

By Mr. McGee of Lynn, petition of Thomas W. McGee for legislation to regulate the relocation of property of public utility companies. Government Regulations.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT RELATIVE TO THE RELOCATION OF PROPERTY OF A PUBLIC UTILITY COMPANY.

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 1. Section 39C of Chapter 40 of the General Laws,
2 is hereby amended by adding the following paragraph: —
3 If any construction or maintenance undertaken hereunder
4 pursuant to a federally assisted project requires the replacement
5 or relocation by a public utility company of any of its mains or
6 other facilities the town shall reimburse such public utility for that
7 portion of the cost of such replacement or relocation funded by
8 the federal government. The town shall, to the maximum extent
9 practicable, attempt to reduce the need for such replacement or
10 relocation by such appropriate planning of construction and
11 maintenance work as will minimize, consistent with design
12 objectives, the disruption of existing public utility mains and other
13 facilities.

1 SECTION 2. Section 1 of Chapter 83 of the General Laws, is
2 hereby amended by adding after the fourth paragraph the
3 following paragraph: —
4 If any construction or maintenance undertaken hereunder
5 pursuant to a federally assisted project requires the replacement
6 or relocation by a public utility company of any of its mains or
7 other facilities the city or town shall reimburse such public utility
8 company for that portion of the cost of such replacement or

9 relocation funded by the federal government. The aldermen or city
10 council of a city or the selectmen of a town, the sewer
11 commissioners, or the road commissioners, acting for and on
12 behalf of the city or town, shall, to the maximum extent
13 practicable, attempt to reduce the need for such replacement or
14 relocation by appropriate planning of such construction or
15 maintenance work as will minimize, consistent with design
16 objectives, the disruption of existing public utility mains and other
17 facilities.

1 SECTION 3. Section 34 of Chapter 90 of the General Laws,
2 is hereby amended by inserting after paragraph (d) of subsection
3 (2) the following paragraph: —

4 For expenditure, under the direction of said department, for
5 the reimbursement to a public utility company for the costs
6 replacing or relocating any of its mains or other facilities in any
7 case where such replacement or relocation is undertaken pursuant
8 to a federally assisted project, in which case said public utilities
9 company shall be reimbursed only for that portion of said cost
10 so funded by the federal government.

1 SECTION 4. Section 1 of Chapter 92 of the General Laws, is
2 hereby amended by adding at the end of the first paragraph the
3 following paragraph: —

4 If any construction or maintenance undertaken hereunder
5 pursuant to a federally assisted project requires the replacement
6 or relocation by a public utility company of any of its mains or
7 other facilities the commission shall reimburse such public utility
8 company for that portion of the cost of such replacement or
9 relocation funded by the federal government. The commission
10 shall, to the maximum extent practicable, attempt to reduce the
11 need for such reimbursement by appropriate planning of such
12 construction and maintenance work as will minimize, consistent
13 with design objectives, the disruption of existing public utility
14 mains and other facilities.

1 SECTION 5. Section 32 of Chapter 92 of the General Laws,
2 is hereby amended by adding after the first paragraph the
3 following paragraph: —

4 If any construction or maintenance undertaken hereunder
5 pursuant to a federally assisted project requires the replacement
6 or relocation by a public utility company of any of its mains or
7 other facilities the commission shall reimburse such public utility
8 company for that portion of the cost of such replacement or
9 relocation funded by the federal government. The commission
10 shall, to the maximum extent practicable, attempt to reduce the
11 need for such reimbursement by appropriate planning of such
12 construction and maintenance work as will minimize, consistent
13 with design objectives, the disruption of existing public utility
14 mains and other facilities.

1 SECTION 6. Section 14, of Chapter 121A of the General
2 Laws, is hereby amended by adding after the following
3 sentence: — If any construction or maintenance undertaken
4 hereunder pursuant to a federally assisted project requires the
5 replacement or relocation by a public utility company of any of
6 its mains or other facilities the city, town, board or officer shall
7 reimburse such public utility company for that portion of the cost
8 of such replacement or relocation funded by the federal
9 government. The city, town, board or officer shall, to the
10 maximum extent practicable, attempt to reduce the need for such
11 replacement or reimbursement by appropriate planning of such
12 construction and maintenance as will minimize, consistent with
13 design objectives, the disruption of existing public utility mains
14 and other facilities.

1 SECTION 7. Section 13 of Chapter 121B of the General Laws,
2 is hereby amended by inserting after the second paragraph the
3 following paragraph: —

4 If any construction or maintenance undertaken hereunder
5 pursuant to a federally assisted project requires the replacement
6 or relocation of public utility company of any of its mains or other
7 facilities or an operating agency shall reimburse such public utility
8 company for that portion of the cost of such replacement or
9 relocation funded by the federal government.

1 SECTION 8. Section 34A of Chapter 132 of the General Laws,
2 is hereby amended by adding at the end of the second paragraph

3 the following sentence: — If the revocation or alteration of such
4 location requires the replacement or relocation of a public utility
5 company of any of its mains or other facilities the commonwealth
6 shall reimburse such public utility company for the cost of such
7 replacement or relocation in any case where such relocation or
8 replacement is undertaken pursuant to a federally assisted project,
9 in which case said public utility shall be reimbursed by the
10 commonwealth for that portion of said cost so funded by the
11 federal government.

1 SECTION 9. Section 5 of Chapter 161A of the General Laws
2 is hereby amended by striking out subsection (m) and inserting
3 in place thereof the following new subsection: —

4 (m) The authority, during construction projects, may require
5 the relocation or removal of public utility facilities; provided, if
6 any such construction undertaken pursuant to a federally assisted
7 project requires the replacement or relocation by a public utility
8 company of any of its mains or other facilities the authority shall
9 reimburse such public utility company for that portion of the cost
10 of such replacement or relocation funded by the federal
11 government. In all such projects the authority to maximum extent
12 possible shall attempt to reduce the need for such replacement or
13 relocation by appropriate planning of such projects as will
14 minimize, consistent with design objectives, the disruption of
15 existing public utility mains or other facilities.

1 SECTION 10. Section 8 of Chapter 161B of the General Laws,
2 is hereby amended by adding the following subsection: —

3 (1) If any construction or maintenance undertaken by the
4 authority pursuant to a federally assisted project requires the
5 replacement or relocation by a public utility company of any of
6 its mains or other facilities the authority shall reimburse such
7 public utility company for that portion of the cost of such
8 replacement or relocation funded by the federal government. In
9 all such projects the authority to maximum extent possible shall
10 attempt to reduce the need for such replacement or relocation by
11 appropriate planning of the project so as to minimize, consistent
12 with design objectives, the disruption of existing public utility
13 mains or other facilities.

1 SECTION 11. Section 5 of Chapter 480 of the Acts of 1979
2 is hereby amended by striking out the second paragraph and
3 inserting in place the following paragraph: —

4 Whenever the department determines it is necessary that
5 facilities of any utility, as defined in Section 123 of Title 23 of
6 the United States Code, are required to be relocated or replaced
7 because of construction of a project authorized under the
8 provisions of this act which is to be reimbursed federally in whole
9 or in part, then such facilities shall be relocated or replaced by
10 the owner thereof in accordance with the order of the department;
11 provided, however, that the commonwealth shall reimburse the
12 owner of such utility facilities for the “cost of relocation” as such
13 cost is defined in said Section 123 of Title 23 of the United States
14 Code in any case in which such relocation or replacement is
15 undertaken pursuant to a federally assisted project; and provided,
16 further, that the commonwealth’s obligation under this section
17 shall be limited to that portion of said relocation or replacement
18 cost so funded by the federal government.

