

[Pin Slip]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

Transportation Finance Reform

Messrs. Tarr, Hedlund, Knapik and Ross move to amend the bill (House, No. 3581) by striking all after the enacting clause and inserting in place thereof the following new text:-

SECTION 1. Subsection (e) of section 9 of chapter 6C of the General Laws, as appearing in section 1 of chapter 132 of the acts of 2012, is hereby amended by adding the following sentence:- The secretary shall make the report and all such reports from previous years, available on the department’s website.

SECTION 2. Section 10 of said chapter 6C, as so appearing, is hereby amended by adding the following paragraph:-

The office of transportation planning shall work in collaboration with the public-private infrastructure oversight commission and provide the oversight commission information and updates on research, surveys, studies, and future transportation projects.

SECTION 3. Section 11 of said chapter 6C, as so appearing, is hereby amended by inserting after the word “finance,” in lines 18 and 19, the following words:- the public-private infrastructure oversight commission.

SECTION 4. Said section 11 of said chapter 6C, as so appearing, is hereby further amended by adding the following paragraph:-

The long range transportation plan shall prioritize each project identified in the transportation plan, separated by mode of transportation and provide a detailed fiscal analysis of each project, including the project’s funding sources, yearly operating costs to maintain the project, the project’s impact on existing transportation infrastructure and impact of the project on the goals identified by the department and the office of performance management and innovation including, but not limited to, reducing the number of structurally-deficient bridges, reducing the state of good repair backlog and increasing customer satisfaction across all modes of transportation.

26 SECTION 5. Said chapter 6C is hereby further amended by inserting after section 13 the
27 following section:-

28 Section 13A. The secretary shall develop and implement a program to allow vehicles
29 with less than 2 occupants access to existing high occupancy vehicle lanes; provided, however
30 that such access may be limited during the hours in which the existing high occupancy vehicle
31 lane operates at or near capacity. Vehicles with less than 2 occupants shall pay a varying
32 automated toll depending on the time of the day; provided, however, that the secretary shall
33 establish regulations to allow motorcycles, buses and low or zero emission vehicles, hybrid
34 vehicles or other fuel efficient or environmentally friendly vehicles, as established by regulation,
35 to access the lane without paying a toll.

36 SECTION 6. Section 16 of said chapter 6C, as appearing in the 2010 Official Edition, is
37 hereby amended by adding the following sentence:- The plan shall be made available on the
38 department's website.

39 SECTION 7. Section 28 of said chapter 6C, as so appearing, is hereby amended by
40 inserting after the word "divisions", in line 33, the following words:- including, but not limited
41 to, revenues from parking fares, financial assistance from cities and towns, sponsorships, naming
42 rights and advertising.

43 SECTION 8. Section 30 of said chapter 6C, as so appearing, is hereby amended by
44 striking out subsection (c) and inserting in place thereof the following 2 subsections:-

45 (c) Subject to the approval of the board the secretary may: (1) operate and administer the
46 programs of roadway design, construction, repair, maintenance, capital improvement,
47 development and planning through the division of highways and other agencies within the
48 department, as appropriate; (2) coordinate and supervise the administration of the department
49 and its agencies to promote economy and efficiency and to leverage federal funding; (3) pursuant
50 to chapter 30A, make, amend and repeal rules and regulations for the management and
51 administration of the department and agencies within the department; (4) execute all instruments
52 necessary for carrying out the business of the department and its agencies; (5) acquire, own,
53 hold, dispose of, lease and encumber property in the name of the department and its agencies; (6)
54 enter into agreements with commissions, offices, boards, divisions, authorities and other entities
55 within the department to improve divisions, agencies, administrative efficiency and program
56 effectiveness and to preserve fiscal resources; (7) enter into agreements and transactions with
57 federal, state and municipal agencies and other public institutions and private individuals,
58 partnerships, firms, corporations, associations and other entities on behalf of the department or
59 its agencies; and (8) apply for and accept funds, including grants, on behalf of the
60 commonwealth in accordance with applicable law. The secretary may delegate any of the
61 foregoing powers to an officer having charge of a division, office, division or other
62 administrative unit within the executive office.

