforesaid said railroad
2 company, its successors or assigns, may operate its cars
3 upon or use any land or rights of way owned by it or
4 provided for said spur tracks by any private person or
5 corporation in said Fall River to carry freight thereon;
6 and the Old Colony Railroad Company may take by

7 eminent domain, or acquire by purchase or otherwise all
8 land, easements, rights and equities whatever, including
9 slope and embankment rights: *provided, however,* that
10 no taking or work hereunder shall interfere with or ob-
11 struct any plan approved by the Watuppa Reservoir
12 Company for the improvement and development of the
13 Quequechan river and the Watuppa ponds. And to ac-
14 quire such land, easements, equities, slope or embank-
15 ment rights, otherwise than by purchase or the use of
16 its own land, it shall file a statement with proper plans
17 signed by its engineer and by the city engineer of Fall
18 River in the registry of deeds of the Fall River district.
19 And within two years from such filing any person or
20 corporation injured by anything done in carrying out
21 the authority granted under sections nine to eleven in-
22 clusive of this act, may file a petition in the superior
23 court against said company, and have his or its damages
24 assessed by a jury in the same manner as in case of
25 land taken for highways.

1 SECTION 12. This act shall take effect upon its pas-
2 sage.

