

HOUSE No. 1475

The Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 18, 1924.

The committee on Metropolitan Affairs, to whom were referred the special report of the Metropolitan District Commission relative to constructing a new bridge over the Charles River Basin at or near the location of the Massachusetts Avenue Bridge between the cities of Boston and Cambridge (House, No. 1200), and the petition (accompanied by bill, House, No. 1266) of James M. Curley, mayor, for the construction of a new bridge over the Charles River Basin between the cities of Boston and Cambridge to replace the Harvard Bridge, so called, report the accompanying bill.

For the committee,

RALPH R. STRATTON.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twenty-Four.

An Act authorizing the Metropolitan District Commission to Repair and Reconstruct the Bridge in Massachusetts Avenue across the Charles River Basin between Boston and Cambridge.

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 metropolitan district commission is
2 authorized and directed to repair and reconstruct, with-
3 out a draw, so much as it deems advisable of the existing
4 bridge across the Charles river basin between Boston and
5 Cambridge in Massachusetts avenue and, for this pur-
6 pose, to fill solid in the basin to form approaches to the
7 bridge in the form of peninsulas to such extent as the
8 commission deems advisable, and to relocate and recon-
9 struct Massachusetts avenue, and to construct other
10 roadways and walks on such filled areas. Said commis-
11 sion shall also construct underpasses in the form of sub-
12 ways across and under the new approaches to said bridge
13 on both sides of the Basin, with such clearance or head-
14 room that a road or boulevard on each side of the Basin
15 may be constructed hereafter underneath the approaches
16 to the bridge as reconstructed or relocated hereunder,
17 and said commission may also construct roadways and
18 walks on said approaches to the bridge so as to connect
19 Massachusetts avenue, as reconstructed and relocated
20 hereunder, with said roads constructed in said under-
21 passes or subways.

1 SECTION 2. The cost of the work herein authorized
2 and of the maintenance thereof when completed shall be
3 paid, in the manner and proportions hereinafter provided
4 for, in part by the commonwealth and in part by the
5 Metropolitan Parks District if granted a location as
6 hereinafter provided by the Boston Elevated Railway
7 Company and such counties, cities and towns as shall
8 be found to be especially benefited by the work.

1 SECTION 3. The cost of the work herein authorized,
2 including any damages awarded or paid on account of
3 any taking of land or property therefor or for damage to
4 any property and any sums paid for lands or rights pur-
5 chased, and the salaries and wages of all employees of
6 the commission, including the interest on all money
7 borrowed by the state treasurer on the credit of the
8 commonwealth as provided in this section and all other
9 expenses incurred in carrying out the provisions of this
10 act, shall be deemed to be the cost of the work and shall
11 in the first instance be paid by the commonwealth, pro-
12 vided, that such cost does not exceed in the aggregate
13 one million two hundred thousand dollars, and the state
14 treasurer may borrow on the credit of the commonwealth
15 such sum or sums of money as may from time to time
16 be required for the cost of said boulevards as aforesaid,
17 as certified to him by said commission, and may issue
18 notes of the commonwealth therefor, carrying such rates
19 of interest as the state treasurer may fix, with the ap-
20 proval of the governor and council. Said notes shall be
21 for the term of ten years, as recommended by the gover-
22 nor, in accordance with the provisions of the constitution,
23 in a message to the general court dated
24 nineteen hundred and twenty-four, and the state treasurer
25 shall make payments from time to time on account of

26 work done under this act, on the order of the com-
27 mission.

1 SECTION 4. The supreme judicial court, upon appli-
2 cation of the commission and after notice and a hearing,
3 shall appoint three apportionment commissioners who
4 shall, after due notice and hearing, and in such manner
5 as they deem just and equitable, determine the proportion
6 in which the commonwealth, the metropolitan parks
7 district, the Boston Elevated Railway Company, if
8 granted a location in said bridge, and any county, city
9 and town which they deem specially benefited by the
10 work herein authorized, shall annually pay money into
11 the treasury of the commonwealth, to meet the interests,
12 serial or other bond requirements for each year, as esti-
13 mated by the state treasurer, and also such moneys as
14 are estimated by the state treasurer, in accordance with
15 the proportions so determined to meet the expenses of
16 maintenance of said work as determined and fixed by the
17 commission and certified to the treasurer, and shall
18 return their award into said court; and when said award
19 shall have been accepted by said court the same shall be
20 a final and conclusive adjudication of all matters herein
21 referred to said commissioners and shall be binding on all
22 parties.

