

HOUSE No. 1202

By Mr. Doyle of Worcester, petition of Anthony R. Doyle that the Department of Public Works be required to make periodic examination of reservoirs and dams within the Commonwealth. Highways and Motor Vehicles.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Nine.

AN ACT TRANSFERRING TO THE DEPARTMENT OF PUBLIC WORKS THE DUTY OF EXAMINING DAMS AND RESERVOIRS.

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 two hundred and fifty-three of the Gen-
2 eral Laws is hereby amended by striking out section
3 forty-five, as appearing in the Tercentenary Edition,
4 and inserting in place thereof the following:—

5 *Section 45.* The department of public works shall,
6 as often as once in two years, cause a thorough exami-
7 nation to be made of every reservoir, reservoir dam and
8 mill dam by the breaking of which loss of life or dam-
9 age to a road or bridge is likely to be caused, and they
10 shall at any time cause such examination to be made
11 upon written application by the mayor and aldermen
12 of a city or the selectmen of a town where such dam-
13 age is likely to be caused. Any party whose property

14 is likely to be damaged by the breaking of any such
15 structure may make a written application to said
16 department, setting forth the facts and the owner-
17 ship of such structure which is believed to be unsafe,
18 and the department may thereupon cause said struc-
19 ture to be examined. If upon examination the
20 structure is deemed safe, the costs of such application
21 and examination may be ordered paid by the party
22 making the application. The department shall cause
23 every examination to be made by a competent engi-
24 neer who shall report to them in writing whether he
25 considers the structure safe and in good condition,
26 and if not, its condition in detail and the work or the
27 changes required for safety and the public good.
28 The engineer shall be allowed by the department a
29 reasonable compensation for his services which shall
30 be paid by the commonwealth in the first instance.
31 Ownership of the structure shall be ascertained and,
32 so far as possible, examinations shall be made in
33 co-operation with the owner or his agent.