

By Mrs. Gray of Framingham, petition of Barbara E. Gray for legislation to restrict the construction of electrical transmission lines across farmlands and conservation lands. Government Regulations.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT RESTRICTING THE CONSTRUCTION OF ELECTRICAL TRANSMISSION LINES ACROSS FARMLANDS AND CONSERVATION LANDS.

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 72 of Chapter 104 of the General Laws is hereby
2 amended by striking out the sixth through twelfth sentences of the
3 section and inserting in place thereof the following new sentences:

4 If the proposed electrical transmission lines shall pass across
5 farmlands and conservation lands, then the electric company must
6 submit to the department evidence that the proposed route is the
7 least damaging environmentally in accordance with environmen-
8 tal guidelines promulgated by the departments.

9 The department must provide for a public hearing in a town or
10 towns within a reasonable distance from the affected farmlands or
11 conservation lands. The department shall provide, prior to the
12 public hearing, a copy of the electric company's environmental
13 statement to the owner or owners of all affected farmlands or
14 conservation lands and provide a reasonable opportunity at said
15 public hearing for owners of the affected farmlands or conserva-
16 tion lands to testify either in favor or opposition to the proposed
17 route and to submit evidence in support of said position.

18 If the company shall file with the department a map or plan of
19 the transmission line showing the towns through which it will or
20 does pass, the public ways, railroads, railways, navigable streams

21 and tide waters in the town named in said petition which it will
22 cross, and the extent to which it will be located upon private land
23 or upon, under or along public ways and places, the department,
24 after such notice as it may direct, shall give a public hearing or
25 hearings in one or more of the towns through which the line passes
26 or is intended to pass and may order authorize the company to
27 take by eminent domain under chapter seventy-nine such lands, or
28 such rights of way or widenings thereof; or other easements therein
29 necessary for the construction and use or continued use as con-
30 structed or with altered construction of such line along the route
31 prescribed in the order of the department. The department shall
32 transmit a certified copy of its order to the company and the clerk
33 of each such town. The company may at any time before such
34 hearings change or modify the whole or a part of the route of said
35 line, either of its own motion or at the instance of the department
36 or otherwise and, in such case, shall file with the department maps,
37 plans and estimates as aforesaid showing such changes. If the
38 department dismisses the petition at any stage in said proceedings,
39 no further action shall be taken thereon, but the company may file
40 a new petition after the expiration of a year from such dismissal.
41 When a taking under this section is effected, the company may
42 forthwith, except as hereinafter provided, proceed to erect, main-
43 tain and operate thereon said line. If the company shall not enter
44 upon and construct such line upon the land so taken within one
45 year thereafter, its right under such taking shall cease and deter-
46 mine. No lands or rights of way or other easements therein shall be
47 taken by eminent domain under the provisions of this section in
48 any public way, public place, park or reservation, or within the
49 location of any railroad, electric railroad or street railway com-
50 pany except with the consent of such company and on such terms
51 and conditions as it may impose; and no electricity shall be trans-
52 mitted over any land, right of way or other easement taken by
53 eminent domain as herein provided until the electric company
54 shall have acquired from the board of aldermen or selectmen or
55 from such other authorities as may have jurisdiction all necessary
56 rights in the public ways or public places in the town or towns, or in
57 any park or reservation, through which the line will or does pass.