

# HOUSE . . . . No. 3002

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## The Commonwealth of Massachusetts

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EXECUTIVE DEPARTMENT,  
STATE HOUSE, BOSTON, June 1955.

*To the Honorable Senate and House of Representatives.*

It is sometimes imperative that certain areas of park and reservation lands be taken in the development of our state highway system and this commanding necessity appears to arise most often in the construction of the expressway system in the Metropolitan area. Under present plans portions of Route 128 and the Fall River Expressway will lie within the Blue Hills Reservation, to cite one instance.

Transfer of park lands for highway purposes should be permitted only on a showing of absolute necessity and where no practical alternative exists. Our parks and reservations are a priceless asset for the benefit and enjoyment of our people and the increasing growth of the Metropolitan area makes it doubly important that they be preserved and developed for maximum use. Currently the Metropolitan District Commission is preparing a comprehensive, long-range development program for recreational areas under its care and control. In order that we may protect the natural assets which our parks and reservations are, I have requested various state agencies which are concerned with problems of transfer of land to keep each other informed as to the development plans in their respective fields of responsibility. I think it wise to supplement this directive with the legislation which I transmit herewith, for while our existing statutes provide that lands may be transferred for highway purposes from other agencies they include no provision for payment for such transfers or for other means of replacing the area taken with other lands which may be utilized for park and recreation purposes. The bill which I forward

makes such provision. It should be noted, however, that passage of this legislation is not intended to encourage such transfers but simply to provide necessary finances to replace, and in some cases to improve, present park facilities. It is a reasonable measure in my belief and I recommend its passage.

CHRISTIAN A. HERTER.

*Governor of the Commonwealth.*

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Five.

AN ACT PROVIDING FOR REIMBURSEMENT FOR LANDS TRANSFERRED BY STATE DEPARTMENTS OR AGENCIES.

*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 any provisions of law  
2 authorizing the taking by eminent domain or otherwise  
3 of certain public lands for highway improvements with-  
4 out the payment of damages therefor, the state depart-  
5 ment of public works, or such other department, au-  
6 thority or public agency as may be involved, is hereby  
7 authorized and directed to pay to the department, au-  
8 thority or agency in possession of lands so taken, trans-  
9 ferred or used an amount to be mutually agreed upon.

1 SECTION 2. With respect to lands so taken transferred  
2 or used, which were acquired by the metropolitan dis-  
3 trict commission for the purposes of sections thirty-three  
4 and thirty-five of chapter ninety-two of the General Laws,  
5 the money paid for such lands, as provided in section  
6 one of this act, shall be deposited in the metropolitan  
7 parks trust fund to be expended under the direction of  
8 said commission as provided under section thirty-four of  
9 chapter ninety-two of the General Laws for the pur-  
10 chase of other lands to replace the areas so taken, trans-  
11 ferred or used.

1 SECTION 3. The metropolitan district commission is  
2 hereby authorized and directed to deposit the proceeds  
3 of the sale of any land acquired for the purposes of sec-  
4 tions thirty-three and thirty-five of chapter ninety-two  
5 of the General Laws in the metropolitan parks trust fund  
6 to be expended as provided in section thirty-four of  
7 chapter ninety-two of the General Laws.

