HOUSE DOCKET, NO. 4380 FILED ON: 7/10/2014

HOUSE . . . . . No. 4336

The Commonwealth of Massachusetts

PRESENTED BY:

Brian R. Mannal and Cleon H. Turner

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 relative to private road maintenance.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Brian R. Mannal	*2nd Barnstable*
Cleon H. Turner	*1st Barnstable*

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By Messrs. Mannal of Barnstable and Turner of Dennis, a petition (accompanied by bill, House, No. 4336) of Brian R. Mannal and Cleon H. Turner (by vote of the town council) relative the maintenance of private roads in the city known as the town of Barnstable. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act relative to private road maintenance.

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 the provisions of section six "N" of chapter forty of the General Laws or any other general law or special law to the contrary, the Town of Barnstable may from time to time, for the purpose of ensuring the safety of the general public, enter and make expenditures for undertaking maintenance and improvements within the layout, or any portion thereof, of one or more private ways within the Town following a declaration of common usage of such private way by the general public by vote of the Town Council and an appropriation, with or without a transfer, in accordance with the provisions of the Charter of the Town of Barnstable. Town management shall determine the extent of any maintenance and improvements. No such declaration, appropriation, expenditure, maintenance and improvements pursuant to the provisions of this act shall constitute the taking, layout, acceptance and establishment of such private way as a town way nor constitute repairs for purposes of section twenty-five of chapter eighty-four, provided such rights on behalf of the public as are necessary for the safety of the public using such road and to ensure the investment of public funds in such private roads are obtained by the Town, whether by grant or other acquisition.

SECTION 2. For the purposes of this act, the following words shall have the following meanings.

"Improvement" for the purposes of this act shall mean construction, alteration, or reconstruction of one or more permanent fixtures upon, over, or under the layout of a private way of the type, which the Town may undertake with respect to town ways.

20 “Maintenance” for the purposes of this section shall mean incidental repairs upon, over,
21 or under the layout of a private way of the type, which the Town may undertake with respect to
22 town ways.

23 “Common usage” shall mean that the road or any portion thereof has been commonly
24 used by the general public for a period of at least twenty consecutive years for travel directly
25 from one public road or area to another public road or area.

26 SECTION 3. This act shall take effect upon passage.