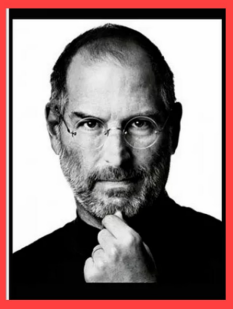
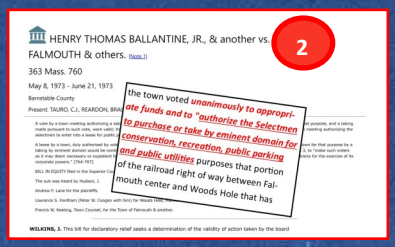
You can't connect the dots looking forward; you can only connect them by looking backward.
---Steve Jobs



# "CONNECTING THE 6 DOTS"

## In the context of looking at some of the most visionary transportation decisions in the history of the U.S.



HENRY THOMAS BALLANTINE, JR., & another vs. FALMOUTH & others. Note 1

363 Mass. 760

May 8, 1973 - June 21, 1973

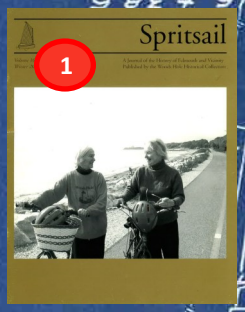
Barnstable County

Present: TAURO, C.J., REARDON, BRAUCHER, HENNESSEY, KAPLAN, & WILKINS, JJ.

the town voted unanimously to appropriate funds and to "authorize the Selectmen to purchase or take by eminent domain for conservation, recreation, public parking and public utilities purposes that portion of the railroad right of way between Falmouth center and Woods Hole that has

WILKINS, J. This bill for declaratory relief seeks a determination of the validity of action taken by the board

2



Spritsail

1



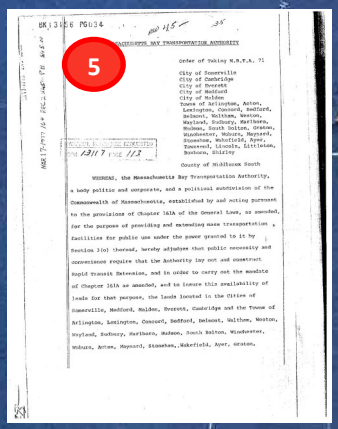
**Options to Purchase Former Railroad Rights of Way and Building Permit Approval from the MA Executive Office of Transportation**

A presentation by Attorney Peter M. O'Connor
Deputy Secretary for Real Estate and Economic Development, EOT

**Presented by**

Chicago Title
TICOR TITLE
Lawyers Title INSURANCE CORPORATION
Commonwealth LAND TITLE INSURANCE CORPORATION

3



5

1 The story of the Shining Sea Trail in Falmouth. How it was acquired, built and its tie-in to:

2 The SJC case granting the approval for a municipality to use eminent domain to reassemble a 3-mile former railroad corridor into becoming a recreational trail. First time in history that a state SJC did this.

3 Which then led to the creation of a set of laws that allowed the state to have a role in protecting former railroad corridor from being sold off or having an inappropriate development take place. Some of the time, but not all the time.

4 Here is a short video interview with the late, former State Rep Dick Kendall who authored and got passed the two landmark laws that preserve and protect former RR corridor in Massachusetts.

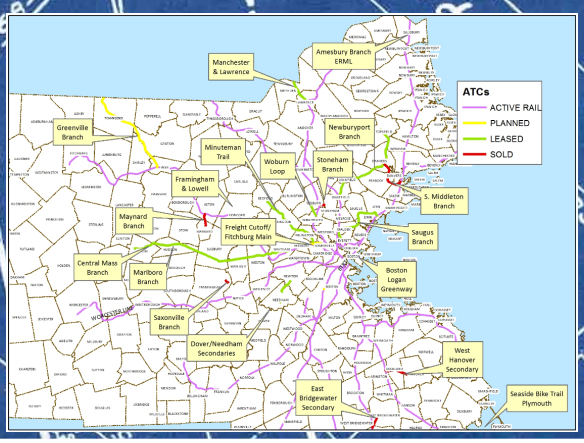
5 That important SJC case and the two subsequent laws then inspired a visionary transportation secretariat to buy hundreds of miles of active and abandoned corridor in over 70 communities in eastern Mass in the mid-1970s. Here's the specs on just one of the four transactions that involved 30 communities. I'd be happy to send you the three other transactions that bought corridor in 43 other places. In every transaction, the state cleaned out any cloudy title by using "Confirmatory takings."

6 And in the early 2000s I had a lunch date with the then head of the T's privatized real estate department. Over lunch, we crafted the framework that would allow communities with former RRs to enter linto a long-term lease with the T for a minimal fee. This means that since we bought the corridors once in the 70s, we wound't have to buy them twice. The communities wouldn't have to spend large sums to buy the corridors and they could then start to plan, design and construct the linear park in their community.

Step by step, connecting the DOTS, the rules in place here in Massachusetts were the most visionary laws in the US that preserve former RR corridor.

Massachusetts Bay Transportation Authority

6

massDOT Massachusetts Department of Transportation

As one of the largest landowners in Massachusetts, the MBTA is a leader in facilitating the creation of ATC's (Alternative Transportation Corridors aka Rail Trails) Transforming underutilized land into productive community spaces and creating a unique network between Massachusetts cities and towns. Over 40 projects so far.