

SENATE No. 3060

The Commonwealth of Massachusetts

PRESENTED BY:

Nick Collins

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 relative to sustainability and resiliency in the Dorchester section of the city of Boston.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Nick Collins</i>	<i>First Suffolk</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>David Biele</i>	<i>4th Suffolk</i>

SENATE No. 3060

By Mr. Collins, a petition (accompanied by bill, Senate, No. 3060) (subject to Joint Rule 12) of Nick Collins, Daniel J. Hunt and David Biele for legislation relative to sustainability and resiliency in the Dorchester section of the city of Boston. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

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

An Act relative to sustainability and resiliency in the Dorchester section of the city of Boston.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the grant of easement rights over certain parcels of land in the city of Boston, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
2 Laws or any general or special law to the contrary, the commissioner of capital asset
3 management and maintenance, in consultation with the commissioner of conservation and
4 recreation, may grant permanent, non-exclusive subsurface and surface easement rights over an
5 access road on certain parcels of land under the care and control of the department of
6 conservation and recreation and held for conservation and recreation purposes, to the University
7 of Massachusetts Building Authority, its successors and assigns. The easement rights shall be
8 used solely for the purposes of vehicular and pedestrian access, and for all purposes for which
9 public and private streets are used in the city of Boston, and for underground utility purposes.

10 The easement area shall be located on a certain parcel of land containing approximately twenty
11 six thousand (26,000) square feet, more or less, to comprise an access road that will also include
12 landscaped greenbelts, bicycle lanes, a pedestrian sidewalk and underground utilities with related
13 appurtenances, running from William Day Boulevard to lands of the University of Massachusetts
14 Building Authority, as shown on a plan entitled “Plan of Proposed Access Road Easement Area,
15 Boston” dated June 29, 2021. Prior to finalizing the transaction or making the grant of easement
16 rights authorized herein, the division of capital asset management and maintenance shall
17 establish the final easement area, with the approval of the department of conservation and
18 recreation and the University of Massachusetts Building Authority, and cause to be prepared a
19 surveyed easement plan, which plan shall be recorded in the Suffolk County Registry of Deeds
20 with the grant of easements/easement agreement instrument.

21 SECTION 2. An independent appraisal of the fair market value and value in use of the
22 parcel of land described in section 1 shall be prepared in accordance with the usual and
23 customary professional appraisal practices by a qualified appraiser commissioned by the
24 commissioner of capital asset management and maintenance. The University of Massachusetts
25 Building Authority shall compensate the commonwealth for the conveyance of the parcel
26 described in section 1 by making a payment in an amount equal to the full and fair market value
27 or the value in proposed use, whichever is greater, as determined by the commissioner of capital
28 asset management and maintenance. Any such payment shall be deposited in the Conservation
29 Trust established in section 1 of chapter 132A of the General Laws and expended by the
30 department of conservation and recreation to acquire lands or interests in land to be permanently
31 under the care and control of the department for conservation and recreation purposes. For the
32 purposes of such appraisal, the full and fair market value shall be calculated with regard to the

33 financial benefit of the access provided by the parcel described in section 1 to development on
34 adjacent land to be leased by the University of Massachusetts Building Authority. The inspector
35 general shall review and approve the appraisal and the review shall include an examination of the
36 methodology used for the appraisal. The inspector general shall prepare a report of such review
37 and file the report with the commissioner of capital asset management and maintenance. After
38 receiving the report, the commissioner shall submit copies of the report to the house and senate
39 committees on ways and means and the joint committee on state administration and regulatory
40 oversight at least 15 days prior to the execution of documents effecting the grant of easements
41 described in section 1.

42 In addition, the University of Massachusetts Building Authority and its successors and
43 assigns shall be responsible for all costs and expenses associated with said access road and
44 easement area, including but not limited to, those associated with the design, engineering, and
45 construction of said access road improvements and related facilities, as well as the maintenance,
46 repair and reconstruction as necessary from time to time, of the access road, related to the grant
47 authorized under this act.

48 SECTION 3. There shall be a Dorchester Shores Reservation and Parks Trust Fund to be
49 used for the long-term preservation, maintenance, nourishment and public safety of the
50 Dorchester Shores Reservation properties as defined by the department of conservation and
51 recreation as well as McCormack Park, Richardson Park and Atheneum Park in the Dorchester
52 section of the City of Boston which shall be deposited: (i) any revenues or other financing
53 sources directed to the fund by appropriation; (ii) bond revenues or other money authorized by
54 the general court and specifically designated to be credited to the fund; (iii) any income derived
55 from the investment of amounts credited to the fund or repayment of loans from the fund; (iv)

56 funds from public or private sources including, but not limited to, gifts, federal or private grants,
57 donations, rebates and settlements received by the commonwealth that are specifically
58 designated to be credited to the fund; and (v) all other amounts credited or transferred to the fund
59 from any other source. The fund shall be administered by the secretary of energy and
60 environmental affairs.

