HOUSE . . . . . No. 4000

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act Financing Improvements to the Commonwealth's Transportation System.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to finance improvements to the Commonwealth's transportation system, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. To provide for a program of transportation development and improvements, the sums set forth in section2B, for the several purposes and subject to the conditions specified in this act, are hereby made available, subject to the laws regulating the disbursement of public funds. The sums appropriated in this act shall be in addition to any amounts previously appropriated and made available for these purposes.

SECTION 2B.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Highway Division

6122-1223 For the construction and reconstruction of town and county ways as described in clause (b) of section 4 of chapter 6C of the General Laws, the "chapter 90 program"; provided that a city or town shall comply with the procedures established by the department of transportation; provided further, that any city or town may appropriate for these projects amounts not in excess of the amount provided to the city or town under this item, preliminary notice of which shall be provided by the department to the city or town not later than April 1 of each year; provided further, that the appropriation shall be considered as an available fund upon approval of the commissioner of revenue under section 23 of chapter 59 of the General Laws; and provided further, that the commonwealth shall reimburse a city or town under this item, subject to the availability of funds as provided in section 9B of chapter 29 of the General Laws, within 30 days

19 after receipt by the department of a request for reimbursement from the city or town, which
20 request shall include certification by the city or town that actual expenses have been incurred on
21 projects eligible for reimbursement under this item, and that the work has been completed to the
22 satisfaction of the city or town according to the specifications of the project and in compliance
23 with applicable laws and procedures established by the
24 department……..$200,000,000

25 SECTION 5. To meet the expenditures necessary in carrying out section 2B, the state
26 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
27 amount to be specified by the governor from time to time but not exceeding, in the aggregate, the
28 sum of $200,000,000. All the bonds issued by the commonwealth as aforesaid shall be
29 designated on their face, Town and County Ways and Economic Development Loan, Act of
30 2012, and shall be issued for a maximum terms of years, not exceeding 30 years, as the governor
31 may recommend to the general court under Section 3 of Article LXII of the Amendments to the
32 Constitution of the Commonwealth; provided, however, that all these bonds shall be payable not
33 later than June 30, 2047. All interest and payments on account of principal of these obligations
34 shall be payable from the General Fund. Notwithstanding any other general or special law to the
35 contrary, bonds and interest thereon issued under this section shall be general obligations of the
36 commonwealth.

37 SECTION 8. Notwithstanding any general or special law to the contrary, in carrying out
38 section 2B and all other provisions of this Act, the department of transportation may enter into
39 contracts, agreements, or transactions that may be appropriate with other federal, state, local or
40 regional public agencies or authorities. The contracts, agreements, or transactions may relate to
41 such matters as the department shall determine including, without limitation, the research,
42 design, layout, construction, reconstruction or management of construction of all or a portion of
43 these projects. In relation to any such contracts, agreements, or transactions the department may
44 advance monies to these agencies or authorities, without prior expenditure by the agencies or
45 authorities, and the agencies and authorities may accept monies necessary to carry out these
46 agreements; provided, however, that the department shall certify to the comptroller the amounts
47 so advanced; provided further, that these agreements shall contain provisions satisfactory to the
48 department for the accounting of monies expended by any other agency or authority; and
49 provided, further, that all monies not expended under any such agreement shall be credited to the
50 account of the department from which they were advanced. The department shall report to the
51 house and senate committees on ways and means on any transfers completed under this section.

52 SECTION 9. (a) Notwithstanding any other general or special law to the contrary, the
53 department of transportation shall expend the sums authorized in section 2B for the following
54 purposes: projects for the laying out, construction, reconstruction, resurfacing, relocation or
55 necessary or beneficial improvement of highways, bridges, bicycle paths or facilities, on- and
56 off-street bicycle projects, sidewalks, telecommunications, parking facilities, auto-restricted
57 zones, scenic easements, grade crossing eliminations and alterations of other crossings, traffic

58 safety devices on state highways and on roads constructed under section 4(b) of chapter 6C of
59 the General Laws, highway or mass transportation studies, including, but not limited to, traffic,
60 environmental or parking studies, the establishment of school zones in accordance with section 2
61 of chapter 85 of the General Laws, improvements on routes not designated as state highways
62 without assumption of maintenance responsibilities and, notwithstanding any general or special
63 law to the contrary, projects to alleviate contamination of public and private water supplies cause
64 by the department's storage and use of snow removal chemicals which are necessary for the
65 purposes of highway safety and for the relocation of persons or businesses or for the replacement
66 of dwellings or structures including, but not limited to, providing last resort housing under
67 federal law and such functional replacement of structures in public ownership as may be
68 necessary for the foregoing purposes and for relocation benefits to the extent necessary to satisfy
69 the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies
70 Act of 1970, 42 U.S.C. 4601 et seq., Pub. L. 97-646, 84 Stat. 1864 (1971), and to sell any
71 structure the title to which has been acquired for highway purposes. When dwellings or other
72 structures are removed in furtherance of any of the foregoing projects, the excavations or cellar
73 holes remaining shall be filled in and brought to grade within 1 month after the removal. In
74 planning projects funded by said section2B, consideration shall be made, to the extent feasible,
75 to accommodate and incorporate provisions to facilitate the use of bicycles and walking as a
76 means of transportation; provided, however, that nothing in this section shall be construed to
77 give rise to enforceable legal rights in any party or a cause of action or an enforceable
78 entitlement as to the projects described in this section.

79 (b) Funds authorized in section 2B shall, except as otherwise specifically provided in this
80 act, be subject to the first paragraph of section 6 and sections 7 and 9 of chapter 718 of the acts
81 of 1956, if applicable, and, notwithstanding any general or special law to the contrary, may be
82 used for the purposes stated in this act in conjunction with funds of cities, towns and political
83 subdivisions.

84 (c) In addition to the foregoing, the department of transportation may expend funds made
85 available by this act to acquire from a person by lease, purchase, eminent domain under chapter
86 79 of the General Laws or otherwise, land or rights in land for parking facilities adjacent to a
87 public way to be operated by the department or under contract with an individual; expend funds
88 made available by this act for the acquisition of van-type vehicles used for multi-passenger,
89 commuter-driven carpools and high-occupancy vehicles including, but not limited to, water
90 shuttles and water taxis; and, in accordance with all applicable state and federal laws and
91 regulations, exercise all powers and do all things necessary and convenient to carry out the
92 purposes of this act.

93 (d) In carrying out this section, the department of transportation may enter into contracts
94 or agreements with cities to mitigate the effects of projects undertaken under this act and to
95 undertake additional transportation measures within the city and may enter into contracts,
96 agreements, or transactions with other federal, state, local or regional public agencies,

97 authorities, nonprofit organizations or political subdivisions that may be necessary to implement
98 these contracts or agreements with cities. Cities and other state, local or regional public agencies,
99 authorities, nonprofit organizations or political subdivisions may enter into these contracts,
100 agreements, or transactions with the department. In relation to these agreements, the department
101 may advance to these agencies, organizations or authorities, without prior expenditure by the
102 agencies, organizations or authorities, monies necessary to carry out these agreements; provided,
103 however, that the department shall certify to the comptroller the amount so advanced; provided
104 further, that all monies not expended under these agreements shall be credited to the account of
105 the department from which they were advanced. The department shall report to the house and
106 senate committees on ways and means on any transfers completed under this subsection.

107 (e) In addition to the foregoing, the department may expend funds made available by this
108 Act for matching funds to obtain federal funds for costs associated with the design, acquisition,
109 renovation, construction, reconstruction and other improvements for transit projects.