

111TH CONGRESS
2D SESSION

H. R. 4725

To provide for the acquisition by the Army Corps of Engineers of the hurricane barrier for the city of New Bedford, Massachusetts, and the town of Fairhaven, Massachusetts.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2010

Mr. FRANK of Massachusetts introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To provide for the acquisition by the Army Corps of Engineers of the hurricane barrier for the city of New Bedford, Massachusetts, and the town of Fairhaven, Massachusetts.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. NEW BEDFORD-FAIRHAVEN HURRICANE BAR-**
4 **RIER.**

5 (a) ACQUISITION.—The Secretary of the Army, act-
6 ing through the Corps of Engineers, as authorized by sec-
7 tion 203 of the Flood Control Act of 1958 (Public Law
8 85–500), may acquire all right, title, and interest of the

1 city of New Bedford, Massachusetts, and the town of
2 Fairhaven, respectively, in and to the New Bedford-
3 Fairhaven hurricane barrier, including any interest of the
4 city and the town in and to land and any structures re-
5 quired for the operation and maintenance, repair, replace-
6 ment, rehabilitation, and structural integrity of such hur-
7 ricane barrier if an offer is made by the city of New Bed-
8 ford, Massachusetts, and the town of Fairhaven, Massa-
9 chusetts, to convey such right, title, and interest to the
10 Secretary. Such acquisition shall conform to the following
11 requirements:

12 (1) Any such conveyance shall be by quitclaim
13 deed and without consideration.

14 (2) Subject to the availability of appropriations
15 for such purpose, any such conveyance shall occur
16 not later than two years after the date of the enact-
17 ment of this Act.

18 (b) EASEMENT.—As part of the conveyance under
19 subsection (a), the city of New Bedford and the town of
20 Fairhaven may retain an easement authorizing the con-
21 struction by the city and the town of a boardwalk and
22 the recreational use of such boardwalk.

23 (c) ASSUMPTION OF RESPONSIBILITY.—Upon the
24 completion of the acquisition under subsection (a), the
25 Secretary shall be responsible for the operation and main-

1 tenance, repair, replacement, rehabilitation, and structural
2 integrity of such hurricane barrier in coordination with the
3 city of New Bedford and the town of Fairhaven.

4 (d) RECREATIONAL USE DEFINED.—In this section,
5 the term “recreational use” means the use of a bike path,
6 pedestrian path, boardwalk, and a non-commercial fishing
7 pier.

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