

# HOUSE . . . . No. 1119

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Bill accompanying the petition of Alton E. Briggs and others relative to the construction and repair of highways. Roads and Bridges. January 18.

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## The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Sixteen.

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### AN ACT

Relative to the Construction of Highways.

*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. Whenever a new highway is constructed,  
2 or a highway previously constructed is reconstructed or  
3 resurfaced by the Massachusetts highway commission, by  
4 the metropolitan park commission, or by any county, city  
5 or town, it shall be so constructed, reconstructed or re-  
6 surfaced that it shall be made safe and convenient for  
7 horses, horse-drawn vehicles and motor vehicles.

1 SECTION 2. In case a highway is unsafe or incon-  
2 venient for horses or horse-drawn vehicles or for motor  
3 vehicles, if notice thereof is given to the clerk of the city  
4 or to the selectmen of the town in which the highway is  
5 situated, it shall be the duty of the city or town so

6 notified to make or cause the highway to be made safe  
7 for horses, horse-drawn vehicles and motor vehicles, and  
8 if the highway is not so made safe, within a reasonable  
9 time after notice is given as above provided, the city or  
10 town shall be liable for all damages to persons or property  
11 resulting from the unsafe or inconvenient condition of the  
12 highway.

1 SECTION 3. If a highway as to which the above notice  
2 is given is under the control of county commissioners or  
3 of the Massachusetts highway commission or of the  
4 metropolitan park commission, or of any other public  
5 commission or body, such commission or body shall be  
6 notified immediately by the city or town which received  
7 the aforesaid notice, and it shall be the duty of the com-  
8 mission or other body so notified to make the highway  
9 safe for horses, horse-drawn vehicles and motor vehicles  
10 at its expense; but if such commission or body shall fail  
11 within a reasonable time after receipt of the said notice  
12 from the city or town to make the highway safe as afore-  
13 said, then it shall be the duty of the city or town to make  
14 the highway safe as above provided, and if the city or  
15 town fails so to do within a reasonable time, the city or  
16 town shall be liable for all damages to person or property  
17 resulting from the unsafe or inconvenient condition of the  
18 highway.

1 SECTION 4. In case a city or town is obliged, as above  
2 provided, to make safe or convenient a highway which is  
3 under the control of a county or of the Massachusetts  
4 highway commission or of the metropolitan park com-  
5 mission, or of any other public commission or other body  
6 the city or town shall, for the expense so incurred, be  
7 reimbursed by the commonwealth, if it is a state com-

8 mission, and otherwise by the county, city, town, or  
9 district by which the commission or other body is em-  
10 ployed, or for which it acts.

1 SECTION 5. This act shall take effect upon its passage.