63 (d) The secretary shall:

64 (1) develop, in consultation with the commonwealth development coordinating council,
65 and administer a long-term statewide transportation database for the commonwealth that shall
66 include planning for intermodal and integrated transportation;

67 (2) develop, based on a public hearing process, procedures to be used for transportation
68 project selection;

69 (3) establish criteria for project selection to be used in the procedures developed pursuant
70 to clause (2);

71 (4) create a future project prioritization list, separated by mode of transportation;

72 (5) include detailed information regarding all construction projects for which the
73 department has expended funds during the preceding 5 fiscal years, which shall include:

74 (i) the location and street name, including a brief description of the work to be
75 performed;

76 (ii) all project identifying numbers used within the department or with respect to any
77 federal or state grant or funding program including, without limitation, any contract numbers,
78 Transportation Incentive Program numbers or Transportation Infrastructure Finance and
79 Innovation Act or other federal aid numbers;

80 (iii) all contractors, engineers, architects and other service professionals who have
81 performed work on the project;

82 (iv) all amounts expended, including payee and date of disbursement with respect to each
83 disbursement;

84 (v) total projected and actual cost;

85 (vi) projected and actual start and completion dates;

86 (vii) projected and actual milestone dates and details;

87 (viii) identification and a brief description of any issues, factors or other causes that have
88 affected or are anticipated to affect the projected cost and completion date of any project; and

89 (ix) the names and contact information of the project manager within the department or
90 other department personnel with oversight authority;

91 (6) compare each project to the metrics established by the office of performance
92 management and innovation;

93 (7) document the attempts to engage the public-private infrastructure oversight
94 commission on each project; and

95 (8) make the long-term statewide transportation database available on the department's
96 website.

97 SECTION 9. Section 34 of said chapter 6C, as so appearing, is hereby amended by
98 adding the following 3 paragraphs:-

99 Any project with a projected cost greater than \$1,000,000 shall be submitted to the
100 general court for final approval.

101 Final approval on any project contemplated in this section shall not be given until the
102 public-private infrastructure oversight commission established in section 73 has been given an
103 opportunity to evaluate the project's suitability to be constructed in the design-build-finance-
104 operate-maintain or design-build-operate-maintain project delivery method.

105 No project shall be given final approval unless the project has been properly identified
106 and explained in the comprehensive state transportation plan under section 11.

107 SECTION 10. Section 35 of said chapter 6C, as so appearing, is hereby amended by
108 adding the following sentence:- The secretary shall make the report and all such reports from
109 previous years available on the department's website.

110 SECTION 11. Section 53 of said chapter 6C, as so appearing, is hereby amended by
111 adding the following paragraph:-

112 (c) The division shall be prohibited from extending the geographic service area covered
113 by the division, including but not limited to the addition of new line service through the creation
114 of a new line, extension of a current line or restoration of a line not currently in use, until the
115 legislature approves a plan submitted by the division detailing how the proposed expansion will
116 be funded and certifies that such expansion will not adversely affect existing services and the
117 fare recovery ratio for the expanded service will not be less than the fare recovery ratio for that
118 particular mode of transportation system wide .

119 SECTION 12. Section 64 of said chapter 6C, as so appearing, is hereby amended by
120 inserting after the figure "149", in line 85, the following words:- ; provided, however, that in
121 towns where rates have not been established in certain trades and occupations by collective
122 agreements or understandings in the private construction industry between organized labor and
123 employers, the wages paid to mechanics, teamsters, chauffeurs and laborers on public works, the
124 commissioner shall take into consideration the wages paid to the employees in the same trades
125 and occupations by private employers engaged in the construction industry.

126 SECTION 13. Subsection (C) of section 2 of chapter 21J of the General Laws, as so
127 appearing, is hereby amended by striking out the second sentence and inserting in place thereof
128 the following sentence:- The department shall apply all receipts to the underground storage tank
129 petroleum cleanup program and any remaining receipts shall be transferred to the
130 Commonwealth Transportation Fund to be used for transportation-related purpose.

