HOUSE DOCKET, NO. 798 FILED ON: 1/14/2019

HOUSE . . . . . No. 3836

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce J. Ayers

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 the building or rebuilding of bridges on land that falls under the jurisdiction of more than one municipality.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Bruce J. Ayers	*1st Norfolk*	*1/14/2019*

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HOUSE . . . . . No. 3836

By Mr. Ayers of Quincy, a petition (accompanied by bill, House, No. 3836) of Bruce J. Ayers relative to the building or rebuilding of bridges on certain land that falls under the jurisdiction of more than one municipality. Municipalities and Regional Government.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act relative to the building or rebuilding of bridges on land that falls under the jurisdiction of more than one municipality.

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

Chapter 40 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after section 4K the following section:-

Section 40L. (a) A construction project affecting or relative to building structures in or over navigable or tide waters relating to 2 or more municipalities shall be subject to this section.

(b) No construction project shall proceed unless and until the affected municipalities in subsection (a) enter into a inter-municipal agreement pursuant to the provisions of this section. Each such inter-municipal agreement shall provide for the following:

(i) provision for a buffer zone around such construction;

(ii) a determination if an alternative inter-municipal option is available to the community other than a construction project affecting 2 or more municipalities;

(iii) an evaluation is completed of all viable options for cost and benefit of the proposal as well as environmental benefits over the short and long-term;

(iv) assisting neighboring communities and neighborhoods to address infrastructure needs;

(v) written, binding procedures for working cooperatively in joint planning for the construction project;

(vi) consideration of the needs of nearby communities on quality of life, traffic, health and environmental impact; and

(vii) an agreement to utilize state, regional and municipal planning agencies to serve as facilitators toward inter-municipal cooperation including citizen representatives and non-elected officials as participants.

(c) Each inter-municipal agreement shall contain the following:

(i) the names of each participating city and town;

(ii) the effective date and term of agreement;

(iii) the general purpose of the agreement;

(iv) state with specificity what costs will be shared, if any;

(v) state how municipalities may terminate participation;

(vi) state how the agreement may be amended;

(vii) acknowledge acceptance of liability under the agreement;

(viii) set forth specific lines of communication among participating municipalities; and

(ix) describe any applicable dispute resolution process.

(d) Once accepted by majority vote of each legislative body of the municipality, with the approval of each chief executive officer, each municipality shall petition the general court for approval of the inter-municipal agreement. Upon passage by the general court and approval by the governor, the inter-municipal agreement shall be binding on the municipalities and the construction project may begin pursuant to the inter-municipal agreement.