

# HOUSE . . . . . No. 230.

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HOUSE OF REPRESENTATIVES, Feb. 9, 1894.

[Introduced on leave by Mr. O'BRIEN of Boston. Read and referred to committee on Mercantile Affairs.]

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## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Ninety-four.

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### AN ACT

For the Placing of Wires Underground in the Streets  
of the City of Boston.

*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. The mayor of the city of Boston  
2 shall appoint, subject to confirmation by the board  
3 of aldermen of said city, an officer to be known  
4 as the commissioner of electric control. Said  
5 commissioner shall have the powers and be charged  
6 with the duties hereinafter specified.

1 SECT. 2. Said commissioner shall, as soon as  
2 practicable after the passage of this act, and in  
3 each January thereafter until the work specified

4 in this section is completed, prescribe and give  
5 public notice in at least two daily newspapers in  
6 said city by advertisement therein twice a week for  
7 two weeks in succession, of the streets or portions  
8 of streets in that section of said city bounded  
9 southerly by Dover street, westerly by Berkeley  
10 street and Charles river, northerly by Charles  
11 river, easterly by Boston harbor and Fort Point  
12 channel, within which all electrical wires, cables  
13 and conductors, including railway feed and return  
14 wires, except railway trolley-guard and span  
15 wires, shall be during that calendar year removed  
16 or placed underground, but such streets or por-  
17 tions of streets so prescribed for each calendar  
18 year shall not comprise more than one-fourth  
19 nor less than one-sixth of the territory included  
20 in said section of said city; and said commis-  
21 sioner shall cause the owners or users of such  
22 wires, cables or conductors to remove or place  
23 them underground, and also to remove any poles  
24 or structures used to support such wires, cables  
25 or conductors, except poles used for the support  
26 of railway trolley guard and span wires, and  
27 except also when, in the judgment of said com-  
28 missioner, it is impracticable or inexpedient so to  
29 do, it being the purpose and intent of this act to  
30 cause the removal from the public streets, avenues  
31 and highways of said section of said city, prior to  
32 January one, nineteen hundred, of all such wires,  
33 cables and conductors, and all poles or structures  
34 not herein especially excepted, used for the sup-  
35 port of such wires, cables or conductors when-

36 ever, in the judgment of said commissioner, the  
37 same is practicable and expedient.

1   SECT. 3. The said commissioner shall compel  
2 no work to be done under this act in any streets  
3 or portions of streets, except as set forth in sec-  
4 tion six of this act, outside of the district bounded  
5 by Eliot, Kneeland and Tremont streets, Tremont  
6 row, Hanover street and Richmond street and the  
7 water front, until the work within said district,  
8 including its boundary streets, has been com-  
9 pleted.

1   SECT. 4. Said commissioner shall have the  
2 power, not inconsistent with section three of this  
3 act, to deal as in section two of this act with any  
4 electrical wires, cables or conductors and the poles  
5 or other structures used to support the same,  
6 situated elsewhere in said city outside of the sec-  
7 tion designated in said section two whenever the  
8 conditions are such as to render the same un-  
9 sightly or dangerous to persons or property.

1   SECT. 5. After such streets or portions of  
2 streets shall have been prescribed as aforesaid, no  
3 person, firm or corporation shall place any poles  
4 or other structures for the support of electrical  
5 wires, cables or conductors in such streets or  
6 portions of streets: *provided, however*, that the  
7 said commissioner may, when authorized thereto  
8 by the mayor and aldermen, issue permits to place  
9 said wires or cables over buildings at least eight

10 feet above the roof thereof on such structures as  
11 he may approve, and on poles in the streets, but  
12 in streets only when he shall certify that it is  
13 absolutely necessary so to do.

1     SECT. 6. Whenever it shall be determined by  
2 the authorized municipal authority to pave or re-  
3 pave any street or portion of a street, avenue or  
4 highway in said section of said city, public notice  
5 thereof shall be given by said commissioner in the  
6 manner provided in section two of this act before  
7 the beginning of said work, and any person, firm  
8 or corporation duly authorized by law at the time  
9 so to do, may place its pipes, conduits, wires,  
10 cables and conductors underground through said  
11 street or portion of said street within such time  
12 as shall be specified in said notice, and thereafter  
13 no person, firm or corporation shall place any  
14 poles or other structures in or lay any pipes,  
15 conduits, wires, cables or conductors through  
16 said street or portion of said street unless espe-  
17 cially excepted by this act, but this provision  
18 shall not be construed to prevent any person, firm  
19 or corporation from thereafter, upon permit from  
20 the person having charge of the repairs of streets  
21 in said city, making necessary repairs or service  
22 connections with conduits, pipes, wires, cables or  
23 conductors laid in such street or portion of such  
24 street.