131 SECTION 13A. Said section 2 of said chapter 21J, as so appearing, is hereby further
132 amended by striking out subsection (D).

133 SECTION 14. Chapter 23K of the General Laws is hereby amended by inserting after
134 section 20 the following section:-

135 Section 20A. (a) The commission may issue to any category 1 or category 2 licensee,
136 subject to this chapter and any rules or regulations established by the commission, a category 3
137 internet gambling license.

138 (b) The commission shall, subject to this chapter and any rules and regulations
139 established by the commission for a category 1 or 2 license, issue a request for applications for
140 category 3 internet gambling licenses if any category 1 or category 2 licensee shall choose not to
141 seek a category 3 internet gambling license; provided, however, that the commission shall not
142 issue more than 4 category 3 licenses.

143 (c) The commission shall prescribe the form of the 4 category 3 gaming licenses, which
144 shall include, but not be limited to, the following license conditions for each licensee, which
145 shall be in addition to applicable requirements provided for by this chapter. The licensee shall:

146 (i) pay an initial license of not less than \$300,000;

147 (ii) pay an annual renewal fee for not less than \$150,000;

148 (iii) pay a daily tax of 20 per cent on gross gaming revenues; provided, however, that the
149 daily tax shall be remitted to the commission by a gaming licensee the day following each day of
150 wagering;

151 (iv) not offer any online game in conflict with the state lottery;

152 (v) limit the games offered, odds and prizes to those that are offered in a category 1 or
153 category 2 license;

154 (vi) require that all persons shall be at least 21 years of age to place wagers or collect
155 winnings;

156 (vii) require all persons to be physically located within the commonwealth to place
157 wagers or collect winnings, unless the person is eligible to place wagers and collect winnings
158 pursuant to a legislatively-approved reciprocal state agreement as provided in subsection (d);

159 (viii) include on every internet screen a prominent display for persons to learn about
160 gaming addiction, problem gaming, how to identify it and resources to seek help.

161 (d) The commission may negotiate reciprocal internet gaming agreements with other state
162 governments but no agreement shall be finalized until approved by the general court.

163 (e) The commission shall deposit all fees and taxes collected pursuant to this section into
164 the General Fund.

165 SECTION 15. Section 59 of said chapter 23K, as appearing in section 16 of chapter 194
166 of the acts of 2011, is hereby amended by striking clause (2) and inserting in place thereof the
167 following clause:-

168 (2) 100 per cent of the revenue received from a category 1 licensee shall be transferred as
169 follows:

170 (A) 44.5 per cent to the Transportation Infrastructure and Development Fund established
171 in section 62; provided, however, that moneys received pursuant to section 55 shall be
172 transferred to the 2009 Transportation Reform Fund;

173 (B) 44.5 per cent to the to the Education Fund established in section 64;

174 (C) 7.5 per cent to the Community Mitigation Fund established in section 61; and

175 (D) 6 per cent to the Public Health Trust Fund established in section 58.

176 SECTION 16. Section 2ZZZ of said chapter 29, as so appearing, is hereby amended by
177 striking out subsection (c) and inserting in place thereof the following subsection:-

178 (c) In addition to those revenues credited to the fund under subsection (a) there shall be
179 credited to the fund all monies received by the commonwealth from the receipts from sales of
180 motor vehicles under sections 3, 25 and 26 of chapter 64H and all monies received by the
181 commonwealth on the sales price of purchases of motor vehicles under sections 4, 26 and 27 of
182 chapter 64I, from the taxes imposed under said chapters 64H and 64I as excises upon the sale
183 and use at retail of motor vehicles and upon the storage, use or other consumption of motor
184 vehicles, including interest thereon or penalties; provided however, such amount shall not
185 include any portion of the taxes that constitute special receipts within the meaning of subsection
186 (b1/2) of section 10 of chapter 152 of the acts of 1997. The amount credited to the fund under
187 this subsection shall be net of the dedicated sales tax revenue amount transferred to the
188 Massachusetts Bay Transportation Authority State and Local Contribution Fund under section
189 35T of chapter 10 and to the School Modernization and Reconstruction Trust Fund under section
190 35BB of said chapter 10.

