

HOUSE No. 3037

The Commonwealth of Massachusetts

PRESENTED BY:

John J. Mahoney and Thomas M. McGee

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 to reuse surplus rail assets.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>John J. Mahoney</i>	<i>13th Worcester</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>

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By Representative Mahoney of Worcester and Senator McGee, a joint petition (accompanied by bill, House, No. 3037) of John J. Mahoney, Thomas M. McGee and James J. O’Day for legislation to authorize the Secretary of Transportation to establish a system to reuse surplus rail assets. Transportation.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act to reuse surplus rail assets.

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

1 Chapter 161C of the General Laws, as appearing in the 2012 Official Edition, is hereby
2 amended by inserting after section 7 the following section: --

3 Section 8.

4 It being in the public interest to utilize the surplus, discontinued rail assets of the
5 Commonwealth in ways that upgrade the in-state freight rail network, foster the safe transport
6 of goods and materials by in-state freight railroads, and preserve and enhance the strength of the
7 Massachusetts economy, the Secretary of the department of transportation, notwithstanding the
8 provisions of any general or special law or rule or regulation to the contrary, is hereby
9 authorized to offer and convey surplus rail and other track material, surplus rail-related
10 equipment, such as signals, and surplus railroad bridge materials to the freight railroads
11 operating on tracks to which they have rights located within the Commonwealth and to the

12 freight railroads operating on in-state tracks owned by the Commonwealth. Working in concert
13 with the Massachusetts Railroad Association, the department shall design and implement a fair,
14 reasonable and orderly system to distribute the surplus assets; further, the department shall have
15 the authority to change that system, as needed, in order to improve it in any way consistent with
16 the objectives of the re-use program. The assets may only be conveyed to a railroad which has
17 demonstrated an impending need for the assets at a specific in-state location. The Secretary shall
18 cause to be created and published periodically a list of surplus rail assets, which may be made
19 available through the department, and/or from department projects and Massachusetts Bay
20 Transportation Authority projects, to the above-described freight railroad companies operating
21 within the Commonwealth.