

# HOUSE . . . . . No. 100

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Accompanying the fifteenth recommendation of the Department of Public Works (House, No. 85). Highways and Motor Vehicles.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Sixty-Two.

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AN ACT RELATIVE TO THE JURISDICTION, REPAIR AND MAINTENANCE OF STATE HIGHWAYS, OR PORTIONS THEREOF, BRIDGES AND OTHER STATE ROADWAYS BY THE CITY OR TOWN IN WHICH THEY ARE LOCATED, OR BY THE METROPOLITAN DISTRICT COMMISSION, IN CERTAIN INSTANCES.

*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 81 of the General Laws, as most recently amended by  
2 chapter 582 of the acts of 1958, is hereby further amended by  
3 inserting after section 7F, the following new section: —

4 *Section 7G.* Whenever the department determines that a  
5 state highway, or portion thereof, bridge or any state roadways  
6 under, over or along a state highway, or portion thereof, should  
7 be subject to the jurisdiction of, and should be maintained, re-  
8 paired, sanded and kept free of snow and ice by the city or town  
9 in which the said highway, portion thereof, bridge or roadway  
10 is located, or by the metropolitan district commission, said  
11 department may transfer such highway, or portion thereof,  
12 bridge, or roadway, to the jurisdiction of the city or town in which  
13 such highway, or portion thereof, is located or to the metropolitan  
14 district commission; provided, that the state highway prior to  
15 discontinuance shall be in good condition consistent with appro-  
16 priate standards, and after notice from the department to the  
17 mayor or city manager of a city or to the selectmen of a town  
18 or to the metropolitan district commission, of such a determina-  
19 tion and transfer, the said highway, or portion thereof, bridge or

20 roadway, shall be subject to the jurisdiction of the city or town  
21 or of the metropolitan district commission, as the case may be,  
22 and it shall be the duty of the city or town or said commission,  
23 to maintain, repair, sand and remove snow and ice therefrom,  
24 and the city or town or said commission shall be liable for any  
25 defect therein.

26 The department may at any time after making a transfer as  
27 herein provided vote to resume jurisdiction, and thereupon the  
28 department shall have the obligation to maintain, repair, sand  
29 and remove snow and ice from such highway, portion thereof  
30 bridge or roadway, so transferred.

31 Any state highway, or portion thereof, bridge or roadway  
32 transferred to the jurisdiction of a city or town or of the metro-  
33 politan district commission under this section which was subject  
34 to a condition of limited access or to any other condition, shall  
35 continue subject to such condition while under the jurisdiction  
36 of the city or town or of said commission.