

**HOUSE . . . . . No. 3358**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Joseph F. Wagner**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the coordination of intermodal assets in the Commonwealth.

PETITION OF:

NAME:

Joseph F. Wagner

DISTRICT/ADDRESS:

8th Hampden

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3681 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT RELATIVE TO THE COORDINATION OF INTERMODAL ASSETS IN THE COMMONWEALTH.

*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. Section 19 of chapter 6A of the General Laws, as appearing in the 2006 Official  
2 Edition, is hereby amended by striking out subsection (b) and inserting in place thereof the  
3 following subsection:-

4 (b) The following agencies shall be within the executive office of transportation: the  
5 department of highways, including the government center commission established by section 1  
6 of chapter 635 of the acts of 1960, the registry of motor vehicles and all other agencies within the  
7 department, except the division of motorboats, and the division of waterways; the Massachusetts  
8 aeronautics commission, the Massachusetts Bay Transportation Authority, the Massachusetts  
9 Port Authority, the Massachusetts Turnpike Authority, the Woods Hole, Martha's Vineyard and  
10 Nantucket Steamship Authority and any regional transportation authorities established under  
11 chapter 161 or 161B.

12 Nothing in this chapter shall be construed as conferring any powers or imposing any  
13 duties upon the secretary with respect to the foregoing agencies and authorities except as  
14 expressly provided by law.

15 SECTION 2. Section 103 of said chapter 6A, as so appearing, is hereby amended by inserting  
16 after the words "the Massachusetts Bay Transportation Authority", in line 28, the following  
17 words:- the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority,.

18 SECTION 3. Section 3 of chapter 701 of the acts of 1960 is hereby amended by striking out the  
19 second paragraph, as appearing in section 2 of chapter 243 of the acts of 2006, and inserting in  
20 place thereof the following paragraph:-

21 The authority shall consist of 6 persons to be appointed as follows: 1 resident of the  
22 county of Dukes County by the county commissioners thereof; 1 resident of the county of  
23 Nantucket by the county commissioners thereof; 1 resident of the town of Barnstable by the town  
24 council thereof; 1 resident of the town of Falmouth by the selectmen thereof; and 1 member who  
25 is a resident of the city of New Bedford by the mayor of the city of New Bedford with the  
26 approval of the city council thereof, each of whom shall serve for a term of 3 years and until his  
27 successor has been appointed and qualified. The secretary of the executive office of  
28 transportation or his designee shall be a continuous member of the authority. The successor of  
29 each member shall be appointed in a like manner for a like term and serve, except for any person  
30 appointed to fill a vacancy who shall serve only for the remainder of the unexpired term. Any  
31 member may be removed for cause by the member's appointing authority.

32 SECTION 4. Said section 3 of said chapter 701 is hereby further amended by striking out the  
33 fourth paragraph, as appearing in section 4 of chapter 243 of the acts of 2002, and inserting in  
34 place thereof the following paragraph:-

35 The authority shall elect 1 of the voting members as vice-chairman and as secretary and  
36 shall also elect a treasurer who need not be a member of the authority. The votes of the members  
37 of the authority shall be weighted such that the county of Dukes County member's vote shall  
38 count as 30 percent of the whole; the Nantucket member's vote shall count as 30 percent of the  
39 whole; the Barnstable, Falmouth, and New Bedford members' votes shall each count as 10  
40 percent of the whole. The vote of the secretary of transportation or of his designee shall count as  
41 10 percent of the whole. A vote of greater than 50 per cent of the weighted vote shall be  
42 necessary for any action taken by the authority. Members whose combined votes count as more  
43 than 50 per cent of the whole shall constitute a quorum. No vacancy in the membership of the  
44 authority shall impair the right of a quorum to exercise all the rights and perform all the duties of  
45 the authority. Before the issuance of any steamship bonds under this act, each voting member of  
46 the authority shall execute a surety bond to the commonwealth with a surety company authorized  
47 to transact business in the commonwealth as surety in the penal sum of \$10,000, and the  
48 treasurer shall execute such a bond in the penal sum of \$20,000, conditioned upon the faithful  
49 performance of the duties of his office. Each surety bond shall be approved by the attorney  
50 general and filed in the office of the state secretary. The members of the authority shall serve  
51 without compensation. Each member shall be reimbursed for his actual expenses necessarily  
52 incurred in the performance of his duties. All expenses incurred in carrying out this act shall be  
53 paid solely from funds provided under the authority of this act, and no liability or obligation shall  
54 be incurred by the authority hereunder beyond the extent to which monies shall have been  
55 provided under the authority of this act.

56 SECTION 5. Said chapter 701 is hereby amended by striking out section 14, as appearing in  
57 section 9 of chapter 243 of the acts of 2002, and inserting in place thereof the following section:-

58 Section 14. There is hereby established a board to be known as the port council of the  
59 Woods Hole, Martha's Vineyard, Nantucket, Barnstable and New Bedford Steamship Authority  
60 which shall consist of 8 members: 1 member to be appointed by the board of selectmen of the  
61 town of Falmouth for a term of 1 year; 1 member to be appointed by the mayor with the approval

62 of the city council of the city of New Bedford for a term of 1 year; 1 member to be appointed by  
63 the town council of the town of Barnstable for a term of 2 years; 1 member to be appointed by  
64 the board of selectmen of the town of Oak Bluffs for a term of 2 years; 1 member to be appointed  
65 by the board of selectmen of the town of Tisbury for a term of 2 years; 1 member to be appointed  
66 by the board of selectmen of the town of Nantucket for a term of 3 years; and 1 member to be  
67 appointed by the board of selectmen of the town of Fairhaven for a term of 3 years. The  
68 secretary of transportation or his designee shall be a continuous member of the port council.  
69 Upon the expiration of the term of a member, a successor shall be appointed in like manner for a  
70 term of 2 years. Said board shall have the power to review the annual budget of the authority  
71 and advise the authority members concerning any activities underway or proposed in any port  
72 community in which the authority operates. The board shall have access to such books, records  
73 and files of the authority as it may deem necessary or desirable for the exercise of its powers.  
74 The members of the board shall serve without compensation but shall be reimbursed from the  
75 funds of the authority for any actual expenses necessarily incurred in the performance of their  
76 duties.

77 SECTION 6. The fourth paragraph of section 15 of said chapter 701, as most recently amended  
78 by chapter 243 of the acts of 2002, is hereby further amended adding the following sentence:- In  
79 order to ensure the greatest opportunity for cost savings, said proposals for the same shall also be  
80 made available on the commonwealth's procurement website.

81 SECTION 7. Section 27C of chapter 29 of the General Laws shall not be applicable to this act.