

SENATE NO. 2051

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 hereby
2 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 road
4 or highway and which has been determined to endanger pedestrians, bicyclists, motorists or others
5 shall, subject to the procedure described in this section, be removed or diminished so that it no
6 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 motorist's
9 view, when accessing a road or highway, is obstructed by a fence, shrub, hedge or other item such
10 as to endanger pedestrians, bicyclists, motorists or others shall, after making a determination that
11 said obstruction poses such a danger, provide notice to the property owner where such obstruction
12 is located that said fence, shrub, hedge or other item is in violation of this section, and that said
13 obstruction must be removed or diminished in a timely manner. A property owner affected by this
14 section may request a timely public hearing regarding such determination before the board of
15 selectman, city council or other appropriate local administrative board designated to hear such

16 matters. If, after 14 days from when such notice is provided to the property owner, or from the date
17 of determination by such board or council that such obstruction must be removed or diminished, the
18 obstruction has not been removed or diminished so that it no longer poses a danger, the surveyors of
19 highways, road commissioners or the director of any city or town agency responsible for road or
20 highway repairs, shall remove or diminish such obstruction. The cost of removing or diminishing
21 such an obstruction shall be borne by the property owner, and the city or town may seek and shall
22 be granted restitution for any costs relative to the enforcement of this section.

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