

HOUSE No. 1334

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 12, 1933.

The committee on Transportation, to whom was referred so much of the recommendations of the Department of Public Works (House, No. 129) as relates to alterations of grade crossings which are direct continuation of state highways (accompanied by bill, House, No. 130), report the accompanying bill (House, No. 1334).

For the committee,

ARTHUR A. HANSEN.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Three.

An Act relative to the Alterations of Grade Crossings.

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 fifty-nine of chapter one hundred and fifty-
2 nine of the General Laws as amended by chapter
3 three hundred and fifty-one of the acts of nineteen
4 hundred and twenty-three is hereby further amended
5 by striking out said section and inserting in place
6 thereof the following:—

7 *Section 59.* If a public way and a railroad cross
8 each other, and the board of aldermen of the city or
9 the selectmen of the town where the crossing is situ-
10 ated, or the department of public works, if the cross-
11 ing and its approaches are in direct continuation of
12 a state highway, or the directors of the railroad cor-
13 poration, or the directors of a railway company
14 having tracks on said way, deem it necessary for the
15 security or convenience of the public that an altera-
16 tion not involving the abolition of a crossing at
17 grade should be made in the crossing, the approaches
18 thereto, the location of the railroad or way, or in
19 a bridge at the crossing, they shall apply to the
20 county commissioners, or, if the crossing is situated,
21 in whole or in part, in Boston, to the department,

22 or, if the crossing and its approaches are in direct
23 continuation of a state highway or of a proposed
24 state highway, to the department of public works,
25 which shall, upon receipt of such application, or in
26 case of the department of public works upon its own
27 motion, and after public notice, hear all parties inter-
28 ested, and, if they decide that such alteration is
29 necessary, shall prescribe the manner and limits
30 within which it shall be made, and shall forthwith
31 certify their decision to the parties and to said depart-
32 ment. Hearings by the department of public works
33 shall be held in the county where such crossing is
34 situated and a copy of its decision and a copy of the
35 plan of said alteration shall be filed by it in the office
36 of the county commissioners of the said county.
37 This proceeding may include any case where there is
38 need of the rebuilding of a highway bridge or any
39 structural change or renewal in order to strengthen
40 or improve it. If any railway company is authorized
41 to lay and use tracks upon the said way, the said
42 company shall bear such part of the expense of build-
43 ing, rebuilding, changing, renewing, repairing or
44 improving a bridge forming a part of said way, or of
45 altering or improving the approaches thereto, as the
46 commission provided for in sections sixty-one and
47 sixty-two deem just.