1     SECT. 7. When any person, firm or corpora-  
2 tion operating or intending to operate electrical

3 wires, cables or conductors in said section of  
4 said city shall desire to place the same under-  
5 ground in any of the streets, avenues or high-  
6 ways of said section or elsewhere in said city  
7 as specified in section four of this act, and for  
8 that purpose to remove the same from above the  
9 surface thereof, and shall have been duly author-  
10 ized so to do, it shall be obligatory upon such  
11 person, firm or corporation to file with said com-  
12 missioner a map or maps made to scale, showing  
13 the streets, avenues or other highways which are  
14 desired or required to be used for said purposes,  
15 and giving the location, dimensions and course of  
16 the underground conduit or conductor desired or  
17 required to be constructed.

1 SECT. 8. Whenever in any of the streets,  
2 avenues or other highways in said city the public  
3 interests do not, in the opinion of said commis-  
4 sioner require the electrical conductors to be  
5 placed underground, and whenever it is deemed  
6 by said commissioner upon examination to be for  
7 any cause, impracticable or inexpedient for the  
8 electrical wires, cables or conductors of any per-  
9 son, firm or corporation, to be placed or operated  
10 underground, then, and in either of those cases,  
11 it shall be the duty of said commissioner to ex-  
12 amine and grant the application of any such per-  
13 son, firm or corporation for permission to deviate  
14 from said underground system.

1 SECT. 9. Said commissioner may designate in  
2 said city the distances between the overhead

3 electrical wires, cables or conductors of any per-  
4 son, firm or corporation and those of any other  
5 person, firm or corporation, and may regulate the  
6 direction in which such wires, cables or conductors  
7 shall be run for any purpose from a fixture upon  
8 or from the top of any building to the point of  
9 entering any building for service.

1     SECT. 10. The said commissioner, in case of  
2 the neglect or refusal of any person, firm or cor-  
3 poration to comply with any requirements made  
4 by said commissioner under authority of this act,  
5 may proceed in a summary manner to abate or  
6 remove any danger which it deems likely to result  
7 from the requirement not being complied with.

1     SECT. 11. This act shall not apply to posts for  
2 the support of lamps exclusively or to poles used  
3 exclusively for local distribution from under-  
4 ground wires, cables or conductors or for the  
5 support of railway trolley-span and guard wires,  
6 nor shall it revoke any rights already granted to  
7 any person, firm or corporation to place or maintain  
8 any electrical conduit, wires, cables or conductors  
9 underground, but any such conduits, wires, cables  
10 or conductors laid hereafter in pursuance of any  
11 such grant shall be laid subject to the provisions  
12 of this act not inconsistent with the terms of such  
13 grant.

1     SECT. 12. All persons, firms and corporations  
2 owning or operating electrical wires, cables or

3 conductors in said city shall, on or before October  
4 first, eighteen hundred and ninety-three, file with  
5 the said commissioner, if requested by said com-  
6 missioner, a statement of the number and general  
7 location of all their electrical conduits, wires,  
8 cables and conductors within that section of Bos-  
9 ton as bounded in section two of this act, except  
10 railway trolley-guard and span wires.

1     SECT. 13. It shall be the duty of the munici-  
2 pal authority having the power so to do to grant  
3 all permits necessary to carry out the intent of  
4 this act upon application of said commissioner, or  
5 of a person, firm or corporation duly authorized  
6 to operate electrical wires, cables or conductors  
7 within said city when the same has been approved  
8 in writing by said commissioner.

1     SECT. 14. The supreme judicial court and  
2 any justice thereof, and the superior court and  
3 any justice thereof shall, on petition of said com-  
4 missioner, have jurisdiction in equity to enforce  
5 the provisions of this act or any order of the  
6 commissioner issued under said provisions, and to  
7 compel compliance therewith.

1     SECT. 15. This act shall take effect upon its  
2 passage.

