

# SENATE . . . . No. 147

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To accompany the petition of George G. Wright and others that certain wires and electrical appliances in the city of Cambridge be placed under ground. Cities.

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## The Commonwealth of Massachusetts.

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

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### AN ACT

To provide for removing or placing Underground Certain Wires and Electrical Appliances in the City of Cambridge.

*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. It shall be the duty of the city  
2 electrician of Cambridge, and he shall have the  
3 exclusive authority, to cause to be removed from  
4 the streets of said city, or from above said streets,  
5 all wires, cables and conductors in and above  
6 said streets and above the surface thereof, and  
7 all poles and structures in said streets used for  
8 the supports of the same, except such structures,  
9 poles, wires, cables and conductors as are here-  
10 inafter excepted, and to cause all such wires,  
11 cables and conductors to be placed, maintained

12 and operated underground, in accordance with  
13 the provisions of this act; and he shall have gen-  
14 eral supervision and inspection of all wires,  
15 cables and conductors in said city, and shall have  
16 and exercise all the powers of the officer provided  
17 for in section three of chapter four hundred and  
18 four of the acts of the year eighteen hundred and  
19 ninety. The provisions of chapter two hundred  
20 and sixty-six of the acts of the year eighteen hun-  
21 dred and eighty-five, shall apply to said city  
22 electrician.

1 SECTION 2. Said city electrician shall within  
2 two months after the passage of the act and in  
3 each January in successive years, prescribe and  
4 give public notice thereof in at least two weekly  
5 newspapers in said city by advertisement therein  
6 for two weeks in succession, and designate certain  
7 streets or parts of streets within which all wires,  
8 cables and conductors, except such as are herein-  
9 after excepted, shall be during that calendar year  
10 removed or placed underground, but the total so  
11 prescribed for each calendar year shall not com-  
12 prise more than two miles; and said city elec-  
13 trician shall cause the owners or users of such  
14 wires, cables or conductors to remove or place  
15 them underground, and also to remove any poles  
16 or structures used in the streets or portion of  
17 streets so prescribed, to support such wires,  
18 cables or conductors, it being the purpose and  
19 intent of this act to cause the removal from the  
20 public streets, avenues and highways so pre-

21 scribed, of all such wires, cables and conductors,  
22 and all poles or structures not herein especially  
23 excepted, used for the support of such wires,  
24 cables or conductors whenever, in the judgment  
25 of said city electrician, the same is practicable  
26 and expedient.

1 SECTION 3. After said streets shall have been  
2 prescribed as aforesaid, no person, firm or cor-  
3 poration shall place any poles or other structures  
4 for the support of wires, cables or conductors,  
5 except those herein especially excepted, in any of  
6 said streets or portion of streets except tem-  
7 porarily, in the case of an emergency, with the  
8 consent of said city electrician; and if, after the  
9 expiration of that calendar year, there shall  
10 remain in such streets or portions of streets any  
11 poles, structures, wires, cables or conductors  
12 which the said city electrician shall have ordered  
13 to be removed or placed underground, the said  
14 city electrician shall cause the same to be removed;  
15 and the said city of Cambridge may collect the  
16 expense of such removal, if any, from the owners  
17 or users, by an action of law.

1 SECTION 4. Whenever it shall be determined  
2 by the authorized municipal authority to pave  
3 or repave any street or portion of a street, avenue  
4 or highway in said city of Cambridge public  
5 notice thereof shall be given by said city elec-  
6 trician, in the manner provided in section two of  
7 this act, before the beginning of said work, and

8 any person, firm or corporation duly authorized  
9 by law at the time to lay or erect and maintain  
10 wires in said section shall, if so ordered by said  
11 city electrician, place its pipes, conduits, wires,  
12 cables and conductors underground through said  
13 street or portion of said street within such time  
14 as shall be specified in said notice, and thereafter  
15 no person, firm or corporation shall place any  
16 wires, poles or other structures in or above, or  
17 without the express permission of the city council  
18 of said city, lay any pipes, conduits, wires, cables  
19 or conductors, through said street, unless espec-  
20 ially excepted by this act; but this provision shall  
21 not be construed to prevent any such person, firm  
22 or corporation from thereafter, upon permit from  
23 the superintendent of streets in said city, making  
24 necessary repairs or service connections with  
25 conduits, pipes, wires, cables or conductors laid  
26 in such street or portion of such street, or drawing  
27 wires or cables into the conduits constructed  
28 therein.

1 SECTION 5. When any person, firm or cor-  
2 poration operating or intending to operate wires,  
3 cables or conductors in said city shall desire, or  
4 be required, to place the same underground in  
5 any of the streets, avenues or highways of said  
6 city, and for that purpose to remove the same  
7 from above the surface thereof, and shall have  
8 been duly authorized so to do, it shall be obliga-  
9 tory upon such person, firm or corporation to file  
10 with said city electrician a map or maps made

11 to scale, showing the streets, avenues or other  
12 highways which are desired or required to be  
13 used for said purposes, and giving the location,  
14 dimensions and course of the underground con-  
15 duit or conductor desired or required to be  
16 constructed.

