

## Boston Globe West

### Access Acquired for Part of Rail Trail

By Eun Lee Koh, Globe Staff, 10/9/2003

A key agreement between the Framingham Board of Selectmen and the Massachusetts Turnpike Authority has cleared the way for a portion of the Cochituate Rail Trail to open to the public for the first time since the project to convert an old CSX rail line began nearly three years ago.

Selectmen unanimously accepted an easement last week from the Turnpike Authority, which will allow Framingham to use the half-mile portion of the property owned by the authority as a public park once the agreement is made formal, something expected in the next few months. The Turnpike Authority would still own the land, which runs from the Home Depot on the Framingham-Natick line to the Mass. Pike.

Clearing up what had been a sticking point in negotiations, the authority agreed that the town would not be liable for damages caused by hazardous waste issues on the land, which stem from fuel and other waste known to have been dumped there. Once the section of the trail opens, Framingham would be liable for injuries or accidents on the land, just as it is on other public park property the town owns and operates, according to town officials.

"There's always the business of liability," Selectwoman Ginger Esty said. "People could fall down and get hurt or something else might happen. But the trail opens the door to many recreation and exercise activities. It fits a need that we have. The selectmen didn't feel the risk of liability rose to a level where we had to say no."

The 4-mile swath designated for the Cochituate Rail Trail starts at Natick center and winds north to the village of Saxonville in Framingham along a rail line that has been abandoned for 30 years. Members of the Cochituate Rail Trail Committee, who have been pushing for the creation of the trail along with volunteers from Framingham and Natick, have cleaned parts of the proposed site for nearly three years, cutting overgrown bushes and removing rail ties, wood, and garbage.

The half-mile portion of the trail could be opened as early as the end of this year, according to members of the committee, but they said a springtime opening was more probable. Committee members said the land is ready today for public use, but they are waiting until the agreement is made official.

"This is a huge step forward," said John Brennan, a member of the Cochituate Rail Trail Committee. "This represents three years of hard work and it gives us momentum for the next step."

The committee's next task is to preserve as much of the trail as possible and to begin negotiating with the Massachusetts Bay Transportation Authority and CSX, the two entities that own the remaining parts of the rail trail, according to members of the committee.

In an effort to generate revenue, the Turnpike Authority wants to sell the edges of the half-mile stretch to business owners who abut the land, which would

leave about 24-foot-wide path for the trail. That could conflict with the committee's plans for a linear park along the strip, which is currently about 65 to 80 feet wide.

"We are not trying to complete a little bike path or a walking trail; we're trying to build a park," Brennan said. "In order to do that, we need the land to be as wide as possible."

William Tuttle, deputy director of real estate for the Turnpike Authority, said the authority plans to be sensitive to the trail in its attempt to sell the land around it. For example, he said, the authority expects to discuss deed restrictions, including building-height limits, with Framingham officials and committee members before selling the land.

"If we come up with appropriate restrictions, the effect would be the same," Tuttle said. "What residents would get is a functional and useful trail. We tried very hard to come to a place where everyone's needs are being met, and I believe we've come to that place."

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