

HOUSE No. 1657

Bill accompanying the petition of William J. McDonald that the Boston Elevated Railway Company be authorized to collect six-cent fares and relative to the application of the revenue of said company. Metropolitan Affairs. February 14.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Seventeen.

AN ACT

To provide for an Increase of Fares on the Boston Elevated Railway and the Application of the Increased Revenue therefrom.

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. From and after the first day of January,
2 nineteen hundred and eighteen, the Boston Elevated
3 Railway Company may establish and take a toll or fare
4 which shall not exceed the sum of six cents for a single
5 continuous passage in the same general direction upon
6 the roads owned, leased or operated by it: *provided,*
7 *however,* that said fare may be reduced in the same man-
8 ner, to the same extent and subject to the same condi-
9 tions and provisos as the fares of other street railways
10 may be under general laws now or hereafter in force.

1 SECTION 2. Said railway company, so long as it shall
2 be entitled to use subways or tunnels in the city of Bos-
3 ton and the fare charged by it shall not be reduced
4 below the sum of six cents mentioned in the preceding
5 section, shall annually pay to the city of Boston one
6 cent for each six-cent fare collected by it. Payments of
7 such collections shall be made to the city of Boston in
8 quarterly payments on the last day of March, June,
9 September and December in each year with respect to
10 the collections for the quarter ending with the first of
11 the preceding month and at the rate aforesaid for any
12 uncompleted quarter of a year.

1 SECTION 3. From all such sums so paid to said city
2 of Boston, said city may retain the amount of all rentals
3 or compensation due to it from said company under any
4 existing or future leases between said city and said
5 company of any subways or tunnels now or hereafter
6 owned by said city, or contracts for the use of such sub-
7 ways or tunnels. After the setting aside of the amount
8 necessary to pay such rentals or compensation, the
9 balance shall be turned over to the board of commis-
10 sioners of sinking funds of the city of Boston to be
11 administered as a special fund, and expended by or
12 upon the requisition of the Boston transit commission,
13 or any successor, or substituted body having the same
14 or similar jurisdiction or powers, for the construction of
15 such extensions of existing subways and tunnels, the
16 construction of such additional subways and tunnels or
17 such enlargement and improvement of any existing and
18 future subways and tunnels or the facilities for public
19 travel afforded thereby as said Boston transit commis-
20 sion, or other body, may now or hereafter have authority
21 to construct, or to order constructed. Such portion of

22 said balance as the Boston transit commission may from
23 time to time deem proper may be directed by said com-
24 mission to be transferred from the special fund to any
25 sinking fund now or hereafter established with respect
26 to any bonds heretofore or hereafter issued for the pay-
27 ment of the cost of construction of subways or tunnels
28 or extensions, enlargements or improvements therein or
29 thereto.

1 SECTION 4. So long as the payments provided in sec-
2 tion two shall be made by said company to the city of
3 Boston, said company shall be excused and released from
4 all liability to pay rentals or compensation for the use
5 of subways and tunnels in the city of Boston under any
6 leases or contracts to use said subways and tunnels
7 which are now or may hereafter be in force between said
8 company and said city, and shall be under no liability
9 to pay any such rentals or compensation for the use of
10 any subways or tunnels, or extensions, enlargements or
11 improvements therein or thereto, hereafter constructed
12 by or under direction of the Boston transit commission:
13 *provided, however,* that said Boston transit commission
14 may, in directing the construction of any future sub-
15 ways or tunnels, or extensions, enlargements or improve-
16 ment therein or thereto, fix the amount of money which
17 shall be considered with respect to the payments made
18 by said company to said city under section two hereof
19 as the amount of the annual rental or compensation to
20 be retained by said city with respect to the use by said
21 company of such additional subways or tunnels.

1 SECTION 5. In so far as any subways or tunnels, to
2 the use of which by said company, or to the construc-
3 tion of which this act shall apply, shall be hereafter

4 constructed or ordered to be constructed by said Boston
5 transit commission, or other similar body having juris-
6 diction, in substitution for elevated structures in said
7 city of Boston now in use by said company, said company
8 shall have the right to use, and shall accept the right to
9 use, such future subways or tunnels respectively in lieu
10 of, and shall discontinue the use of, and remove the
11 respective elevated structure or structures now existing
12 for which substitution is so made, without claiming, or
13 being entitled to claim, compensation for such discon-
14 tinuance or removal, and the city of Boston shall not
15 be liable to said company on account of such discon-
16 tinuance or removal.

1 SECTION 6. All acts and portions of acts inconsistent
2 herewith are hereby repealed.

1 SECTION 7. This act shall take effect upon the first
2 day of January, nineteen hundred and eighteen: *provided*,
3 that on or before the first day of November, nineteen
4 hundred and seventeen, said company shall, by vote of
5 its board of directors, have accepted the same and made
6 proper return thereof.