

HOUSE No. 55

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WORKS, OFFICE OF THE COMMISSIONER,
100 NASHUA STREET, BOSTON 14, November 4, 1959.

To the Honorable Senate and House of Representatives.

In compliance with the provisions of section 33 of chapter 30 of the General Laws (Tercentenary Edition), as amended by chapter 67 of the Acts of 1948, I have the honor to submit herewith such parts of the annual report of the Department of Public Works as contain recommendations or suggestions for legislative action, accompanied by drafts of bills embodying the legislation recommended. These drafts have been submitted to the Counsel for the House of Representatives for advice and assistance as to the form thereof.

Respectfully submitted,

ANTHONY N. DiNATALE,
Commissioner.

RECOMMENDATIONS.

The Department is recommending legislation this year for the following purposes:

1. AN ACT PERTAINING TO THE DISCONTINUANCE OF SECTIONS OF STATE HIGHWAY.

The Department last year and the year before requested this legislation to strengthen its position in the matter of discontinuance of sections of state highway which have lost their significance because of new construction or for other reasons. The intent of the proposed legislation is to assure the involved city or town that it would be accepting responsibility for a road which would be in good condition, and in view of the greatly reduced traffic it would not constitute a maintenance burden. In this way expenditures by the Department on this constantly increasing obsolete class of roads would be eliminated, thereby enabling it to concentrate on main arteries.

Furthermore, it would appear that the proper occasion for such action by this Department would be at the time of the layout of a new location for the construction of a highway which would divert through travel from the involved section.

Also, the Department desires to eliminate the necessity for the concurrence of the county commissioners in such discontinuances, inasmuch as this concurrence is not a requisite for the layout of a state highway.

Although the proposed legislation was not favorably acted upon by the General Court the past two years, it is still the opinion of the Department that it warrants further consideration, and therefore it is again submitted.

2. AN ACT RELATIVE TO SNOW AND ICE CONTROL ON SECTIONS OF HIGHWAY LAID OUT BY THE DEPARTMENT OF PUBLIC WORKS ON BEHALF OF A CITY OR TOWN.

This legislation was proposed last year and the year before to clarify the winter maintenance situation on sections of highway laid out on behalf of a city or town, and to place in the Department the authority to require cities and towns to be responsible for such

winter maintenance and snow removal as may be necessary from the time that any part of a highway being constructed on a layout made on behalf of a city or town is opened to traffic. Since the legislation was not enacted, in view of the seriousness of this matter the Department is again recommending it.

3. AN ACT PROVIDING FOR THE MAINTENANCE AND REPAIR OF CERTAIN FOOT BRIDGES BY THE MUNICIPALITY IN WHICH THEY ARE LOCATED.

Under the provisions of chapter 450 of the acts of 1957, which provided for the extension of rapid transit facilities in Boston, Brookline and Newton, the Department of Public Works was required to maintain and repair the bridges over the right of way of the former Highland Branch of the Boston and Albany Railroad now in operation as a rapid transit facility of the Metropolitan Transit Authority.

Included in these bridges are three pedestrian foot bridges, two in the town of Brookline and one in the city of Newton.

Inasmuch as the Attorney General has ruled that highway funds cannot be used for the maintenance and repair of these foot bridges it is recommended that chapter 740 be amended so that these foot bridges will be maintained by the municipality in which they are located, namely, Colton Street and Davies Path foot bridges by the town of Brookline; and the Chestnut Hill Station foot bridge by the city of Newton.

4. AN ACT RELATIVE TO SPECIAL REGULATIONS FOR THE SPEED AND USE OF MOTOR VEHICLES.

It is a requirement of section 18 of chapter 90 of the General Laws, as amended by chapter 564 of the Acts of 1948, that a public hearing shall be held before a special regulation as to the speed of motor vehicles upon a particular way shall become effective. Hearings have accordingly been advertised and held, but they have seemed to arouse little interest, since practically all have been unattended by the public.

To arrange for a public hearing entails considerable expense in advertising the notice of hearing, and time is consumed in arranging for such hearing which could be used to benefit the public by having the regulation put into effect sooner than is now possible. The

Department recommends, therefore, the elimination of the requirement of a public hearing in this connection. The practice would be continued, of course, of publishing the regulation itself, as called for by said chapter 564.

5. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO TRANSFER TO THE CONTROL OF THE METROPOLITAN DISTRICT COMMISSION SUCH STATE HIGHWAYS OR PORTIONS THEREOF AS ARE NO LONGER NEEDED FOR STATE HIGHWAY PURPOSES, SUBJECT TO LIMITED ACCESS CONDITIONS, WHERE ESTABLISHED.

The proposed legislation would permit the transfer to the Metropolitan District Commission of control of limited access State highways or sections of State highways when completed without risk that the limited access provisions, which are so necessary for traffic control and for which the Commonwealth had paid, would be voided.

For instance, the Department constructed a grade separation at Everett but this is not tied into the State highway system. Maintenance of this area by this Department would be costly as it would involve a spot operation rather than a continuous operation when plowing snow, cutting grass, renewing the wearing surface, etc.

The Revere Beach parkway, part of the Metropolitan District Parkway system, passes through this interchange and enactment of this legislation would permit an economical continuous maintenance operation.

Further, the proposed legislation would eliminate any possible disputes as to duties and responsibilities of the two organizations insofar as a particular project was concerned, and its enactment is urged.