SENATE DOCKET, NO. 289 FILED ON: 1/12/2023

SENATE . . . . . No. 446

The Commonwealth of Massachusetts

PRESENTED BY:

Joanne M. Comerford

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 expanding access to trails for people of all abilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Joanne M. Comerford	*Hampshire, Franklin and Worcester*	
Mindy Domb	*3rd Hampshire*	*1/18/2023*
Edward J. Kennedy	*First Middlesex*	*2/2/2023*
James B. Eldridge	*Middlesex and Worcester*	*3/12/2023*
Michael O. Moore	*Second Worcester*	*3/20/2023*
Walter F. Timilty	*Norfolk, Plymouth and Bristol*	*6/19/2023*
Patricia A. Duffy	*5th Hampden*	*7/14/2023*
Jessica Ann Giannino	*16th Suffolk*	*8/16/2023*
Adam J. Scanlon	*14th Bristol*	*10/27/2023*

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By Ms. Comerford, a petition (accompanied by bill, Senate, No. 446) of Joanne M. Comerford, Mindy Domb and Edward J. Kennedy for legislation to expand access to trails for people of all abilities. Environment and Natural Resources.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act expanding access to trails for people of all abilities.

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

SECTION 1. Chapter 21 of the General Laws is hereby amended by inserting after section 2G the following section:-

Section 2H. (a) It is hereby declared the policy of the commonwealth and the department of conservation and recreation, in this section referred to as the department, to maximize access to trails, outdoor spaces and outdoor recreational activities for people of all abilities, and to advance equity for all residents of the commonwealth. This section shall be implemented to achieve this goal.

(b) With respect to outdoor recreation under its jurisdiction, the department of fish and game shall also work to maximize access to trails, outdoor spaces and outdoor recreational activities for people of all abilities, and to advance equity for all residents of the commonwealth.

(c) The commissioner of the department shall establish a Trail Access Working Group to collect and publish data, and advise the commissioner on the implementation of this section. The

Trail Access Working Group shall include the commissioner or a designee, who shall be the chair, and

(i) the director of the Universal Access Program of the department;

(ii) a representative of the department of fish and game;

(iii) the executive director of the Massachusetts office on disability;

(iv) a representative of the Massachusetts Association of Conservation Commissions;

(v) one or more representatives of organizations concerned with accessible outdoor recreation;

(vi) one or more representatives of organizations concerned with the legal rights of people with disabilities;

(vii) one or more representatives of organizations concerned with independent living for people with disabilities;

(viii) one or more representatives of organizations concerned with the conservation of public land;

(ix) one or more representatives of groups concerned with trails;

(x) no fewer than 3 representatives of cities and towns that have trails managed by the department within their borders, including at least 1 city or town from no fewer than 3 different counties, including a county that is predominantly rural and one that is predominantly urban;

(xi) a representative from an organization or company that designs and builds accessible trails;

(xii) a representative from a regional planning agency that has experience with grant opportunities and funding sources for accessible trails; and

(xiii) other persons identified by the commissioner as likely to make helpful contributions to the working group; provided, that the working group shall have no less than one-third of its members having disabling conditions, and provided further, in making appointments, the commissioner shall ensure that the task force represents diverse geographic regions of the commonwealth and reflects racial and ethnic diversity.

(d) The Trail Access Working Group shall:

(i) review current access for people with disabilities to paved and unpaved trails in the commonwealth;

(ii) review best practices, including federal guidelines such as from the US Forest Service, and the United States Access Board accessibility standards for Federal outdoor developed areas and recommendations from experts for how to expand access, including from people with disabilities;

(iii) review requirements of state and federal law;

(iv) consider the impact of wetlands policy on the access to trails for people with disabilities;

(v) annually hold no fewer than 3 open public hearings in various regions of the state to receive testimony from members of the public; and

(vi) file an annual report summarizing the findings of its reviews and making comprehensive recommendations on ways to improve access to paved and unpaved trails for people with mobility considerations. The recommendations may include a timeline for implementation. If the Working Group believes there will be a cost to implementing its recommendations, the report shall include an estimate of the cost for implementation and possible funding sources that could be utilized for implementation.

(e) The Working Group shall file its report shall with the governor, secretary of the executive office of energy and environmental affairs, the committee on energy, natural resources and agriculture and shall publish it on the public website of the department.

(f) The commissioner of the department shall provide the Trails Access Working Group with sufficient funding to hire consultants to assist the Trails Access Working Group with its duties.

(g) The commissioner of the department shall respond in writing to the recommendations of the working group and report a policy statement detailing how the recommendations of the Working Group will be implemented, including a timeline and budget. The response shall include the findings of the Trails Access Working Group and, but not be limited to, the following information:

(i) the number of miles of trails managed by the department, separately indicated for paved and unpaved trails, that are accessible for people with disabilities, and a goal for the increase in the number of miles that are accessible in the 3 years following the release of the report; and

(ii) the dollar amount of grants issued for all trails in the past year, separately detailing the proportion of such grants related to paved and unpaved trails that are accessible for people with disabilities and a goal for the dollar amount and proportion of such grants in the 3 years following the release of the report.

(h) Annually, on the day assigned for submission of the operating budget under section 7H of chapter 29, the commissioner of the department shall file with the governor, secretary of the executive office of energy and environmental affairs, the committee on energy, natural resources and agriculture and publish on the public web site of the department the most recent report of the Trails Access Working Group and the commissioner's response under subsection (g).

SECTION 2. (a) Members of the Trail Access Working Group established in section 2H of chapter 21 of the General Laws, inserted by this act, shall be appointed no later than 3 months after the effective date of this act.

(b) The initial report and recommendations of the Trails Access Working Group shall be filed no later than 12 months after the initial meeting of the Trails Access Working Group.