
By Mr. McGrail, a petition (accompanied by bill, Senate, No. 1004) of Stephen J. McGrail for legislation to authorize cities and towns to repair private ways. Local Affairs.

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING CITIES AND TOWNS TO REPAIR PRIVATE WAYS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 40 of the General Laws is hereby amended by in-
2 serting after section 6L the following section: —

3 *Section 6M.* A city which accepts this section by vote of
4 its city council, subject to the provisions of its charter, or a
5 town which accepts the same at an annual town meeting, may
6 make repairs on private ways which have been opened to
7 public use for six years or more, and in such cases section
8 twenty-five of chapter eighty-four shall not apply. Such re-
9 pairs shall include the filling of holes in the subsurface of
10 such ways and repairs to the surface materials thereof; and
11 materials for such repairs shall, where practical, be the same
12 as, or similar to, those used for the existing surfaces of such
13 ways, but may include surfacing the ways with bituminous
14 materials, including, but not limited to, bituminous concrete.
15 Such repairs shall not be undertaken until the city council
16 in cities or an annual town meeting in towns shall declare
17 that they are required by public necessity and convenience.

18 A city acting through its city council and a town acting
19 through its selectmen is hereby authorized to assess better-
20 ments upon the owners of estates which derive particular
21 benefit or advantage from the making of such repairs on any
22 such private way a sum equal, in the aggregate, to the total
23 cost thereof and, in the case of each such estate, in proportion
24 to the frontage thereof on such way. Except as herein other-
25 wise provided, the provisions of chapter eighty relating to pub-
26 lic improvements and assessments therefor shall apply to re-

27 pairs to private ways ordered to be made under authority of
28 this section; provided, that no assessment amounting to less
29 than twenty-five dollars shall be apportioned and the number of
30 equal portions into which any assessment may be apportioned
31 shall not exceed five.

32 A city or town which makes such repairs under the pro-
33 visions of this section shall not be liable on account of any
34 damage whatever caused by such repairs. The provisions of
35 section six E, six F, six G, and six H shall not apply in or be
36 accepted by any city or town which accepts this section.