

By Mr. Travis of Rehoboth, petition of Philip Travis and another relative to the rights of owners of certain easements. Government Regulations.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO RIGHTS OF OWNERS OF CERTAIN EASEMENTS.

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 187 of the General Laws is hereby amended by striking
2 out section 5, as most recently amended by Chapter 250 of the Acts
3 of 1980, and inserting in place thereof the following section: —

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

25 other private ways to place, install, repair, or relocate pipes, con-
26 duits, manholes, and other necessary appurtenances for the trans-
27 mission of gas, electricity, telephone, communication signal or
28 water or sewer service in accordance with such company or com-
29 panies regulations, practices and tariffs filed with the department of
30 public utilities or the division of water supply or sewage control;
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 or communica-
36 tion signals or water service transmitted shall be deemed to consti-
37 tute a trespass upon said way or ways. As used herein the term
38 "public utility" company shall be deemed to include any cable
39 television person or entities having a franchise from the municipal-
40 ity in which such service is to be provided and any person or entity
41 distributing a service provided by a public utility company which
42 service had previously been distributed by such public utility
43 company.