

HOUSE No. 1924

The Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 8, 1912.

The committee on Public Lighting, to whom was referred the petition (accompanied by bill, House, No. 848) of Arthur C. Spalding and another for legislation relative to the locations of gas pipes and other equipment in the distribution of gas, report the accompanying bill.

For the committee,

CHARLES L. UNDERHILL.

Messrs. BOOTH of Fall River, McINERNEY of Boston and CONNORS of Boston, of the House, dissent.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twelve.

AN ACT

Relative to Locations for Gas Pipes and other Equipment
used in the Distribution of Gas.

*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. In this act "company" means a corpora-
2 tion organized under the laws of this commonwealth for
3 the purpose of making or selling gas for light, heat or
4 power and actually engaged therein; "pipe line" means
5 a main, pipe or conductor with the apparatus, manholes
6 and other appurtenances necessary for its operation, in-
7 tended to connect or connecting a plant for the manufac-
8 ture of gas, distributing system or other pipe line with
9 another plant for the manufacture of gas or distributing
10 system; "distributing system" means a system of mains,
11 pipes or conductors with the apparatus, manholes and
12 other appurtenances necessary for its operation for the
13 distribution of gas from a central storage or receiving
14 point to individual consumers of gas or to street lights;
15 and "board" means the board of gas and electric light
16 commissioners.

1 SECTION 2. A company desiring to construct a pipe
2 line in one or more cities or towns whose petition to the

3 mayor and aldermen of a city or the selectmen of a town
4 for their consent to dig up and open the ground in any
5 of the streets, lanes and highways of such city or town
6 for said purpose, has been refused or has not been granted
7 as prayed for within sixty days after the filing thereof,
8 may, within thirty days after such refusal or after the
9 expiration of said sixty days, apply to the board for the
10 right to lay, construct, maintain and operate a pipe
11 line in the streets, lanes and highways of such city or
12 town. Such petition to the mayor and aldermen or
13 selectmen and such application to the board shall desig-
14 nate the streets, lanes and highways and the parts thereof
15 in which the company desires to locate its pipe line. The
16 board shall give a public hearing on said application after
17 notice to the mayor and aldermen of the city or the
18 selectmen of the town refusing or neglecting to grant such
19 location and such further notice as the board may deem
20 proper, and such hearing shall, if required by the mayor
21 and aldermen or selectmen, be held in said city or town. If
22 in the judgment of the board the location is necessary for
23 the public convenience and will be in the public interest,
24 the board may by order grant to the company the right to
25 lay, construct, maintain and operate such pipe line in the
26 streets, lanes and highways of said city or town designat-
27 ing the location thereof and may impose in such grant
28 such terms, limitations and restrictions as the public in-
29 terest may in its judgment require. The board shall
30 cause an attested copy of its order with the certificate of
31 its clerk endorsed thereon that the order was adopted
32 after due notice and public hearing, as hereinbefore pre-
33 scribed, to be forwarded to the clerk of the city or of the
34 town as the case may be, and the clerk of the city or of
35 the town shall record the same in the city or town

36 records. Upon the grant of a location for such pipe line
37 by the board, the company may lay, construct, maintain
38 and operate the same in the location granted, subject to
39 such terms, limitations and restrictions as may be im-
40 posed by the board as hereinbefore provided and to the
41 provisions of sections seventy-six, seventy-seven and
42 seventy-eight of chapter one hundred and twenty-one of
43 the Revised Laws and all other provisions of law appli-
44 cable thereto.

1 SECTION 3. All locations for pipes, mains, conduits,
2 manholes and any other equipment necessary or desirable
3 in connection with the distribution of gas by any gas com-
4 pany, heretofore granted by or under the authority of
5 the mayor and aldermen of a city or selectmen of a town.
6 or now in actual use by such company or its legal suc-
7 cessors or assigns, and all alterations of such locations,
8 shall, upon the filing by such company prior to the first
9 day of January, nineteen hundred and fourteen, with the
10 city or town clerk, as the case may be, of a map or maps
11 showing in detail the location and nature of such pipes,
12 mains, conduits, manholes and other equipment, be
13 thereby ratified and confirmed.

1 SECTION 4. The provisions of sections one and two of
2 this act shall not apply to the city of Boston.

1 SECTION 5. This act shall take effect upon its passage.