191 SECTION 17. Chapter 90 of the General Laws is hereby amended by adding the
192 following section:-

193 Section 62. (a)The secretary of transportation, in consultation with the registrar, the
194 director of consumer affairs and business regulation and the secretary of administration and
195 finance, shall conduct an auction or sale for the lease of not more than 300 state taxicab licenses;
196 provided, however, that not more than 60 state taxicab licenses shall be leased in a single year.
197 The annual lease price shall be not more than \$50,000 and the lease payments shall not last
198 beyond 5 years.

199 (b) The secretary shall promulgate regulations for the implementation,
200 administration and enforcement of this section including, without limitation, regulations that:

201 (1) prescribe the method and form of application which an applicant for licensure
202 shall follow and complete before consideration;

203 (2) prescribe the information to be furnished by an applicant or licensee;

204 (3) require all licensees to operate with drivers licensed by a city or town as provided for
205 by the city or town and chapter 159A;

206 (4) require all licensees to treat every licensed driver as an employee under chapter 149;

207 (5) require all licensees to maintain a policy of liability insurance that insures the safety
208 of passengers including, but not limited to, the amount or limit of at least \$100,000 on account of
209 injury to or death of any 1 person and, subject to the limits regarding injury to or death of any 1
210 person, at least \$300,000 on account of any 1 accident resulting in injury to or death of more than
211 1 person;

212 (6) allow holders of state taxicab licenses to pick up and drop off passengers in multiple
213 cities and towns;

214 (7) provide for minimum standards of vehicle fuel efficiency and encourage the
215 applications of persons who will place the license in alternative fuel vehicles or hybrid vehicles;

216 (8) encourage the applications of minority, women and veterans;

217 (9) encourage the applications of applicants who will place the license in a vehicle that is
218 equipped with a lift, ramp or other device, arrangement or alteration that is capable of
219 transporting persons with physical disabilities;

220 (10) require state taxicab licensees to pay an annual fee;

221 (11) allow for the removal of a state taxicab license from any holder for failure to comply
222 with applicable laws and any regulations adopted by the department;

223 (12) limit any holder of a state taxicab license to less than 4 state taxicab licenses;
224 provided, however, that a holder may have 4 or more licenses if the department does not receive

225 sufficient competition and deems it in the best interest of the commonwealth for said holder to
226 maintain 4 or more licenses

227 (13) address regional priorities and equity in the state taxicab market.

228 (c) The department shall deposit all moneys received pursuant to this section in the
229 general fund; provided, however, that 10 per cent of moneys received shall be distributed to the
230 city or town of the principal place of business of the state taxicab license, as determined by
231 regulations established by the department.

232 SECTION 18. Section 27 of chapter 149 of the General Laws, as appearing in the 2010
233 Official Edition, is hereby amended by inserting after the first paragraph the following
234 paragraph:-

235 The commissioner shall provide information on the department's website that details the
236 current prevailing wage rates, the methodology by which the rates are determined and any
237 actions that have been taken within the last 12 months to modify 1 or more rates. The
238 commissioner shall conduct at least 2 public hearings per year in different geographic areas on
239 issues relating to the prevailing wage law, notice of which shall be promulgated as extensively as
240 possible and specifically provided to the municipalities and other political subdivisions of the
241 commonwealth and to the extent possible organizations representing employers engaged in
242 public projects and organizations representing organized labor in the commonwealth.

243 SECTION 19. Chapter 161A of the General Laws is hereby amended by inserting after
244 section 3 the following section:-

245 Section 3A. The department shall expend no funds on the planning, design or
246 construction of a project extending the geographic service area covered by the department,
247 including, but not limited to, the addition of new line service through the creation of a new line,
248 extension of a current line or restoration of a line not currently in use, at any time the department
249 or authority improperly classifies greater than 10 per cent of the salaries and benefits of its
250 employees in the department's capital expenditures, as prohibited by section 15 of chapter 6C.

