

HOUSE No. 315.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 29, 1892.

The committee on Railroads, to whom was referred the petition of the mayor of the city of Pittsfield, with the assent of the Boston and Albany Railroad Company for legislation necessary to secure the abolition of a grade crossing in said city, report the accompanying Bill.

For the Committee,

JAS. A. LAKIN.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-two

AN ACT

To authorize the City of Pittsfield to provide for the
Abolition of a Grade Crossing.

*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 city of Pittsfield is hereby
2 authorized for the purpose of abolishing the grade
3 crossing over the tracks of the Boston & Albany
4 Railroad Company, near Morningside in said city,
5 to lay out and construct a public way across the
6 land of said railroad company underneath its
7 tracks, which way shall be a continuation of Cur-
8 tis street in said city, and for the purpose of such
9 construction to make any necessary and proper
10 contracts with said railroad company or any per-
11 sons or corporations.

1 SECT. 2. The Boston and Albany Railroad
2 Company, upon the completion of said work,

3 shall pay to said city fifty per cent. of the cost of
4 construction of so much of said way as shall lie
5 within the limits of the location of said railroad,
6 including in said cost the cost of the necessary
7 bridge and its abutments, and upon and after the
8 completion of the work the bridge and its abut-
9 ments shall be maintained and kept in repair by
10 said railroad company, and the way and its
11 approaches shall be maintained and kept in repair
12 by said city.

1 SECT. 3. Upon the completion of said way all
2 rights of way, if any, except those of the railroad
3 company in the existing grade crossing, shall
4 cease and determine, and the said railroad com-
5 pany may close the same to travel. The city of
6 Pittsfield shall pay such damages, if any, as may
7 be sustained by any person or corporation in
8 property by reason of the discontinuance and
9 abandonment of said grade crossing, and any
10 person or corporation sustaining damages as
11 aforesaid who fails to agree with said city upon
12 said damages may have the damages assessed and
13 determined by a jury at the bar of the superior
14 court for the county of Berkshire, on petition
15 brought within one year from the date of said
16 discontinuance, in the same manner and under
17 like rules of law as damages may be determined
18 when occasioned by the discontinuance of town
19 ways.

1 SECT. 4. The provisions of this act shall not
2 affect the authority and power of the city council

3 of said city to lay out a public way in extension
4 of Curtis street without and beyond the limits
5 of the location of said railroad, and to determine
6 the location thereof, and the provisions of law
7 applicable to the laying out of ways by said city
8 council and the taking of land therefor, shall,
9 except as hereinbefore provided, apply to said
10 way: *provided, however,* that the Boston and
11 Albany Railroad Company shall not be entitled
12 to damages on account of the laying out and
13 construction of a way across its location author-
14 ized hereby.

1 SECT. 5. This act shall take effect upon its
2 passage.