

**RAPID TRANSIT  
ACT: LAWS 1891,  
CHAPTER 4**

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Rapid Transit Act: Laws 1891, Chapter 4 by State of New York Public Service Commission

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**STATE OF NEW YORK PUBLIC SERVICE COMMISSION**

**RAPID TRANSIT  
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# RAPID TRANSIT ACT

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Laws 1891, chapter 4; as amended by Laws 1892, chapters 102 and 556; Laws 1894, chapters 528 and 752; Laws 1895, chapter 519; Laws 1896, chapter 729; Laws 1900, chapter 616; Laws 1901, chapter 587; Laws 1902, chapters 533, 542, 544 and 584; Laws 1904, chapters 562 and 564; Laws 1905, chapters 599 and 631; Laws 1906, chapters 472, 606 and 607; Laws 1907, chapter 534; Laws 1908, chapter 472; Laws 1909, chapter 498; Laws 1910, chapters 205, 504, 505 and 506; Laws 1911, chapter 888, and Laws 1912, chapter 226

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## LAWS 1891, CHAP. 4.

AN ACT to provide for rapid transit railways in cities of over one million inhabitants.

Approved by the Governor, January 31, 1891. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

- § 1. [Repealed. Laws 1907, chapter 429] \*
- § 2. [Repealed. Laws 1907, chapter 429]
- § 3. [Repealed. Laws 1907, chapter 429]
- § 4. **Public service commission to determine necessity 4-1**  
**for railroads; routes; plan; consents; parks and streets ex-**  
**cepted.** (1) The public service commission of the first  
district upon its own motion may proceed, from time to  
time, to consider and determine whether it is for the inter-  
est of the public and of a city having over one million of

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\* In regard to incidental powers see subdivision 2 of Section 5 of Public Service Commissions Law.

4-1 inhabitants, according to the last preceding national or state census, that a rapid transit railroad or railroads for the conveyance and transportation of persons and property should be established therein, and upon the request in writing of the local authorities of any such city at any time, the said commission shall proceed forthwith to consider and determine the same questions, and in each case the said commission shall conduct such an inquest and investigation as may be deemed necessary in the premises. If, after any such consideration and inquest, the said commission shall determine that a rapid transit railroad or railroads, in addition to any already existing, authorized or proposed, are necessary for the interest of the public, and such city, it shall proceed to determine and establish the route or routes thereof and the general plan of construction. Such general plan shall show the general mode of operation and contain such details as to manner of construction as may be necessary to show the extent to which any street, avenue or other public place is to be encroached upon and the property abutting thereon affected. The commission, from time to time, may locate the route or routes of such railroad or railroads over, under, upon, through and across any streets, avenues, bridges, viaducts, rivers, waters and lands within such city, including blocks between streets or avenues, or partly over, under, upon, through and across any streets, avenues, bridges, viaducts, and lands within such city and partly through blocks between streets or avenues; provided that the consent of the owners of one-half in value of the property bounded on and the consent also of the local authorities having control of that portion of a street, bridge, viaduct, or highway, upon which it is proposed to construct or operate such railroad or railroads be first obtained, or in case the consent of such property owners can not be obtained, that the determination of three commissioners appointed by the appellate division of the supreme court in the department of the proposed construction, given after due hearing of all parties interested, and confirmed by the