

HOUSE No. 90

Accompanying the fourth recommendation of the Department of Public Works (House, No. 84). Ways and Means (Joint).

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Seven.

AN ACT TO PERMIT STATE FUNDS TO BE USED IN THE MAINTENANCE OF TOWN WAYS, OTHER THAN STATE HIGHWAYS, CONSTRUCTED IN WHOLE OR IN PART WITH STATE MONEY.

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 25 of chapter 90 of the General Laws is
2 hereby amended by adding at the end of the first sen-
3 tence the following:— except as otherwise provided in
4 section twenty-six of this chapter, as amended, and
5 section thirty-four, paragraph 2 (a) of chapter ninety
6 of the General Laws, — so as to read as follows:—
7 *Section 25.* When any public way has been con-
8 structed or improved in whole, or in part, with money
9 furnished by the commonwealth, and the way is not
10 laid out as a state highway, the town in which the
11 way lies shall thereafter keep and maintain in good
12 repair and condition that part of the way which has
13 been so constructed or improved; and the expense
14 thereof shall be borne by the town or county, or both,

15 as may be agreed upon at the time such construction
16 or improvement is undertaken, except as otherwise
17 provided in section twenty-six of this chapter, as
18 amended, and section thirty-four, paragraph 2 (a) of
19 chapter ninety of the General Laws. If the depart-
20 ment shall determine at any time that such way is
21 not being maintained in proper condition, it shall so
22 notify the mayor or selectmen having charge of the
23 repairs of said way and the county commissioners,
24 and shall specify in said notice what repairs and im-
25 provements are necessary; and the officials in charge
26 of the way shall forthwith proceed to make the speci-
27 fied repairs and improvements. If said officials do not
28 make such repair or improvements within fifteen days
29 from the receipt of such notice, or within such further
30 time as the department may allow, the department
31 may proceed to have the repairs or improvements
32 made, and may pay for the same from any money
33 which may be available for the repair and maintenance
34 of state highways. The department shall annually,
35 in January, certify to the state treasurer the amount
36 of such expenditures during the preceding year. So
37 much of the expenditures as by agreement are to be
38 paid by the towns shall be made a part of the state
39 tax for such towns; and so much of the expenditures
40 as by agreement are to be paid by the counties shall
41 be paid by the county treasurers to the state treasurer.
42 The department may embody the provisions of this
43 section in all contracts and agreements for work to be
44 done in the construction or improvement of public
45 ways, other than state highways, or improved in
46 whole, or in part, with money furnished by the
47 commonwealth.