

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:	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/18/2023</i>
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>	<i>2/2/2023</i>

SENATE No. 446

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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (d) The Trail Access Working Group shall:

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

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

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

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

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

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

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

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

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

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

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

77 (h) Annually, on the day assigned for submission of the operating budget under section
78 7H of chapter 29, the commissioner of the department shall file with the governor, secretary of
79 the executive office of energy and environmental affairs, the committee on energy, natural
80 resources and agriculture and publish on the public web site of the department the most recent
81 report of the Trails Access Working Group and the commissioner's response under subsection
82 (g).

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

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