# HOUSE . . . . . No. 4288

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 16, 2014.

The committee on State Administration and Regulatory Oversight to whom was referred the petition (accompanied by bill, House, No. 4178) 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, reports recommending that the accompanying bill (House, No. 4288) ought to pass.

For the committee,

PETER V. KOCOT.

HOUSE DOCKET, NO. FILED ON: 7/10/2014

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## 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 32to38, inclusive, of chapter 7C 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, convey permanent subsurface 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

25 foregoing plan is filed with the department of conservation and recreation. Modifications to the
26 easement descriptions set forth in the plan described above may be made in order to conform to
27 the requirements of a decision by the department of public utilities and with a final land survey,
28 as accepted by said departments, prior to any conveyance to carry out the purposes of this act.
29 The final survey shall be recorded in the Suffolk district registry of deeds.

30 SECTION 2. There shall be an independent appraisal, or appraisals, of the easements
31 described in section 1 to be conveyed as authorized by this act to determine the full and fair
32 market value, or the value in use as proposed, based upon one or more professional appraisals as
33 commissioned by the commissioner of capital asset management and maintenance. NSTAR
34 Electric Company shall compensate the commonwealth in an amount greater than, or equal to,
35 the full and fair market value, or the value in use of said easements as proposed, whichever is
36 greater, as determined by said independent appraisals. NSTAR Electric Company shall assume
37 all costs associated with any engineering, surveys, appraisals, deed preparation and other
38 expenses deemed necessary by the commissioner of the division of capital asset management and
39 maintenance to execute the conveyance authorized by this act. All money paid to the
40 commonwealth by NSTAR Electric Company as a result of the conveyance of the easements
41 authorized by this act shall be deposited in the general fund of the commonwealth. The
42 commissioner of capital asset management and maintenance shall submit said appraisals and a
43 report thereon to said inspector general for his review and comment. Said inspector general shall
44 review and approve said appraisal or appraisals, and said review shall include an examination of
45 the methodology utilized for said appraisal or appraisals. The inspector general shall prepare a
46 report of his review and file said report with the commissioner for submission by said
47 commissioner to the house and senate committees on ways and means and the chairmen of the
48 joint committee on state administration. Said commissioner shall submit copies of said
49 appraisals, his report, and the inspector general review and approval, and comments, if any, to
50 the house and senate committees on ways and means and the chairmen of the joint committee on
51 state administration prior to the execution of said conveyance.

52 SECTION 3. Notwithstanding any general or special law to the contrary, upon the
53 passage of this act for the conveyance of the land described in section 1 to NSTAR Electric
54 Company, the department of conservation and recreation may grant a temporary license, not to
55 exceed 5 years, at a nominal amount to said NSTAR Electric Company that will provide NSTAR
56 Electric Company with immediate and complete access, control, liability and responsibility of
57 the property for the purposes described in this section until the conveyance pursuant to said
58 section takes effect.

59 SECTION 4. No easement instrument conveying, by or on behalf of the commonwealth,
60 the easement shall be valid unless such instrument provides that said easements shall be used
61 solely for the purposes described in this section. The easement instrument shall include a clause
62 which shall state that in the event that said easements cease to be used by NSTAR Electric
63 Company, or its successors or assigns, for the purposes described in this section at any time said

64 easements shall revert to the commonwealth under the control of and use by the department of
65 conservation and recreation, upon such terms and conditions as the commissioner of the division
66 of capital asset management and maintenance may determine. Should said easements revert to
67 the commonwealth, any further disposition of said easements shall be subject to sections 32 to38,
68 inclusive, of chapter 7C of the General Laws, and the prior approval of the general court. The
69 terms of the easement shall require that for any installation, maintenance, repair of other work
70 performed in the easement area, the easement holder shall not limit surface access to parkland or
71 roadways for a period of time longer than deemed acceptable by the department of conservation
72 and recreation and shall restore the surface condition to the equivalent or better condition as
73 determined by said department.

74 SECTION 5. To ensure a no-net-loss of lands protected for natural resource purposes
75 and as a condition of the conveyance authorized in this act, the NSTAR Electric Company shall
76 compensate the commonwealth for the easements described in this section through the transfer to
77 the department of conservation and recreation of land, an interest of land or funding for the
78 acquisition of land or an interest therein equal to or greater than the appraised value as
79 determined in this section. The fair market value of any land or interest in land proposed to be
80 conveyed by the NSTAR Electric Company to the department shall be included within the
81 appraisal. The land, interest in land, or funding must be acceptable to the department of
82 conservation and recreation and any land or interest in land, whether conveyed by the NSTAR
83 Electric Company or acquired by the department, shall be permanently held and managed for
84 conservation and recreation purposes by the department. Should the appraised value of any land
85 or interests in land be determined to be greater than the appraised value of easements described
86 in section 1, the commonwealth shall have no obligation to pay the difference. All payments paid
87 to the commonwealth as a result of the grants authorized under this section shall be deposited in
88 the Conservation Trust established in section 1 of chapter 132A of the General Laws.