

Town of Sudbury

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October 11, 2019

Joint Committee on Municipalities and Regional Government
Massachusetts State House
24 Beacon Street
Boston, MA 02113

Dear Chairpersons Representative James J. O'Day and Senator Rebecca Rausch,

We, the Sudbury Board of Selectmen, are writing in support of Bill H.1790 – An Act Authorizing Municipalities To Expend Certain Funds For the Acquisition of Land To Be Used For Rail Trails - put forward by Representative Carmine Gentile.

Sudbury is actively working to advance its portion of the Bruce Freeman Rail Trail (BFRT) which begins in Chelmsford at the Lowell/Chelmsford line, continues through Westford, Carlisle, Acton, Concord, and eventually Sudbury and Framingham. Like other rail trails throughout Massachusetts, the BFRT offers recreation, outdoor activity, community-building, and clean transportation to citizens. It will serve as a key north-south recreational and transportation corridor in Middlesex County/MetroWest Boston. Recently, at a Sudbury Board of Selectmen meeting, Michael Trepanier, MassDOT Project Manager and MassTrails Coordinator, emphasized that the BFRT is a high priority trail corridor in the state.

The MBTA-owned land of the BFRT has a terminus in the middle of Sudbury, a quarter mile short of reaching Sudbury's commercial sector on U.S. Route 20. In order to continue the trail south to U.S. Route 20 and potentially further on to Framingham, Sudbury must acquire all or part of the line owned by CSX. In 2000, CSX ceased using the freight line. In 2008, Sudbury citizens unanimously voted at Town Meeting to appropriate \$420K in Community Preservation Act (CPA) funds to acquire the CSX corridor. Shortly thereafter, a Department of Revenue decision determined that the CPA statute does not permit the purchase of rail lines due to their reversionary nature. It is important to highlight that rail lines are frequently converted into rail trails and very rarely reverted. Additionally, communities who experience a reversion would typically be paid fair market value for the land if reversion were to occur, according to the Rails to Trails Conservatory. Many inactive lines have been converted into rail trails throughout the United States – including the popular east-west Minuteman Commuter Bikeway (Cambridge to Bedford) here in Massachusetts.

One of the key pillars of the Community Preservation Act is to provide funding for Open Space and Recreation - including trails: "Recreational use, active or passive recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field."¹ As previously mentioned, BFRT represents one of the highest priority recreational trail systems being built in the state. The passing of Bill H.1790, permitting use of CPA funds for rail trails (including railbanked lines), will help Sudbury to extend the BFRT south closer to its final endpoint in Framingham – a key Regional Urban Center. We also believe that Bill H.1790 will benefit other communities who may face a similar predicament.

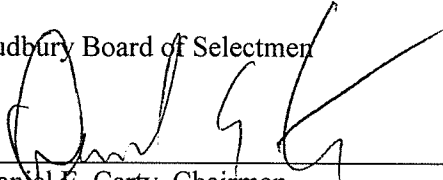
¹ Community Preservation Coalition, "Text of CPA Legislation," retrieved from <https://www.communitypreservation.org/text-legislation>

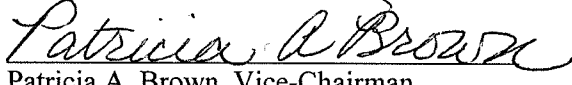
In order to stay in the essence of CPA funding, we request you consider amending the Bill to prohibit use of e-bikes, motorized vehicles with exception of motorized disability vehicles.

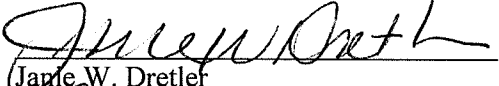
Despite Sudbury's inability to use its CPA funds for the CSX corridor, Sudbury's Community Preservation Committee has maintained the four hundred twenty thousand dollars appropriation in hopes that legislation would lead to change. This is exactly what Bill H.1790 is poised to do through allowing communities to use CPA funds for intended uses without unnecessary restrictions. We ask that you support the passage of Bill H.1790 and to help contribute to the advancement of the Bruce Freeman Rail Trail as well as other trails throughout Massachusetts.

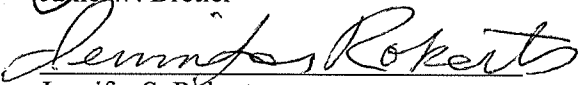
Sincerely,

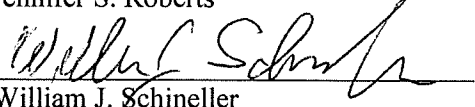
Sudbury Board of Selectmen



Daniel E. Carty, Chairman


Patricia A. Brown, Vice-Chairman


Jane W. Dretler


Jennifer S. Roberts


William J. Schineller

subject to e-bike & motorized vehicle prohibition 

cc: Geoff Richelew (Office of Rep. James J. O'Day)
Gretchen VanNess (Office of Sen. Rebecca Rausch)
Joseph Russo (Office of Rep. Carmine Gentile)