61 Any balance in the fund at the end of a fiscal year shall not revert to the General Fund,
62 but shall remain available for expenditure in subsequent fiscal years. Annually, not later than
63 December 1, the secretary of energy and environmental affairs shall report on the activities of the
64 fund to the clerks of the house of representatives the senate and to the house and senate
65 committees on ways and means. The report shall include an accounting of expenditures made
66 from the fund and shall include a description of the authorized purpose of each expenditure, an
67 accounting of the amounts credited to the fund and any unexpended balance remaining in the
68 fund.

69 SECTION 4. The University of Massachusetts Building Authority shall make an annual
70 contribution to the Dorchester Shores Reservation and Parks Trust in an amount to be specified
71 in a memorandum of agreement with the department of conservation and recreation.

72 SECTION 5. (A) There shall be a commission, subject to appropriation, named the
73 Dorchester Bay Transportation and Resiliency Commission. The Commission shall study and
74 examine the transportation, resiliency, infrastructure, and multi-modal needs of the regional
75 corridor of Morrissey Boulevard. In conjunction with relevant state and municipal agencies, the
76 Commission shall evaluate and recommend transportation and infrastructure improvements
77 intended to improve mobility for pedestrians, transit users, cyclists, and motorists, and strengthen

78 climate resiliency at Dorchester’s Kosciuszko Circle and along Morrissey Boulevard. The
79 Commission will work with the relevant state and municipal agencies to develop a
80 comprehensive plan for the Morrissey Boulevard corridor, as well as identify short-term
81 investments that deliver immediate benefits to the corridor. The Commission shall prioritize
82 infrastructure designs that meet the City and Commonwealth’s net-zero emissions targets,
83 including maximizing opportunities for sustainable transportation such as walking, bicycling,
84 and transit use, and public realm designs that serve open space needs as well, such as streets and
85 roadways that could be repurposed for open space and recreation. 28 of 31 (B) The Commission
86 shall consist of the following nine members: The Secretary of the Executive Office of Energy
87 and Environmental Affairs, or a designee, who shall serve as Co-Chair; the Secretary of the
88 Executive Office of Transportation, or a designee, who shall serve as Co-Chair; the Secretary of
89 the Executive Office of Public Safety and Security, or a designee; the Commissioner of the
90 Department of Conservation and Recreation; the Mayor of the City of Boston, or a designee; the
91 Senator from the 1st Suffolk District, or a designee, the State Representative from the 13th
92 Suffolk District or a designee; the State Representative of the 4th Suffolk District; and the
93 Boston City Councilor of the 3rd District, or a designee. (C) Members shall serve terms of 5
94 years and until their successors are appointed. Members may be reappointed in the same manner
95 in which they were originally appointed. Vacancies in the membership of the commission shall
96 be filled by the original appointing authority for the balance of the unexpired term. The members
97 of the commission shall receive no compensation for their services, but shall be reimbursed for
98 any usual and customary expenses incurred in the performance of their duties. The Co-Chairs
99 having been named, the commission may elect from among its members a treasurer and any
100 other officers it deems necessary. (D) The commission shall annually, not later than November 1,

101 report the results of its findings and activities of the preceding year and its recommendations to
102 the governor, the Chairs of the Joint Committee on Ways and Means and to the Clerks of the
103 House of Representatives and Senate. (E) The commission may request from all state agencies
104 such information and assistance as the commission may require. Each state agency shall
105 cooperate with requests from the 29 of 31 commission and shall provide such information and
106 assistance requested, as permitted under the state law. (F) The powers of the commission shall
107 include, but not be limited to: (i) using voluntary and uncompensated services of private
108 individuals, agencies and organizations as may from time to time be offered and needed; (ii)
109 reviewing policies and legislation and make recommendations to agencies and officers of the
110 state and local subdivisions of government to effectuate the purposes of subsections (f) and (g);
111 (iii) selecting an executive director and to acquire adequate staff to perform its duties; (iv)
112 establishing and maintain such offices as it may deem necessary; (v) enacting by-laws for its
113 own governance; (vi) establishing subcommittees or regional chapters of the commission as it
114 deems necessary; and (vii) holding regular, public meetings and fact-finding hearings and other
115 public forums as it may deem necessary. (G) Public meetings should be held in a manner
116 accessible to and welcoming of persons of all abilities with necessary accommodations to ensure
117 broad participation. Notices of meetings and other information shall be posted to a publicly
118 accessible website that also accommodates persons who are visually impaired. (H) The
119 commission may accept and solicit funds, including any gifts, donations, grants or bequests or
120 any federal funds for any of the purposes of this section. Such funds shall be deposited in a
121 separate account with the state treasurer, be received by the state treasurer on behalf of the
122 commonwealth and be expended by the commission in accordance with law. No such funds shall
123 be deemed to impact appropriation from the Legislature.