

# HOUSE . . . . No. 1640

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## The Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, May 11, 1921.

The committee on Street Railways, to whom were referred the Bill (taken from the files of last year) to authorize the Berkshire Street Railway Company to reorganize and to receive financial assistance from certain municipalities (House, No. 1126); and the petition (accompanied by bill, House, No. 1127) of Clinton Q. Richmond and another relative to the selling or leasing of the property of the Berkshire Street Railway Company, report the accompanying bill.

For the committee,

CHARLES R. FOOTE.

## The Commonwealth of Massachusetts.

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

### AN ACT

To Assure the Continued Operation of the Lines of the  
Berkshire Street Railway Company.

*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 Berkshire Street Railway Company  
2 shall not during the years nineteen hundred and twenty-  
3 one and nineteen hundred and twenty-two be required to  
4 pay by assessment, taxation or otherwise directly or in-  
5 directly any part of the expense of the construction,  
6 alteration, change of grade, maintenance or repair of any  
7 street, highway or bridge, or of any structure therein or  
8 thereon, or on account of any change of location of a  
9 street railway when such change is required by any public  
10 authorities, or for or on account of the abolition of any  
11 grade crossing or the removal of wires from the surface of  
12 any street or highway to an underground conduit or other  
13 receptacle for such wires, or to pay or incur any expense  
14 whatever for or in connection with the construction,  
15 alteration, maintenance or repair of any street, highway  
16 or bridge: *provided, however,* that if the surface of any  
17 street or highway shall be opened or disturbed by such  
18 corporation for any purpose relating to the operation of  
19 its street railway, nothing in this section shall be con-

20 strued to relieve it from the expense of restoring the  
21 surface of such street or highway to its original condition;  
22 and *provided, further*, that nothing herein shall relieve the  
23 street railway company from the payment of any assess-  
24 ment or expense made or incurred for or on account of  
25 work done or to be done under a valid order or decree  
26 made before the passage of this act in a proceeding re-  
27 lating to the abolition of any grade crossing or to the  
28 construction, alteration, maintenance or repair of any  
29 street, highway or bridge to which such street railway  
30 company was a party, or made or incurred before the  
31 passage of this act under any act of the general court.

1 SECTION 2. Any city or town in which lines of the  
2 Berkshire Street Railway Company are maintained by a  
3 two thirds vote of the city council in a city and by a ma-  
4 jority vote of the voters voting thereon in a town may,  
5 from time to time, for the purpose of obtaining lower  
6 fares or of avoiding a reduction or discontinuance of  
7 service, enter into an agreement or agreements with the  
8 street railway company operating a street railway in  
9 such city or town to pay any part or all of any excess of  
10 the cost of the service on the lines of the company  
11 operated in such city or town above the amount of the  
12 receipts from such lines arising from the rates and fares  
13 in effect thereon during the period not to exceed one year  
14 covered by any such agreement; *provided*, that the con-  
15 tribution of such city or town shall not in any one year  
16 exceed the sum of two dollars per one thousand dollars of  
17 the assessed valuation of such city or town of the year  
18 preceding the date of such agreement; and *provided, also*,  
19 that any such city or town contributing as aforesaid may  
20 apply to the department of public utilities for the deter-  
21 mination of any question relating to the character or ex-

22 tent of the service rendered or facilities furnished in such  
23 city or town in pursuance of said agreement, in the event  
24 of differences arising between the street railway company  
25 and such city or town in relation thereto. Such vote in  
26 towns may be taken at any town meeting called for the  
27 purpose and shall be taken by ballot, and the question  
28 shall be submitted in such form as the selectmen may  
29 determine. Such agreement shall not be effective until  
30 approved by the department of public utilities.

1 SECTION 3. Upon the application of one or more cities  
2 or towns desiring to contribute toward the cost of opera-  
3 tion of the Berkshire Street Railway Company, a street  
4 railway now or formerly serving its or their communities  
5 and alleging that the restoration or continuance of such  
6 service cannot be effected without one or more other  
7 cities or towns now or formerly served also contributing  
8 toward the cost of the operation thereof within the limits  
9 of such latter-named community or communities, the de-  
10 partment of public utilities shall hold a hearing thereon,  
11 and investigate the facts in relation thereto and make re-  
12 port thereon to the various cities and towns which are  
13 parties to such proceedings, with such recommendations  
14 as said department deems will best further the interests  
15 of the communities affected.

1 SECTION 4. The Berkshire Street Railway Company  
2 shall be authorized to sell or dispose of to any person,  
3 firm or corporations, electricity generated by it for light  
4 or power, to the extent that the same shall not be re-  
5 quired for the proper operation of its street railway  
6 system, at such rates and upon such terms and conditions  
7 as it may from time to time fix and determine subject to  
8 the approval of the department of public utilities, who  
9 shall first determine that public necessity or convenience  
10 requires the same.