

HOUSE No. 6019

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 13, 1983.

The committee on Transportation, to whom was referred the petition (accompanied by bill, House, No. 3611) of Alfred A. Minahan, Jr., relative to establishing procedures by which town officials may determine that highways or public ways are unused for ordinary travel, and relieving the towns from the responsibility of maintaining such highways or public ways, reports recommending that the accompanying bill (House, No. 6019) ought to pass.

For the committee,

ANGELO MAROTTA.

The Commonwealth of Massachusetts

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

AN ACT ESTABLISHING PROCEDURES BY WHICH TOWN OFFICIALS CAN FIND THAT A TOWN WAY OR PUBLIC WAY IS UNUSED FOR ORDINARY TRAVEL, AND TO FREE THE TOWN FROM ALL FURTHER RESPONSIBILITY FOR SUCH TOWN WAY OR PUBLIC WAY.

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 82 of the General Laws is hereby amended by striking
- 2 section 32A and replacing with the following section 32A:
- 3 Notwithstanding the provisions of any General Law or special
- 4 law to the contrary, the selectmen or road commissioners of a town
- 5 may, after holding a public hearing, notice of which shall be sent to
- 6 all property owners abutting an affected road by registered mail,
- 7 return receipt requested, and notice of which shall be published in a
- 8 newspaper of general circulation in the town once in each of two
- 9 successive weeks, the first publication to be not less than fourteen
- 10 days before the day of the hearing and by posting in a conspicuous
- 11 place in the town hall for a period of not less than fourteen days
- 12 before the day of the hearing, upon finding that a town way or
- 13 public way has become abandoned and unused for ordinary travel
- 14 and that the common convenience and necessity no longer requires
- 15 said town way or public way to be maintained in a condition
- 16 reasonably safe and convenient for travel, shall declare that the
- 17 town shall no longer be bound to keep such town way or public way
- 18 in repair and upon filing of such declaration with the Town Clerk
- 19 such declaration shall take effect, provided that sufficient notice to
- 20 warn the public against entering thereon is posted at both ends of
- 21 such town way or public way, or portions thereof.