

SENATE No. 143

To accompany the petition of Justin W. Lester that the Department of Public Utilities be authorized to grant locations for electric transmission lines. Power and Light.

The Commonwealth of Massachusetts

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

An Act to authorize the Department of Public Utilities to grant Locations for Electric Transmission Lines.

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 seventy-two of chapter one hundred
2 and sixty-four of the General Laws as amended
3 by chapter four hundred and thirty-three of
4 the acts of nineteen hundred and twenty-four
5 and by chapter ninety-eight of the acts of nine-
6 teen hundred and twenty-five and by chapter
7 two hundred and fifty-six of the acts of nine-
8 teen hundred and twenty-six is hereby further
9 amended by striking out, in the fifty-second
10 line the word "No" and inserting in place
11 thereof the words:— Except as hereinafter
12 provided, no, — and also by adding at the end
13 thereof the following new paragraph:— A com-
14 pany desiring to alter construction of an existing

15 line or to construct a new line on lands or rights
16 of way adjacent to an existing line, whose peti-
17 tion for the location has been refused or has not
18 been granted within three months after the
19 filing thereof by the board of aldermen of the
20 city or the selectmen of the town in which the
21 location is sought, may apply to said depart-
22 ment for such location. The department shall
23 give a public hearing thereon after notice to the
24 board of aldermen or selectmen refusing or
25 neglecting to grant such location and to all
26 persons owning real estate abutting upon that
27 part of the way in the city or town where such
28 location is sought as such ownership is deter-
29 mined by the last assessment for taxation.
30 The department shall, if requested by the board
31 of aldermen or selectmen hold said hearing in
32 the city or town where the location is sought.
33 If the department deems the location neces-
34 sary for public convenience and in the public
35 interest it may, by order, grant a location for
36 such line in the city or town with respect to
37 which the application is made, and shall have
38 and exercise relative thereto the same powers
39 and authority conferred by section twenty-two
40 upon the board of aldermen or selectmen, and
41 in addition to the provisions of the law govern-
42 ing such company may impose such other terms,
43 limitations and restrictions as it deems public
44 interest may require. The department shall
45 cause an attested copy of its order with the
46 certificate of its clerk endorsed thereon that

47 the order was adopted after due notice and a
48 public hearing as hereinbefore prescribed, to
49 be forwarded to the city or town clerk who
50 shall record the same and furnish attested
51 copies thereof upon the terms and in the man-
52 ner specified in section twenty-two, — so that
53 said section as amended will read as follows:—
54 *Section 72.* An electric company may peti-
55 tion the department for authority to construct
56 and use or to continue to use as constructed
57 or with altered construction a line for the
58 transmission of electricity for distribution in
59 some definite area or for supplying electricity
60 to itself or to another electric company or to a
61 municipal lighting plant for distribution and
62 sale, or to a railroad, street railway or electric
63 railroad, for the purpose of operating it and
64 shall represent that such line will or does serve
65 the public convenience and is consistent with
66 the public interest. The company shall file
67 with such petition a general description of
68 such transmission line and a map or plan show-
69 ing the towns through which the line will or
70 does pass and its general location. The com-
71 pany shall also furnish an estimate showing in
72 reasonable detail the cost of the line and such
73 additional maps and information as the de-
74 partment requires. The department, after no-
75 tice and a public hearing in one or more of the
76 towns affected, may determine that said line is
77 necessary for the purpose alleged, and will
78 serve the public convenience and is consistent

79 with the public interest. If the company shall
80 file with the department a map or plan of the
81 transmission line showing the towns through
82 which it will or does pass, the public ways,
83 railroads, railways, navigable streams and tide
84 waters in the town named in said petition which
85 it will cross, and the extent to which it will be
86 located upon private land or upon, under or
87 along public ways and places, the department,
88 after such notice as it may direct, shall give a
89 public hearing or hearings in one or more of
90 the towns through which the line passes or is
91 intended to pass and may by order authorize
92 the company to take by eminent domain under
93 chapter seventy-nine such lands, or such rights
94 of way or widenings thereof, or other ease-
95 ments therein necessary for the construction
96 and use or continued use as constructed or
97 with altered construction of such line along
98 the route prescribed in the order of the depart-
99 ment. The department shall transmit a cer-
100 tified copy of its order to the company and
101 the clerk of each such town. The company
102 may at any time before such hearing change
103 or modify the whole or a part of the route of
104 said line, either of its own motion or at the
105 instance of the department or otherwise, and
106 in such case, shall file with the department
107 maps, plans and estimates as aforesaid showing
108 such changes. If the department dismisses
109 the petition at any stage in said proceedings,

110 no further action shall be taken thereon, but
111 the company may file a new petition after the
112 expiration of a year from such dismissal. When
113 a taking under this section is affected, the
114 company may forthwith, except as hereinafter
115 provided, proceed to erect, maintain and oper-
116 ate thereon said line. If the company shall
117 not enter upon and construct such line upon
118 the land so taken within one year thereafter, its
119 right under such taking shall cease and deter-
120 mine. Except as hereinafter provided, no
121 lands or rights of way or other easements
122 therein shall be taken by eminent domain
123 under the provisions of this section in any
124 public way, public place, park or reservation,
125 or within the location of any railroad, elec-
126 tric railroad or street railway company except
127 with the consent of such company and on such
128 terms and conditions as it may impose, and
129 no electricity shall be transmitted over any
130 land, right of way or other easement taken
131 by eminent domain as herein provided until
132 the electric company shall have acquired from
133 the board of aldermen or selectmen or from
134 such other authorities as may have jurisdic-
135 tion all necessary rights in the public ways or
136 public places in the town or towns, or in any
137 park or reservation, through which the line
138 will or does pass.

139 A company desiring to alter construction of
140 an existing line or to construct a new line on

141 lands or rights of way adjacent to an existing
142 line, whose petition for the location has been
143 refused or has not been granted within three
144 months after the filing thereof by the board of
145 aldermen of the city or the selectmen of the
146 town in which the location is sought, may apply
147 to said department for such location. The de-
148 partment shall give a public hearing thereon
149 after notice to the board of aldermen or select-
150 men refusing or neglecting to grant such loca-
151 tion and to all persons owning real estate
152 abutting upon that part of the way in the
153 city or town where such location is sought as
154 such ownership is determined by the last as-
155 sessment for taxation. The department shall,
156 if requested by the board of aldermen or se-
157 lectmen hold said hearing in the city or town
158 where the location is sought. If the depart-
159 ment deems the location necessary for public
160 convenience and in the public interest it may,
161 by order, grant a location for such line in the
162 city or town with respect to which the appli-
163 cation is made, and shall have and exercise
164 relative thereto the same powers and authority
165 conferred by section twenty-two upon the
166 board of aldermen or selectmen, and in addi-
167 tion to the provisions of the law governing
168 such company may impose such other terms,
169 limitations and restrictions as it deems public
170 interest may require. The department shall
171 cause an attested copy of its order with the
172 certificate of its clerk endorsed thereon that

173 the order was adopted after due notice and a
174 public hearing as hereinbefore prescribed, to be
175 forwarded to the city or town clerk who shall
176 record the same and furnish attested copies
177 thereof upon the terms and in the manner
178 specified in section twenty-two.

