

HOUSE No. 701

By Mr. Winslow of Cambridge, petition of Philip R. Morss and others that the Simplex Wire and Cable Company be authorized to maintain a bridge over Pacific Street in the city of Cambridge. Cities.

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING THE SIMPLEX WIRE AND CABLE COMPANY TO MAINTAIN A BRIDGE OVER PACIFIC STREET 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. Upon petition, and after seven days'
2 notice inserted in at least one newspaper published in
3 the city of Cambridge and a public hearing thereon, the
4 city council of said city may, by a two thirds vote,
5 with the approval of the city manager, grant and
6 issue a permit to Simplex Wire and Cable Company,
7 a corporation duly established and existing under the
8 laws of this commonwealth, its successors and as-
9 signs, to maintain a bridge over Pacific street in said
0 city at a point where said corporation owns the land
1 in fee on opposite sides of said street and also the
2 fee in that part of said street crossed by said bridge,
3 for the purpose of connecting buildings owned and
4 occupied by said corporation on opposite sides of

15 said street. Said permit shall be granted upon the
16 condition of such ownership and such further condi-
17 tions and subject to such restrictions as the city
18 council may prescribe. Any permit granted here-
19 under may be revoked by vote of said city council
20 with the approval of the city manager.

1 — SECTION 2. The bridge maintained under a per-
2 mit granted as aforesaid shall be maintained in such
3 manner that the bottom chord thereof shall be not
4 less than seventeen feet above the grade line of said
5 street; and said structure shall not be more than
6 three and one half feet in width, and no part of said
7 structure or its support shall rest on the surface of
8 the street, nor shall any such structure be main-
9 tained over any portion of said street not owned
10 in fee by said Simplex Wire and Cable Company
11 without written consent of the owner of such portions
12 in each instance filed with the said city council.
13 Such consent of the city of Cambridge, if and when
14 necessary, may be given by vote of said city council
15 with the approval of the city manager.

1 SECTION 3. If a traveler on the highway while in
2 the exercise of due care sustains bodily injury or
3 damage in his property by reason of the construction
4 or maintenance of said bridge, he may recover dam-
5 ages therefor in an action of tort brought in the
6 superior court against said Simplex Wire and Cable
7 Company, or its successors or assigns, within one
8 year after the date of such injury or damage; pro-
9 vided, that such notice of the time, place and cause
10 of said injury or damage be given to said Simplex
11 Wire and Cable Company, or its successors or assigns.

12 by, or on behalf of, the person sustaining the same as
13 is, under the provisions of chapter eighty-four as
14 amended of the General Laws (Tercentenary Edi-
15 tion), valid and sufficient in cases of injury or damage
16 sustained by reason of a defect or a want of repair
17 in or upon a way, if such defect or want of repair is
18 caused by or consists in part of snow or ice, or both.
19 The remedy herein provided shall not be exclusive,
20 but shall be in addition to any other remedy provided
21 by law.

1 SECTION 4. This act shall take effect upon its
2 passage.

