

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Joanne M. Comerford***

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*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:

*Joanne M. Comerford*

DISTRICT/ADDRESS:

*Hampshire, Franklin and Worcester*

**SENATE . . . . . No.**

[Pin Slip]

[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:*

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

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

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

11 (c) The secretary of the executive office of energy and environmental affairs shall  
12 establish a Trail Access Working Group, hereafter referred to as the working group, to collect  
13 and publish data, and advise the secretary of the executive office of energy and environmental  
14 affairs and the commissioner of the department on the implementation of this section. The  
15 working group shall include the secretary of the executive office of energy and environmental  
16 affairs or a designee, who shall be the chair, and

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (d) The Trail Access Working Group shall:

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

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

49 (iii) review requirements of state and federal law;

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

52 (v) appoint members to the Trail Access Advisory Council established in subsection (f)  
53 of this section;

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

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

62 (e) The working group shall file its report with the governor, the executive office of  
63 energy and environmental affairs and the joint committee on environment and natural resources  
64 and shall publish the report on the public website of the department.

65 (f) The secretary of the executive office of energy and environmental affairs shall  
66 establish a Trail Access Advisory Council, hereafter referred to as the council, to serve as a  
67 public resource for trail accessibility, and to advise the secretary of the executive office of energy  
68 and environmental affairs and the commissioner of the department on the implementation of the  
69 recommendations and findings of the Trail Access Working Group. The council shall include the  
70 secretary of the executive office of energy and environmental affairs or a designee, who shall be  
71 the chair, and

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

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

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

85 (h) Council members may be eligible for compensation at a rate fixed by the council, as  
86 approved by the chief financial officer of the executive office of energy and environmental  
87 affairs to ensure appropriate funds are available to cover the costs. Council members shall be  
88 eligible for compensation only to the extent otherwise permitted by chapter and upon providing  
89 the necessary documentation required to process any such payment. Any request for  
90 compensation shall be made by the council member to the executive office of energy and  
91 environmental affairs within 30 days of being incurred. Requests made after this time may be  
92 ineligible for payment.

93 (i) The council shall:

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

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

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

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

107 (k) There shall be established and set up on the books of the commonwealth a separate  
108 fund, to be administered by the secretary of the executive office of energy and environmental  
109 affairs, which shall be known as the Massachusetts Trail Access Fund. The Fund shall consist of  
110 all revenues from public and private sources including, but not limited to, appropriations, gifts,  
111 grants, donations, reimbursements from the federal government and grants-in-aid or other  
112 receipts to further the purposes of the Fund in accordance with this section.

113 SECTION 2. (a) Members of the Trail Access Advisory Council established in section  
114 2H of chapter 21 of the General Laws, as inserted by this act, shall be appointed no later than 3  
115 months after the effective date of this act.

116           (b) The initial report and recommendations of the Trails Access Advisory Council shall  
117 be filed no later than 12 months after the initial meeting of the council.