

SENATE No. 2136

The Commonwealth of Massachusetts

SENATE, May 6, 1980.

The committee on Natural Resources and Agriculture, to whom was referred the petition (accompanied by bill, Senate, No. 1151) of John F. Aylmer for legislation to provide for the installation of water service in certain easements; and the petition (accompanied by bill, Senate, No. 1154) of John F. Aylmer and Thomas K. Lynch for legislation to provide for installation of water services for abutting owners on private ways in the Centerville Osterville Fire District, reports the accompanying bill (Senate, No. 2136).

For the Committee,

CAROL C. AMICK

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT PROVIDING FOR THE INSTALLATION OF WATER SERVICE IN CERTAIN EASEMENTS.

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 187 of the General Laws is hereby amended by
2 striking out section 5, as most recently amended by Chapter
3 610 of the Acts of 1975, and inserting in place thereof the fol-
4 lowing section: —

5 *Section 5.* The owner or owners of real estate abutting on a
6 private way who have by deed existing rights of ingress and
7 egress upon such way or other private ways shall have the
8 right by implication to place, install or construct in, on, along,
9 under and upon said private way or other private ways pipes,
10 conduits, manholes and other appurtenances necessary for the
11 transmission of gas, electricity, telephone and water service,
12 provided such facilities do not unreasonably obstruct said pri-
13 vate way or other private ways does not interfere with or be
14 inconsistent with the existing use by others of such way or
15 other private ways; and provided further that such placement,
16 installation, or construction is done in accordance with regula-
17 tions, plans and practices of the utility company which is to
18 provide the gas, electricity, or telephone service, and the ap-
19 propriate cities, towns, districts, or water companies which
20 provide the water service. Said agencies, which provide the
21 service, shall comply with the rules and regulations of the Di-
22 vision of Water Supply and the Department of Public Utilities.
23 Any such owner or owners may grant permission to a public
24 utility company or water company to enter upon said way or
25 other private ways to place, install, repair, or relocate pipes,
26 conduits, manholes, and other necessary appurtenances for the
27 transmission of gas, electricity, telephone or water service in
28 accordance with such company or companies regulations, prac-
29 tices and tariffs filed with the department of public utilities,

30 Division of Water Supply. Provided, however, that no charge
31 or added assessment shall be levied by such public utility com-
32 pany or companies against any such owner or owners not con-
33 nected to such service or services. Neither the person installing
34 or repairing public utility facilities, nor such facilities, nor
35 the gas, electricity or telephone and water service transmitted
36 shall be deemed to constitute a trespass upon said way or ways.