1 SECTION 5. To meet the payments required to be
2 made by any county under the provisions of this act,
3 on account of the cost of construction of the work herein
4 authorized, the county commissioners of such county
5 may borrow from time to time on the credit of the county
6 such sums as may be necessary to meet the contributions
7 required of said county by the state treasurer, and may
8 issue the bonds or notes of the county therefor, payable

9 by such annual payments, beginning not more than one
10 year after the date of each loan, as will extinguish each
11 loan within ten years from its date; and the amount of
12 such annual payment of any loan in any year shall not
13 be less than the amount of the principal of the loan
14 payable in any subsequent year. Each issue of bonds or
15 notes shall constitute a separate loan, and each bond or
16 note shall bear on its face the words: County of (Name
17 of county), Harvard Bridge Loan, Act of 1924.

1 SECTION 6. To meet the payments required to be
2 made by any city or town under the provisions of this
3 act, for the construction of the work herein provided for,
4 such city or town may issue from time to time bonds or
5 notes of such city or town to such an amount not exceed-
6 ing such sum as may be necessary to meet the payments
7 required to be made by such city or town by the state
8 treasurer. Said bonds or notes shall bear on their face
9 the words: City or town of (Name of city or town),
10 Harvard Bridge Loan, Act of 1924, shall be payable
11 within twenty years from their respective dates, and shall
12 be issued in excess of the statutory limit of indebtedness,
13 but shall otherwise be subject to chapter forty-four of
14 the General Laws and in respect of bonds or notes issued
15 by the city of Boston be subject to chapter four hundred
16 and eighty-six of the acts of nineteen hundred and nine,
17 and acts in amendment thereof and in addition thereto.

1 SECTION 7. To meet the proportion of the expense of
2 said work required to be paid by the metropolitan park
3 district the state treasurer may, with the approval of the
4 governor and council, issue bonds to an amount not
5 exceeding the amount required under section two as a
6 part of the metropolitan parks loan, series one. Such

7 bonds shall be issued as coupon or registered bonds for
8 such terms of years as shall be recommended by the gov-
9 ernor in accordance with the provisions of section three
10 of article LXII of the amendments to the constitution and
11 shall bear interest semi-annually on the first day of Janu-
12 ary and July at such rate as shall be fixed by the state
13 treasurer with the approval of the governor and council.

1 SECTION 8. When the work herein authorized shall
2 have been completed the new location of Massachusetts
3 avenue thereon shall be maintained by the metropolitan
4 district commission as a public way. The remainder of
5 the work and other roads and walks thereon shall be
6 maintained by said commission as reservations, forming
7 a part of the metropolitan park system under said com-
8 mission, and said commission shall have the same power
9 and authority over said avenue so far as consistent with
10 the purposes of this act and over the remainder of the
11 work herein provided for as it has over reservations in
12 general under its care and control.

1 SECTION 9. Upon the completion of the work herein
2 authorized the Boston Elevated Railway Company may
3 petition said commission for a double-track location in
4 said Massachusetts avenue, and said commission may
5 grant such company a new location under the authority
6 therefor contained in chapter ninety-two of the General
7 Laws; provided, however, that such company or com-
8 panies granted a location shall, as a condition of such
9 location agree to pay the part of the cost assessed upon
10 said company under section three, and at its or their
11 expense, maintain and keep in repair that part of the
12 wearing surface of the bridge and approaches occupied
13 by said company or companies within its or their tracks

14 and eighteen inches on either side thereof, and said com-
15 pany or companies shall be liable for all damages recov-
16 ered in any action at law by reason of any defect or
17 want of repair in that part of said bridge and its ap-
18 proaches which it or they are required to maintain and
19 keep in repair.

