

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Cynthia Stone Creem (BY REQUEST)**

*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 passage of the accompanying bill:

**An Act improving roadway access and visibility.**

PETITION OF:

NAME:

Howard Cutler

DISTRICT/ADDRESS:

19 Winchester Street, Suite 601  
Brookline, MA 02446

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S02051 OF 2007-2008.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand and Nine**

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**AN ACT IMPROVING ROADWAY ACCESS AND VISIBILITY.**

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

1 SECTION 1. Chapter 84 of the General Laws, as appearing in the 2004 Official Edition, is  
2 hereby amended by inserting after section 7A the following new section:-

3 7B. A fence, shrub, hedge or other item that obstructs a motorist's view when accessing a  
4 road or highway and which has been determined to endanger pedestrians, bicyclists, motorists or  
5 others shall, subject to the procedure described in this section, be removed or diminished so that  
6 it no longer poses such a danger.

7 Surveyors of highways, road commissioners or the director of any city or town agency  
8 responsible for road or highway repairs, upon taking notice of, or receiving notice that, a  
9 motorist's view, when accessing a road or highway, is obstructed by a fence, shrub, hedge or  
10 other item such as to endanger pedestrians, bicyclists, motorists or others shall, after making a  
11 determination that said obstruction poses such a danger, provide notice to the property owner

12 where such obstruction is located that said fence, shrub, hedge or other item is in violation of this  
13 section, and that said obstruction must be removed or diminished in a timely manner. A property  
14 owner affected by this section may request a timely public hearing regarding such determination  
15 before the board of selectman, city council or other appropriate local administrative board  
16 designated to hear such matters. If, after 14 days from when such notice is provided to the  
17 property owner, or from the date of determination by such board or council that such obstruction  
18 must be removed or diminished, the obstruction has not been removed or diminished so that it no  
19 longer poses a danger, the surveyors of highways, road commissioners or the director of any city  
20 or town agency responsible for road or highway repairs, shall remove or diminish such  
21 obstruction. The cost of removing or diminishing such an obstruction shall be borne by the  
22 property owner, and the city or town may seek and shall be granted restitution for any costs  
23 relative to the enforcement of this section.

24 For purposes of this section, the term “accessing a road or highway” shall include, but not be  
25 limited to, access from a driveway, parking lot or other road or highway.