

By Mr. Wetmore, a petition of Robert D. Wetmore, John W. Olver, Jonathan L. Healy and Carmen D. Buell for legislation relative to the discontinuance of maintenance of certain public ways. Local Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Eight.

AN ACT RELATIVE TO THE DISCONTINUANCE OF MAINTENANCE OF CERTAIN PUBLIC 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 82 of the General Laws is hereby amended by striking
- 2 out section 32A, as appearing in the 1986 Official Edition and
- 3 inserting in place thereof the following section: —
- 4 Section 32A. The board of officers of a city or town having
- 5 charge of the maintenance of a public way, may, after holding
- 6 a public hearing, notice of which shall be sent by registered mail,
- 7 return receipt requested, to all property owners abutting an
- 8 affected road and to the county commissioners in the case of
- 9 county highways, and notice of which shall be published in a news-
- 10 paper of general circulation in the city or town once in each of
- 11 two successive weeks, the first publication to be not less than four-
- 12 teen days before the day of the hearing and by posting in a con-
- 13 spicuous place in the office of the city or town clerk for a period
- 14 of not less than fourteen days before the day of the hearing, upon
- 15 finding that a city or town way, county way, or public way has
- 16 become abandoned and unused for ordinary travel and that the
- 17 common convenience and necessity no longer requires said town
- 18 way, county way, or public way to be maintained in a condition
- 19 reasonably safe and convenient for travel, shall declare that the
- 20 city or town shall no longer be bound to keep such way or public
- 21 way in repair and upon filing of such declaration with the city

22 or town clerk, and the county commissioners in the case of county
 23 highways, such declaration shall take effect, provided that
 24 sufficient notice to warn the public against entering thereon is
 25 posted at both ends of such way or public way, or portions thereof.