1 SECTION 6. Said city electrician may desig-  
2 nate in said city the distances between the over-  
3 head electrical wires, cables or conductors of any  
4 person, firm or corporation, and those of any  
5 other person, firm or corporation, and may regu-  
6 late the direction in which such wires, cables or  
7 conductors shall be run for any purpose from a  
8 fixture upon or from the top of any building to  
9 the point of entering any building for service;  
10 and every person, firm or corporation owning,  
11 operating or maintaining any wire, cable or  
12 conductor over any building in said city shall,  
13 notwithstanding any agreement to the contrary,  
14 keep such wire, cable or conductor at least eight  
15 feet above the highest part of the roof of such  
16 building as the roof may be at the time of placing  
17 the wire, cable or conductor, or as it may be  
18 thereafter at any time raised by the owner  
19 thereof, and shall keep and maintain any struc-  
20 ture placed upon any building for the support of  
21 any wire, cable or conductor to the satisfaction  
22 of said city electrician.

1 SECTION 7. The said city electrician, in case  
2 of the neglect or refusal of any person, firm or

3 corporation to comply with any requirements  
4 made by him under authority of this act, may  
5 proceed in a summary manner to abate or remove  
6 any danger which he deems likely to result from  
7 the requirement not being complied with.

1 SECTION 8. This act shall not apply to long  
2 distance telephone wires, or to railway trolley,  
3 guard or span wires, or to posts for the support  
4 of lamps exclusively, or to poles used exclusively  
5 for local distribution from underground wires,  
6 cables or conductors, or for the support of railway  
7 trolley, guard and span wires, nor revoke any  
8 rights already granted to any person, firm or  
9 corporation to place or maintain any conduits,  
10 pipes, wires, cables or conductors underground,  
11 but any such conduits, pipes, wires, cables or  
12 conductors laid hereafter in pursuance of any  
13 such grant shall be laid subject to the provisions  
14 of this act not inconsistent with the terms of  
15 said grant. For the purpose of this act, no wire  
16 shall be deemed a long distance telephone wire  
17 which is not connected with some central tele-  
18 phone office in said city of Cambridge and does  
19 not extend twenty-five miles at least in a direct  
20 line from said central office.

1 SECTION 9. All persons, firms or corporations  
2 owning or operating electrical wires, cables or  
3 conductors in said city of Cambridge shall, on or  
4 before the first day of October in the year nineteen  
5 hundred and twenty-two, file with the said city

6 electrician a statement of the number and general  
7 location of all their electrical conduits, wires,  
8 cables and conductors.

1 SECTION 10. It shall be the duty of said city  
2 electrician and he shall have the authority to  
3 grant permission to such owners or users of wires,  
4 cables, conductors, poles or structures to be taken  
5 down or removed as aforesaid as are at the time  
6 duly authorized by law to lay or erect and main-  
7 tain wires as aforesaid, to lay the underground  
8 conduits required to accommodate the wires so  
9 removed from overhead, and any other necessary  
10 wires, cables or conductors or any extensions  
11 thereof, under any of the streets, avenues, high-  
12 ways, water courses or tide waters within said  
13 city, subject, however, in the case of water  
14 courses or tide waters to the provisions of chapter  
15 nineteen of the public statutes and acts in amend-  
16 ment thereof and in addition thereto. It shall be  
17 the duty of the superintendent of streets of said  
18 city, and he shall have the power to issue, subject  
19 to the usual conditions, all permits for opening  
20 and occupying the streets of said city which may  
21 be necessary to carry out the intent of this act,  
22 upon application of said city electrician.

1 SECTION 11. The city engineer, the super-  
2 intendent of streets, and chief engineer of the  
3 fire department of said city shall constitute a  
4 board of appeal, of which board the city en-  
5 gineer shall be chairman, to which application

6 may be made by petition in writing by any  
7 person, firm or corporation aggrieved by the  
8 acts or decision of said city electrician, done or  
9 made in pursuance of this act. Said petition  
10 shall set forth the specific grievance relied upon  
11 and shall be filed with the chairman of said  
12 board of appeal within ten days from the date of  
13 said act or decision causing said grievance, and  
14 said board after notice given as prescribed in  
15 section two of this act shall give a hearing thereon,  
16 and may either approve or revoke said act or  
17 decision of said city electrician.

1 SECTION 12. The supreme judicial court and  
2 any justice thereof, and the superior court and  
3 any justice thereof, shall, on petition of said city  
4 electrician, have jurisdiction in equity to enforce  
5 the provisions of this act or any order of the city  
6 electrician issued under said provisions, and to  
7 compel compliance therewith.

1 SECTION 13. This act shall take effect upon its  
2 passage