

SENATE No. 281

To accompany the petition of Joseph P. Lyons that the Washington Street tunnel in the city of Boston be extended. Metropolitan Affairs.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twelve.

AN ACT

To provide for the Extension of the Washington Street Tunnel in the City of Boston.

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 present Washington street tun-
2 nel used by the elevated railroad in the city of
3 Boston shall be extended by the Boston transit com-
4 mission, or such other board or authority as shall
5 be charged with such construction, to a point be-
6 yond Forest Hills square on Washington street,
7 under the same provisions as to construction, pay-
8 ment and use as provided by law for the construc-
9 tion, payment and use of the said present tunnel.

1 SECTION 2. The elevated structure now in
2 said Washington and connecting streets used in

3 connection with the present tunnel shall, on the
4 construction of the extension of the tunnel herein-
5 before provided for, be removed, the expense there-
6 of to be considered a part of the cost of construction
7 of said extension.

1 SECTION 3. Upon the carrying out of the pro-
2 visions aforesaid, the superior court for the county
3 of Suffolk upon petition of the city, company or any
4 party in interest shall appoint three commissioners
5 who shall determine the damages, if any, sustained
6 by the company over and above the benefit, if any,
7 the company received by the carrying out of said
8 provisions, and the damages so determined shall
9 be paid by **the city and considered** a part of the
10 cost of said extension; the commissioners shall
11 within three years after the carrying out of said
12 provisions determine the benefits, if any, received
13 by the several parcels of real estate abutting on
14 the parts of the streets from which said structure
15 shall have been removed and assess upon each such
16 parcel a betterment consisting of a proportionate
17 part of not exceeding one half the cost of carrying
18 out said provisions and not exceeding one half the
19 benefit received by the parcel.

1 SECTION 4. The owners of parcels so assessed
2 shall pay to the city each year one twenty-fifth of
3 the amount assessed on such parcel (with interest
4 at four per cent per annum) on the part of the
5 assessment remaining unpaid, and the amount of
6 the rental to be paid by the company shall be re-
7 duced by the total amount of the assessments paid
8 during the year; any owner may pay the whole or

9 the balance of his assessment and in such case the
10 city shall hold the same and use one twenty-fifth
11 thereof each year in reduction of the rental.

1 SECTION 5. If any party in interest is dissatis-
2 fied with the determination of the commissioners, he
3 or it may have the damages or betterments deter-
4 mined by a jury or justice of said court on petition
5 therefor filed in said court within one year after
6 the determination; and all acts and all laws relating
7 to the determination of damages and betterments
8 for laying out highways in said city shall so far
9 as applicable govern in such matters under this act.

