

SENATE No. 734

[Senate, No. 734. — Moved (Innes) as a substitute for House Bill No. 2465.]

The Commonwealth of Massachusetts

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

AN ACT REQUIRING NATURAL GAS PIPE LINE COMPANIES
TO RESTORE CERTAIN LAND TO ITS FORMER CONDITION
AND PROVIDING FOR ENFORCEMENT THEREOF.

1 *Whereas*, The deferred operation of this act would
2 in part tend to defeat its purpose, which is to provide
3 for the early restoration of the surface of certain land
4 where pipe, structures and equipment have been
5 placed for the use of natural gas, therefore it is hereby
6 declared to be an emergency law necessary for the
7 immediate preservation of the public convenience.

*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. Chapter 164 of the General Laws is
2 hereby amended by inserting after section 75G, in-
3 serted by section 1 of chapter 132 of the acts of 1953,
4 the following section: —

5 *Section 75H.* Any natural gas pipe line company
6 which lays pipes or other underground equipment or
7 structures, or repairs or alters the same, on any land

8 in which it does not have a fee, shall within sixty
9 days after laying such pipe, equipment or structures,
10 or making such repairs or alterations, restore the
11 ground surface to a condition reasonably consistent
12 with its condition before such construction, repair or
13 alteration, unless it is exempted or released from so
14 doing by the terms of a valid written instrument be-
15 tween it and the owner of the land; and such restora-
16 tion shall include the removal from the land of all
17 stone and rock excavated and left on the surface of
18 the land in the course of such construction, repair or
19 alteration.

20 This obligation shall be specifically enforceable in
21 equity by the supreme judicial or superior court upon
22 application of the owner of the land, and in such pro-
23 ceeding the owner may recover the actual damages
24 occasioned by or resulting from the failure or delay
25 of the company in complying with the provisions of
26 this section. No proceeding under this section shall
27 be brought unless the owner of the land shall give
28 written notice to the company of its failure to comply
29 with the provisions of this section, and the company
30 shall have the right within thirty days from the re-
31 ceipt of said notice to restore the ground surface to
32 the condition as above provided.

33 Any proceeding in the supreme judicial or superior
34 court under this section shall be commenced within
35 one year from the completion of such construction,
36 repair or alteration by the company, upon the land of
37 the owner.

1 SECTION 2. Any natural gas pipe line company
2 which has laid pipes or underground equipment or
3 structures on any land in which it does not have a

4 fee, or has repaired or altered the same, prior to the
5 effective date of this act, shall, within sixty days after
6 said effective date, restore the ground surface to a
7 condition reasonably consistent with its condition
8 before such construction, repair or alteration, as pro-
9 vided in section seventy-five H of chapter one hun-
10 dred and sixty-four of the General Laws, as inserted
11 by section one, unless it is exempted or released from
12 so doing by the terms of a valid written instrument
13 between it and the owner of the land as provided in
14 said section seventy-five H.

15 The obligation created by this section shall be en-
16 forceable in the same manner as provided in said sec-
17 tion seventy-five H; provided, however, that any
18 proceeding in the supreme judicial or superior court
19 to enforce said obligation shall be commenced not
20 later than one year from the effective date of this act.

