

HOUSE . . . . No. 1057.

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Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, March 11, 1897.

The committee on Roads and Bridges, to whom was referred the petition of the annual report of the Massachusetts Highway Commission (Pub. Doc. No. 45), report, in part, the accompanying Bill.

For the Committee,

JOHN E. McCLELLAN.

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HOUSE OF REPRESENTATIVES, March 17, 1897.

The committee on Ways and Means, to whom was referred the Bill relative to State highways, report that the same ought to pass.

For the Committee,

OTIS FOSS.

## Commonwealth of Massachusetts.

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

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### AN ACT

Relative to State Highways.

*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 two of chapter four hundred and ninety-  
2 seven of the acts of the year eighteen hundred and ninety-  
3 four, is hereby amended by striking out the last sentence of said  
4 section and inserting in place thereof the words:—No opening  
5 shall be made in any such road, nor any structure placed  
6 therein, nor shall there be made any change or removal of  
7 structures already placed therein, except with the approval of  
8 and in accordance with a permit from said commission, which  
9 shall exercise complete and permanent jurisdiction over state  
10 highways — so as to read as follows:—

11 Section 2. Said highway commission shall consider such  
12 petition and determine what the public necessity and con-  
13 venience require in the premises, and, if they deem that the  
14 highway should be laid out or be taken charge of by the Com-  
15 monwealth, shall file a plan thereof in the office of the  
16 county commissioners of the county in which the petitioners  
17 reside, with the petition therefor and a certificate that they  
18 have laid out and taken charge of said highway in accordance

19 with said plan, and shall file a copy of the plan and location of  
20 the portion lying in each city or town in the office of the clerk  
21 of said city or town, and said highway shall, after the filing  
22 of said plans, be laid out as a highway, and shall be con-  
23 structed and kept in good repair and condition as a highway  
24 by said commission, at the expense of the Commonwealth, and  
25 shall be known as a state road, and thereafter be maintained  
26 by the Commonwealth under the supervision of said commission.  
27 No opening shall be made in any such road, nor any structure  
28 placed therein, nor shall there be made any change or removal  
29 of structures already placed therein, except with the approval  
30 of and in accordance with a permit from said commission,  
31 which shall exercise complete and permanent jurisdiction over  
32 state highways.

1     SECT. 2. Section four of said chapter four hundred and  
2 ninety-seven is hereby amended by inserting after the word  
3 “thereby,” in the thirty-third line, the words:—The commis-  
4 sion shall also have power to contract in the manner and under  
5 the conditions hereinbefore specified with a city or town, or with  
6 private bidders when a city or town shall not elect to so con-  
7 tract for the grading of a state highway or for furnishing mate-  
8 rials or other element in the construction of such highway, so as  
9 to read as follows:—

10     Section 4. Said commission shall, when about to construct  
11 any highway, give to each city and town in which said highway  
12 lies a certified copy of the plans and specifications for said  
13 highway, with a notice that said commission is ready for the  
14 construction of said road. Such city or town shall have the  
15 right, without advertisement, to contract with said commission  
16 for the construction of so much of such highway as lies within  
17 its limits, in accordance with the plans and specifications, and  
18 under its supervision and subject to its approval, at a price  
19 agreed upon between said commission and said city or town.  
20 If said city or town shall not elect to so contract within thirty  
21 days, said commission shall advertise in two or more papers  
22 published in the county where the road or portion of it is situ-

23 ated, and in three or more daily papers published in Boston,  
24 for bids for the construction of said highway under their super-  
25 vision and subject to their approval, in accordance with  
26 plans and specifications to be furnished by said commission.  
27 Such advertisement shall state the time and place for opening  
28 the proposals in answer to said advertisements, and reserve the  
29 right to reject any and all proposals. All such proposals shall  
30 be sealed and shall be kept by the board, and shall be open to  
31 public inspection after said proposals have been accepted or re-  
32 jected. Said commission may reject any or all bids, or if a bid  
33 is satisfactory they shall, with the approval of the governor  
34 and council, make a contract in writing on behalf of the  
35 Commonwealth for said construction, and shall require  
36 of the contractor a bond for at least twenty-five per  
37 centum of the contract price to indemnify any city or  
38 town in which such highway lies, against damage while  
39 such road is being constructed; and the Commonwealth  
40 shall not be liable for any damage occasioned thereby.  
41 The commission shall also have power to contract in the man-  
42 ner and under the conditions hereinbefore specified with a city  
43 or town, or with private bidders when a city or town shall not  
44 elect to so contract, for the grading of a state highway, or for  
45 furnishing materials or any other element in the construction  
46 of such highway. All construction of state roads shall be  
47 fairly apportioned by said commission among the different  
48 counties, and not more than ten miles of state road shall be  
49 constructed in any one county in any one year on petition as  
50 aforesaid without the previous approval thereof in writing by  
51 the governor and council.

1 SECT. 3. Section one of chapter five hundred and thirteen  
2 of the acts of the year eighteen hundred and ninety-six is  
3 hereby amended by striking out the whole of said section and  
4 inserting in place thereof the following:—

5 *Section 1.* Upon the application to the Massachusetts high-  
6 way commission of the county commissioners of any county,  
7 made at the request of any town of not more than twelve thou-

8 sand inhabitants within said county, there shall be furnished  
9 by said highway commission to said county, at the expense of  
10 the Commonwealth, such steam rollers, portable stone crushers,  
11 and other road machines as the said highway commission may  
12 deem necessary for the construction and maintenance of better  
13 roads in the county from which such a request comes. Such  
14 machines shall remain the property of the Commonwealth and  
15 shall be managed and maintained under the direction of  
16 the county commissioners, and they shall at all times be  
17 cared for in a manner satisfactory to the highway commission.  
18 The county commissioners shall engage competent engineers  
19 and skilled mechanics to operate said machines, who shall be  
20 paid from the county treasury such sums for each day's actual  
21 services as the county commissioners may determine. The  
22 expenses so incurred shall be repaid to the county by the Com-  
23 monwealth or by the towns using said machines, as apportioned  
24 by the county commissioners, in proportion to the time in  
25 which such machines were used by such towns. Whenever  
26 any part of a state highway shall have been constructed in a  
27 county where there is road machinery purchased under the pro-  
28 visions of this act, the highway commission shall have the  
29 right to use said machinery at such times as they may deem  
30 necessary, for the maintenance and repair of such highway.

1 SECT. 4. The provisions of section one of chapter five hun-  
2 dred and forty-one of the acts of the year eighteen hundred  
3 and ninety-six shall apply to the repair of a State highway as  
4 well as to the construction thereof.

1 SECT. 5. All payments made to the Commonwealth under  
2 the provisions of said chapter five hundred and forty-one shall  
3 be credited to the fund for the construction of State highways :  
4 *provided*, such a fund exists at the time the payment is made,  
5 otherwise they shall be credited to the general fund of the  
6 Commonwealth.





