

SENATE No. 148**The Commonwealth of Massachusetts**

PRESENTED BY:

James B. Eldridge

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 authorizing municipalities to expend certain funds for the acquisition of land to be used for rail trails.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/4/2021</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/26/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/3/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>3/3/2021</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>3/4/2021</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>3/8/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/9/2021</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>3/18/2021</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>3/24/2021</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>3/31/2021</i>
<i>John J. Cronin</i>	<i>Worcester and Middlesex</i>	<i>11/30/2021</i>

SENATE No. 148

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 148) of James B. Eldridge, Jack Patrick Lewis, Jason M. Lewis, Joanne M. Comerford and other members of the General Court for legislation to authorize municipalities to expend certain funds for the acquisition of land to be used for rail trails. Community Development and Small Businesses.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 83 OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act authorizing municipalities to expend certain funds for the acquisition of land to be used for rail trails.

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

1 Subsection (b) of section 5 of chapter 44B of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by adding the following paragraph:-

3 (4) With respect to land for recreational use, the community preservation committee may
4 recommend and the legislative body may appropriate funds for the acquisition of land held for
5 railroad purposes to be used by the city or town as a trail for recreational use and,
6 notwithstanding subsection (a) of section 12, land acquired pursuant to this sentence may be
7 subject to any property interest, including restrictions or reversionary interests, required to be
8 held by the grantor or the United States pursuant to the National Trails System Act of 1968,
9 codified at 16 U.S.C. section 1241, et seq. and, notwithstanding any provision of the definition of

- 10 “real property interest” in section 2 to the contrary, land acquired pursuant to this sentence shall
- 11 be considered a real property interest for purposes of this chapter.