

By Mr. Conn of Melrose, petition of James E. Milano for an amendment of the law relating to the construction and repair of bridges, approaches and abutments by railroad corporations. Transportation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty.

AN ACT RELATING TO THE CONSTRUCTION AND REPAIR OF BRIDGES, APPROACHES AND ABUTMENTS.

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 107 of chapter 160 of the General Laws, Tercentenary
2 Edition, as amended, is hereby further amended as follows:—
3 by inserting after the comma in line 1 the following:— except
4 as provided in the next paragraph and, — by striking out after
5 the first comma in line 3 the words “at its own expense,” — and
6 by adding the following paragraphs:—

7 However, prior to the railroad corporation commencing the
8 construction, maintenance or repair of any bridge described in
9 the preceding paragraph, an apportionment of the expenses to
10 be incurred therefor shall be made by the county commissioners
11 of the county where the bridge is located. Such apportionment
12 shall be equitable and in accordance with the benefits to be
13 derived. In making such apportionment the county commis-
14 sioners shall give due consideration to the nature and volume
15 of traffic using the highway bridge and changes in the nature
16 and volume of highway traffic since the bridge was originally
17 constructed.

18 All general laws and all other special laws or parts thereof
19 inconsistent herewith are hereby declared to be inapplicable to
20 the provisions of this act.

21 Any party aggrieved by the decision of the county commis-
22 sioners may appeal to the superior court, — so as to read as
23 follows:— *Section 107. Construction and Repair of Bridges,*
24 *Approaches and Abutments.* — Every railroad corporation shall,

25 except as provided in the next paragraph and except as provided
26 in sections sixty-five to eighty-two, inclusive, of chapter one
27 hundred and fifty-nine, construct, maintain and keep in repair
28 all bridges, with their approaches and abutments, which it is
29 authorized or required to construct over or under a canal or
30 public way; and a city or town may recover of the railroad cor-
31 poration whose railroad crosses a public way therein all damages,
32 charges and expenses incurred by such city or town by reason
33 of the neglect or refusal of the corporation to erect or keep in
34 repair all structures required or necessary at such crossing; but
35 if, after the laying out and building of a railroad, the county
36 commissioners authorize a public way to be laid out across the
37 railroad, all expenses of and incident to constructing and main-
38 taining the way at such crossing shall be borne by the county,
39 city or town or other owner of the same, unless otherwise de-
40 termined by an award of a commission, under proceedings in
41 accordance with sections fifty-nine to sixty-four, inclusive, of
42 chapter one hundred and fifty-nine.

43 However, prior to the railroad corporation commencing the
44 construction, maintenance or repair of any bridge described in
45 the preceding paragraph, an apportionment of the expenses to
46 be incurred therefor shall be made by the county commissioners
47 of the county where the bridge is located. Such apportionment
48 shall be equitable and in accordance with the benefits to be
49 derived. In making such apportionment, the county commis-
50 sioners shall give due consideration to the nature and volume of
51 traffic using the highway bridge and changes in the nature and
52 volume of highway traffic since the bridge was originally con-
53 structed.

54 All general laws and all other special laws or parts thereof
55 inconsistent herewith are hereby declared to be in applicable
56 to the provisions of this act.

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58 sioners may appeal to the superior court.