

STATE HOUSE, BOSTON, Feb. 5, 1973

The Committee on Transportation will give a hearing on

S. 1374

Petition of Arthur H. Tobin and Thomas F. Brownell for legislation to provide for the establishment of footpaths and bicycle trails,

on Mon. Feb. 12, 1973
Room 443 at 10:30 a.m.

Rep. Rotenberg, clk
mb

SENATOR EDWARD BURKE CHAIRMAN

IF YOU WISH TO TESTIFY, PLEASE ATTEND; OR SEND A LETTER
Form 1. STATING YOUR CONCERN.

AND BICYCLE TRAILS.

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

- 1 Chapter 81 of the General Laws is hereby amended by in-
 - 2 serting after section 5 the following section: —
 - 3 Section 5A. Out of the funds received by any county, city
 - 4 or town from the state Highway Fund reasonable amounts
 - 5 shall be expended as necessary for the establishment of foot-
 - 6 paths and bicycle trails. Footpaths and bicycle trails shall
 - 7 be established wherever a highway road or street is being
 - 8 constructed, reconstructed or relocated. Funds received from
 - 9 the Highway Fund may also be expended to maintain such
- to establish footpaths and trails along

(Similar Matter Filed During Previous Session — See Senate, No. 1047.)

SENATE No. 1374

By Mr. Tobin, a petition (accompanied by bill, Senate, No. 1374) of Arthur H. Tobin and Thomas F. Brownell for legislation to provide for the establishment of footpaths and bicycle trails. Transportation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

**AN ACT PROVIDING FOR THE ESTABLISHMENT OF FOOTPATHS
AND BICYCLE TRAILS.**

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

1 Chapter 81 of the General Laws is hereby amended by in-
2 serting after section 5 the following section: —

3 *Section 5A.* Out of the funds received by any county, city
4 or town from the state Highway Fund reasonable amounts
5 shall be expended as necessary for the establishment of foot-
6 paths and bicycle trails. Footpaths and bicycle trails shall
7 be established wherever a highway road or street is being
8 constructed, reconstructed or relocated. Funds received from
9 the Highway Fund may also be expended to maintain such
10 footpaths and trails and to establish footpaths and trails along
11 other highways, roads and streets and in parks and recreation
12 areas.

13 Footpaths and trails are not required to be established
14 under this section (a) where the establishment of such paths
15 and trails would be contrary to public safety; (b) if the cost of
16 establishing such paths and trails would be excessively dispro-
17 portionate to the need or probable use; or (c) where sparsity
18 of population, other available ways or other factors indicate
19 and absence of any need for such paths and trails.

20 The amount expended by a city, town or county as required
21 or permitted by this section shall never in any one fiscal year
22 be less than one per cent of the total amount of the funds re-

23 ceived from the Highway Fund. This paragraph shall not ap-
24 ply to a city or town in any year in which the one per cent
25 equals two hundred and fifty dollars or less, or to a county
26 in any year in which the one per cent equals one thousand
27 five hundred dollars or less. A city, town or county in lieu
28 of expending the funds each year may credit the funds to a
29 financial reserve or special fund to be held for not more than
30 ten years, and to be expended for the purposes required or
31 permitted by this section.

32 For the purposes of this section, the establishment of paths
33 and trails and the expenditure of funds as authorized by this
34 section are for highway, road and street purposes. The depart-
35 ment shall, when requested, provide technical assistance and
36 advice to cities, towns and counties in carrying out the pur-
37 pose of this section. The department shall recommend con-
38 struction standards for footpaths and bicycle trails. The de-
39 partment shall provide a uniform system of signing footpaths
40 and bicycle trails which shall apply to paths and trails under
41 the jurisdiction of cities, towns and counties. Cities, towns
42 and counties may restrict the use of footpaths and bicycle
43 trails under their respective jurisdictions to pedestrians and
44 nonmotorized vehicles.

45 As used in this section, "bicycle trail" means a publicly
46 owned and maintained lane or way designated and signed for
47 use as a bicycle route.