

Massachusetts House of Representatives Bill Summary

Bill #: H.2358

Title: An Act permitting municipal expenditures for the maintenance of private roads

Sponsor: Rep. Steven Xiarhos (by request)

Committee: Municipalities and Regional Government

Hearing Date: June 24, 2025

Current Law: Section 6N of MGL Chapter 40 authorizes cities and towns, by ordinance or by-law, to make temporary repairs on private ways, if the ordinance or by-law includes provisions to determine the following:

1. The type and extent of repairs;
2. Whether drainage shall be included;
3. If the repairs are required by public necessity;
4. The number of percentage of abutters necessary to petition the city or town to make such repairs;
5. The liability limit of the city or town on account of damages caused by such repairs;
6. If the ways (roads or streets, etc.) have been opened to public use for a certain number of years; and
7. If a cash deposit will be required for said repairs.

Summary: Section 1 of the bill adds language to Chapter 40 authorizing municipalities, notwithstanding any general or special law to the contrary, to appropriate and expend public money to maintain, repair and improve private roads if the following conditions are met:

(1) The private road serves a minimum of 100 residential properties that contribute property tax revenue to the municipality.

(2) The private road is the primary or sole access for the properties served.

(3) The private road has historical significance or longstanding ties to the municipality, such as having been part of the town's infrastructure prior to a significant geographical change or reconstruction.

(4) The private road is not maintained by a developer or private entity under an agreement or covenant requiring such maintenance.

(b) Municipalities opting to provide such services shall adopt a bylaw or ordinance specifying the conditions, scope, and process for the maintenance or repair of private roads, including limitations on expenditures and the types of services provided.

Section 2 would require municipalities providing maintenance for private roads under this act to report annually to the Massachusetts Department of Revenue on the expenditures and the number of properties served, to ensure transparency and compliance.