HOUSE DOCKET, NO. 4154 FILED ON: 3/10/2014

HOUSE . . . . . No. 4178

The Commonwealth of Massachusetts

PRESENTED BY:

Nick Collins

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to grant easements to NStar Electric Company.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Nick Collins	*4th Suffolk*	*3/10/2014*

HOUSE DOCKET, NO. 4154 FILED ON: 3/10/2014

HOUSE . . . . . No. 4178

By Mr. Collins of Boston, a petition (subject to Joint Rule 12) of Nick Collins for legislation to authorize the Commissioner of the Division of Capital Asset Management and Maintenance to grant easements to NStar Electric Company. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to grant easements to NStar Electric Company.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the commissioner of the division of capital asset management and maintenance, in consultation with the commissioner of the department of conservation and recreation, may, and by deed approved as to form by the attorney general, convey permanent easements over, under and through portions of the median strip located between Columbia Road and William J. Day Boulevard between H Street and just beyond G Street and across Columbia Road at H Street, located in the City of Boston, which land is currently under the control of and used by the department of conservation and recreation, to NSTAR Electric Company, a Massachusetts corporation, its successors and assigns, solely for the purposes of laying, constructing, maintaining, accessing, operating, replacing, repairing, abandoning and removing underground electric transmission lines and appurtenant facilities for the transmission of electricity, subject to the provisions of sections 3 and 4 of this act, and to such reasonable additional terms and conditions consistent with this act as the commissioner of said division, in consultation with the commissioner of said department, may prescribe. Said parcels are more particularly described as a portion of the land subject to an Order of Taking dated January 18, 1962 and recorded in Book 7624, Page 575 of the Suffolk county registry of deeds. Said underground transmission lines shall be situated on Columbia Road at H Street for approximately 48 linear feet, and on the median strip between Columbia Road and William J. Day Boulevard between H Street and just beyond G Street for approximately 831 linear feet, and appurtenant structures shall be located in such land on the median strip and under G Street just beyond G Street for approximately 34,483 square feet, more or less, and the permanent easement

to be granted shall apply to approximately 0.79 acres of land in the aggregate, more or less, and as more fully described on a plan labeled Figure 1 and entitled "South Boston 115kV Project Proposed Pipe Type Cable Alignment Within Carson Reservation" prepared by TRC Companies, Inc. and dated September 17, 2013. The foregoing plan is filed with the department of conservation and recreation. Modifications to the easement descriptions set forth in the plan described above may be made in order to conform to the requirements of a decision by the department of public utilities and with a final land survey, as accepted by said departments, prior to any conveyance to carry out the purposes of this act.

SECTION 2. There shall be an independent appraisal, or appraisals, of the easements described in section 1 to be conveyed as authorized by this act to determine the full and fair market value, or the value in use as proposed, based upon one or more professional appraisals as commissioned by the commissioner of capital asset management and maintenance. In order to expedite the conveyance authorized by this act said commissioner may, in consultation with the commissioner of the department of conservation and recreation, accept any appraisal or appraisals of said easements which may have been conducted prior to the effective date of this act and which may have been accepted and agreed to by said department. NSTAR Electric Company shall compensate the commonwealth in an amount greater than, or equal to, the full and fair market value, or the value in use of said easements as proposed, whichever is greater, as determined by said independent appraisals. NSTAR Electric Company shall assume all costs associated with any engineering, surveys, appraisals, deed preparation and other expenses deemed necessary by the commissioner of the division of capital asset management and maintenance to execute the conveyance authorized by this act. All money paid to the commonwealth by NSTAR Electric Company as a result of the conveyance of the easements authorized by this act shall be deposited in the general fund of the commonwealth. The commissioner of capital asset management and maintenance shall submit said appraisals and a report thereon to said inspector general for his review and comment. Said inspector general shall review and approve said appraisal or appraisals, and said review shall include an examination of the methodology utilized for said appraisal or appraisals. The inspector general shall prepare a report of his review and file said report with the commissioner for submission by said commissioner to the house and senate committees on ways and means and the chairmen of the joint committee on state administration. Said commissioner shall submit copies of said appraisals, his report, and the inspector general review and approval, and comments, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on state administration prior to the execution of said conveyance.

SECTION 3. Notwithstanding any general or special law to the contrary, upon the passage of this act for the conveyance of the land described in section 1 to NSTAR Electric Company, the department of conservation and recreation shall grant a temporary license at a nominal amount to said NSTAR Electric Company that will provide NSTAR Electric Company with immediate and complete access, control, liability and responsibility of the property for the

purposes described in section 1 until the conveyance pursuant to said section takes effect. Said temporary license shall be issued no later than within thirty (30) days of the effective date of this act; provided that if said license does not issue within said thirty (30) days, NSTAR Electric Company shall be allowed immediately to enter said parcel for the purposes stated herein.

SECTION 4. No easement instrument conveying, by or on behalf of the commonwealth, the easement described in section 1 of this act shall be valid unless such instrument provides that said easements shall be used solely for the purposes described in section 1. The easement instrument shall include a clause which shall state that in the event that said easements cease to be used by NSTAR Electric Company, or its successors or assigns, for the purposes described in said section 1 at any time said easements shall revert to the commonwealth under the control of and use by the department of conservation and recreation, upon such terms and conditions as the commissioner of the division of capital asset management and maintenance may determine. Should said easements revert to the commonwealth, any further disposition of said easements shall be subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws, and the prior approval of the general court.

SECTION 5. To ensure a no-net-loss of lands protected for natural resource purposes in the commonwealth, NSTAR Electric Company shall convey or cause to be conveyed to the commonwealth within two (2) years of the effective date of this act land or an interest in land to be held by the department of conservation and recreation for conservation or recreation purposes; provided further that the temporary license issued pursuant to section 3 or as otherwise provided by section 3 shall be issued and effective during the pendency of said conveyance. Said land or interest in land shall be of equal or greater size and resource value as determined by said department in its reasonable discretion.