

HOUSE No. 1138

House Bill No. 189 as changed by the committee on Power and Light and as amended on recommendation of the committee on Bills in the Third Reading.

The Commonwealth of Massachusetts

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

An Act authorizing the Berkshire Street Railway Company to take Land by Eminent Domain for the Erection and Maintenance of Poles and Wires for the Transmission of Electricity.

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 four of chapter one hundred and twenty-seven
2 of the Special Acts of nineteen hundred and nineteen is
3 hereby amended by adding at the end thereof the fol-
4 lowing:— Said company may petition the department
5 of public utilities for authority to construct and use or
6 to continue to use as constructed or with altered con-
7 struction a line for the transmission of electricity for
8 supplying electricity to itself or for any purpose au-
9 thorized by this act or said chapter four hundred and
10 sixty-five, and shall represent that such line will or
11 does serve the public convenience and is consistent with
12 the public interest. The company shall file with such
13 petition a general description of such transmission line
14 and a map or plan showing the towns through which
15 the line will or does pass and its general location. The
16 company shall also furnish an estimate showing in

17 reasonable detail the cost of the line and such additional
18 maps and information as the department requires. The
19 department, after notice and a public hearing in one or
20 more of the towns affected, may determine that said
21 line is necessary for the purpose alleged, and will serve
22 the public convenience and is consistent with the public
23 interest. If the company shall file with the department
24 a map or plan of the transmission line showing the
25 towns through which it will or does pass, the public
26 ways, railroads and railways in the towns named in
27 said petition which it will cross, and the extent to
28 which it will be located upon private land or upon,
29 under or along public ways and places, the department,
30 after such notice as it may direct, shall give a public
31 hearing or hearings in one or more of the towns through
32 which the line passes or is intended to pass and may by
33 order authorize the company to take by eminent do-
34 main under chapter seventy-nine of the General Laws
35 such lands, or such rights of way or widenings thereof,
36 or other easements therein necessary for the construc-
37 tion and use or continued use as constructed or with
38 altered construction of such line along the route pre-
39 scribed in the order of the department. The depart-
40 ment shall transmit a certified copy of its order to the
41 company and the clerk of each such town. The com-
42 pany may at any time before such hearing change or
43 modify the whole or a part of the route of said line,
44 either of its own motion or at the instance of the de-
45 partment or otherwise, and, in such case, shall file with
46 the department maps, plans and estimates as aforesaid
47 showing such changes. If the department dismisses
48 the petition at any stage in said proceedings, no further
49 action shall be taken thereon, but the company may
50 file a new petition after the expiration of a year from

51 such dismissal. When a taking under this section is
52 effected, the company may forthwith, except as here-
53 inafter provided, proceed to erect, maintain and operate
54 thereon said line. If the company shall not enter upon
55 and construct such line upon the land so taken within
56 one year thereafter, its right under such taking shall
57 cease and determine. No lands or rights of way or
58 other easements therein shall be taken by eminent
59 domain under the provisions of this section in any public
60 way, public place, park or reservation, or belonging to
61 or within the location of any railroad, electric railroad,
62 street railway, telephone or telegraph company except
63 with the consent of such company and on such terms
64 and conditions as it may impose; and no electricity
65 shall be transmitted over any land, right of way or
66 other easement taken by eminent domain as herein
67 provided until the company taking the same shall have
68 acquired from the board of aldermen or selectmen or
69 from such other authorities as may have jurisdiction
70 all necessary rights in the public ways or public places
71 in the town or towns, or in any park or reservation,
72 through which the line will or does pass.

