

SENATE No. 337.

Commonwealth of Massachusetts.

SENATE, May 12, 1899.

The committee on Railroads, to whom was referred the petition of Edmund Anthony, Jr., and others for legislation relative to the relocation and widening of the old bridge over the Acushnet River between the city of New Bedford and the town of Fairhaven (accompanied by bill, Senate, No. 184), report the accompanying bill.

For the Committee,

RUFUS A. SOULE.

Mr. JOY, of the Senate, and Mr. REED, of the House, dissenting.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-nine.

AN ACT

Relative to the Relocation and Widening of the Old
Bridge over the Acushnet River, between the City
of New Bedford and the Town of Fairhaven.

*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. So much of the highway, bridge
2 and approaches thereto, between the city of New
3 Bedford and the town of Fairhaven, as has not
4 been constructed by the county Commissioners
5 of the county of Bristol, under the provisions of
6 chapter three hundred and sixty-eight of the acts
7 of eighteen hundred and ninety-three and all acts
8 in amendment thereof and in addition thereto,
9 shall be constructed by the special commission
10 appointed as hereinafter provided, subject to all
11 the provisions of and with all the powers con-
12 ferred upon said county commissioners by said
13 acts, except as herein otherwise provided. In-
14 stead of crossing the location of the Old Colony

15 railroad on the New Bedford side at grade, said
16 special commission may if they decide that public
17 safety and convenience require, and subject to
18 all the provisions of chapter four hundred and
19 twenty-eight of the acts of eighteen hundred and
20 ninety and all acts in amendment thereto, con-
21 struct so much of said bridge and the approaches
22 and way leading thereto, over and above the loca-
23 tion and tracks of said railroad, as in their judg-
24 ment shall be required to abolish said crossing at
25 grade. Said special commission shall provide and
26 construct suitable brows, ways or approaches for
27 teams leading from Fish island to said overhead
28 bridge and also suitable stairways or other ap-
29 proaches for foot passengers from bridge square
30 to said overhead bridge, approaches and way, in
31 such manner that the total width of said bridge,
32 including said brows, ways, and approaches shall
33 not exceed one hundred feet: *provided, however,*
34 that the limits within which the elevation of said
35 bridge, approaches and way, shall be constructed
36 for the purpose of the elimination of said grade
37 crossing, shall not extend farther east than the
38 west side of Fish island, nor farther west than the
39 east line of Second street.

1 SECTION 2. Said special commission shall,
2 after due notice to all parties interested, deter-
3 mine, award and decree what the total actual cost
4 of the construction of that portion of said bridge,
5 approaches and way in their judgment required
6 to abolish said grade crossing, as hereinbefore

7 provided, including land and grade damages, is,
8 and shall apportion said total actual cost between
9 the Old Colony railroad, the Commonwealth and
10 the city of New Bedford, in such proportions as
11 they shall deem just and equitable, and said rail-
12 road, said Commonwealth, and said city shall pay
13 their respective apportionment of said cost as pro-
14 vided by chapter four hundred and twenty-eight
15 of the acts of eighteen hundred and ninety and
16 all acts in amendment thereof or in addition
17 thereto.

1 SECTION 3. Within the limitations prescribed
2 by chapter three hundred and sixty-eight of the
3 acts of eighteen hundred and ninety-three and
4 the acts in amendment thereof and in addition
5 thereto, the county commissioners of the county
6 of Bristol, shall, upon the requisition of said
7 special commission, pay to said commission or its
8 order such sums of money as may be required by
9 said special commission, for the payment, from
10 time to time, of the cost of construction, including
11 land and grade damages, incurred by said special
12 commission in the construction of said portion of
13 said bridge, approaches and way, as shall not be
14 included in the cost of such construction and
15 damages within the limits of construction fixed
16 by said special commission for the elimination of
17 the grade crossing, as hereinbefore provided.

1 SECTION 4. Nothing herein contained shall ex-
2 empt the county commissioners of the county of

3 Bristol from performing all the duties imposed
4 upon them by chapter three hundred and sixty-
5 eight of the acts of eighteen hundred and ninety-
6 three and all acts in amendment thereof and in
7 addition thereto, except as herein otherwise ex-
8 pressly provided. Said special commission shall
9 perform all the duties imposed upon said county
10 commissioners by said acts, relative to the construc-
11 tion and completion of said bridge from its present
12 terminus, at the abutment on the east side of Fish
13 island, and said special commission are hereby
14 authorized to make such changes in the location
15 and grade of said bridge, approaches and way
16 leading thereto, on the New Bedford side, hereto-
17 fore decreed by said county commissioners, as in
18 their judgment may be required.

1 SECTION 5. The expenses and fees of said
2 special commission shall be ascertained and de-
3 termined by the superior court for the county of
4 Bristol, and paid by said county of Bristol and
5 charged to the cost of said bridge; said court
6 may enter judgment against said county for the
7 amount of said fees and expenses, so ascertained
8 and determined, and execution may be issued by
9 said court against said county upon said judg-
10 ment.

1 SECTION 6. Said special commission shall be a
2 new commission appointed by the superior court
3 for the county of Bristol upon the petition of the
4 mayor and aldermen of New Bedford, after due
5 notice to all parties interested.

1 SECTION 7. All the provisions of said chapter
2 three hundred and sixty-eight of the acts of eight-
3 een hundred and ninety-three and all acts in
4 amendment thereto, in so far as the same are in-
5 consistent herewith, are hereby repealed.

1 SECTION 8. This act shall take effect upon its
2 passage.

