

By Mr. Mandile of Waltham, petition of Anthony M. Mandile relative to the rights of abutting owners on private ways to install sewers and other utilities. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

AN ACT REGARDING THE RIGHTS OF ABUTTING OWNERS ON PRIVATE WAYS TO INSTALL SEWER ALONG WITH OTHER UTILITIES.

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 5 of Chapter 187 of the General Laws of Massachusetts
2 as appearing in the 1986 Official Edition is hereby further
3 amended by striking said section and inserting in place thereof
4 the following paragraph: —

5 The owner or owners of real estate abutting on a private way
6 who have by deed existing rights of ingress and egress upon such
7 way or other private ways shall have the right by implication to
8 place, install or construct in, on, along, under, under and upon
9 said private way or other private ways, pipes, conduits, manholes
10 and other appurtenances necessary for the transmission of gas,
11 electricity, telephone, sewer and water service, provided such
12 facilities do not unreasonably obstruct said private way or other
13 private ways, and provided that such use of the private way or
14 other private ways does not interfere with or be inconsistent with
15 the existing use by others of such way or other private ways; and,
16 provided further, that such placement, installation, or
17 construction is done in accordance with regulations, plans and
18 practices of the utility company which is to provide the gas,
19 electricity, or telephone service, and the appropriate cities, towns,
20 districts, or companies which provide the sewer or water service.
21 Said agencies, which provide such service, shall comply with the
22 rules and regulations of the division of water supply and the
23 department of public utilities. Any such owner or owners may

24 grant permission to a public utility company or water company
25 to enter upon said way or other private ways to place, install,
26 repair, or relocate pipes, conduits, manholes, and other necessary
27 appurtenances for the transmission of gas, electricity, telephone,
28 sewer or water service in accordance with such company or
29 companies regulations, practices and tariffs filed with the
30 department of public utilities or the division of water supply;
31 provided, however, that no charge or added assessment shall be
32 levied by such public utility company or companies against any
33 such owner or owners not connected to such service or services.
34 Neither the person installing or repairing public utility facilities,
35 nor such facilities, nor the gas, electricity, telephone, sewer or
36 water service transmitted shall be deemed to constitute a trespass
37 upon said way or ways.