SENATE DOCKET, NO. 1524 FILED ON: 1/16/2025

# SENATE . . . . . No. 548

## 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* | |
| *Angelo J. Puppolo, Jr.* | *12th Hampden* | *2/6/2025* |
| *Marcus S. Vaughn* | *9th Norfolk* | *2/11/2025* |
| *James B. Eldridge* | *Middlesex and Worcester* | *2/11/2025* |
| *Jason M. Lewis* | *Fifth Middlesex* | *2/13/2025* |
| *Mindy Domb* | *3rd Hampshire* | *2/19/2025* |
| *Michael O. Moore* | *Second Worcester* | *2/20/2025* |
| *Sal N. DiDomenico* | *Middlesex and Suffolk* | *2/24/2025* |
| *Jacob R. Oliveira* | *Hampden, Hampshire and Worcester* | *3/28/2025* |
| *Edward J. Kennedy* | *First Middlesex* | *4/17/2025* |
| *Paul R. Feeney* | *Bristol and Norfolk* | *4/28/2025* |
| *Bruce E. Tarr* | *First Essex and Middlesex* | *10/15/2025* |

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# SENATE . . . . . No. 548

By Ms. Comerford, a petition (accompanied by bill, Senate, No. 548) of Joanne M. Comerford, Angelo J. Puppolo, Jr., Marcus S. Vaughn, James B. Eldridge and other members of the General Court for legislation to expand access to trails for people of all abilities. Environment and Natural Resources.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *446* OF 2023-2024.]

## The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court**
**(2025-2026)**

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 secretary of the executive office of energy and environmental affairs shall establish a Trail Access Working Group, hereafter referred to as the working group, to collect and publish data, and advise the secretary of the executive office of energy and environmental affairs and the commissioner of the department on the implementation of this section. The working group shall include the secretary of the executive office of energy and environmental affairs 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 self-identify as 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 United States 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) appoint members to the Trail Access Advisory Council established in subsection (f) of this section;

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

(vii) 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 with the governor, the executive office of energy and environmental affairs and the joint committee on environment and natural resources and shall publish the report on the public website of the department.

(f) The secretary of the executive office of energy and environmental affairs shall establish a Trail Access Advisory Council, hereafter referred to as the council, to serve as a public resource for trail accessibility, and to advise the secretary of the executive office of energy

and environmental affairs and the commissioner of the department on the implementation of the recommendations and findings of the Trail Access Working Group. The council shall include the secretary of the executive office of energy and environmental affairs or a designee, who shall be the chair, and

(i) individuals, designated by the Trail Access Working Group, who represent related stakeholders and organizations; and

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

(g) Members of the council shall be appointed for terms of 3 years or until a successor is appointed. Members shall be eligible for reappointment. In the event of a vacancy, the secretary of the executive office of energy and environmental affairs shall, within 60 days of the occurrence of a vacancy, appoint a new member in accordance with subsection (f) to fulfill the remainder of the unexpired term. The council may request administrative support from the department.

(h) Council members may be eligible for compensation at a rate fixed by the council, as approved by the chief financial officer of the executive office of energy and environmental affairs to ensure appropriate funds are available to cover the costs. Council members shall be eligible for compensation only to the extent otherwise permitted by chapter and upon providing the necessary documentation required to process any such payment. Any request for

compensation shall be made by the council member to the executive office of energy and environmental affairs within 30 days of being incurred. Requests made after this time may be ineligible for payment.

(i) The council shall:

(i) make recommendations to the executive office of energy and environmental affairs on all matters of policy related to accessibility of trails and outdoor recreation for people with disabilities, including, but not limited to, the implementation of findings of the Trail Access Working Group;

(ii) serve as a resource for municipalities and members of the public on matters related to universally accessible trail design and construction. The council shall hold public hearings and informational events as requested; and

(iii) file an annual report of its findings, conclusions, proposals, recommendations and progress towards reaching the recommendations described in the Trail Access Working Group's final report.

(j) The council shall file its report with the governor, the secretary of the executive office of energy and environmental affairs and the joint committee on environment and natural resources and shall publish the report on the public website of the department.

(k) There shall be established and set up on the books of the commonwealth a separate fund, to be administered by the secretary of the executive office of energy and environmental affairs, which shall be known as the Massachusetts Trail Access Fund. The Fund shall consist of all revenues from public and private sources including, but not limited to, appropriations, gifts,

grants, donations, reimbursements from the federal government and grants-in-aid or other receipts to further the purposes of the Fund in accordance with this section.

SECTION 2. (a) Members of the Trail Access Advisory Council established in section 2H of chapter 21 of the General Laws, as 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 Advisory Council shall be filed no later than 12 months after the initial meeting of the council.