251 SECTION 20. Section 10 of said chapter 161A, as appearing in the 2010 Official
252 Edition, is hereby amended by inserting after the word "chapter", in line 4, the following words:-
253 ; provided, however, that notification of any formal communications attempting to secure federal
254 assistance, together with the contents of the communications are simultaneously transmitted to
255 the house and senate committees on ways and means

256 SECTION 21. Said section 10 of said chapter 161A, as so appearing, is hereby further
257 amended by adding the following sentence:- The chairman of the authority shall issue a
258 quarterly report on communications with the federal government in furtherance of this section.
259 The report shall include, but not be limited to, any actions by the authority committing or

260 proposing to commit the state to provide financial assistance and shall be submitted to the house
261 and senate committees on ways and means.

262 SECTION 22. The first paragraph of section 20 of said chapter 161A, as so appearing, is
263 hereby amended by adding the following sentence:- The secretary shall make the preliminary
264 and final itemized budget available on the department's website.

265 SECTION 23. Section 140 of chapter 25 of the acts of 2009 is hereby amended by
266 inserting, in the first paragraph, after the words "expiration date" the following words:- of the
267 initial term.

268 SECTION 24. (a) Notwithstanding any general or special law to the contrary, the
269 Massachusetts Department of Transportation, in this section called the department, shall generate
270 sufficient revenue to meet the following benchmarks: (1) in fiscal year 2014, the department
271 shall generate 48 per cent of the department's operating budget; (2) in fiscal year 2015, the
272 department shall generate 49 per cent of the department's operating budget; (3) in fiscal year
273 2016, the department shall contribute 51 per cent of the department's operating budget; (4) in
274 fiscal year 2017, the department shall contribute 53 per cent of the department's operating
275 budget; and (5) in fiscal year 2018, the department shall contribute 54 per cent of the
276 department's operating budget. The salary, benefits or level of compensation of any department
277 employee shall not be increased if the department is not exceeding the benchmarks provided for
278 in this section. (b) The benchmarks in subsection (a) may be achieved through savings to the
279 department's operating budget; provided, that the department shall submit a preliminary report of
280 savings to the operating budget by October 1 of each fiscal year and a final report of savings to
281 the operating budget by January 1 of each fiscal year. The preliminary and final savings reports
282 shall be made available on the department's website and submitted to the clerks of the house and
283 the senate, to the house and senate committees on ways and means and the joint committee on
284 transportation.

285 (c) The revenue generated to meet the benchmarks in subsection (a) may be derived from:
286 (1) fees collected by the registrar of motor vehicles under section 34 of chapter 90 of the General
287 Laws; (2) funds contributed to the Motor Vehicle Inspection Trust Fund under section 61 of
288 chapter 10; (3) funds contributed to the Massachusetts Transportation Trust Fund under section 4
289 of chapter 6C; and (4) any other funds directly collected by the department.

290 SECTION 25. (a) Notwithstanding any general or special law to the contrary, the
291 Massachusetts Bay Transportation Authority, in this section called the authority, shall generate
292 sufficient revenue to meet the following benchmarks: (1) in fiscal year 2014, the authority shall
293 generate 33 per cent of the authority's operating budget; (2) in fiscal year 2015, the authority
294 shall contribute 34 per cent of the authority's operating budget; (3) in fiscal year 2016, the
295 authority shall contribute 35 per cent of the authority's operating budget; (4) in fiscal year 2017,
296 the authority shall contribute 36per cent of the authority's operating budget; and (5) in fiscal year

297 2018, the authority shall contribute 38 per cent of the authority's operating budget. The salary,
298 benefits, or level of compensation of any authority employee shall not be increased if the
299 authority is not exceeding the benchmarks provided for in this section.

300 (b) The benchmarks in subsection (a) may be achieved through savings to the authority's
301 operating budget; provided that, the authority shall submit a preliminary report of savings to the
302 operating budget by October 1 of each fiscal year and a final report of savings to the operating
303 budget by January 1 of each fiscal year. The savings reports shall be displayed on the authority's
304 website and submitted to the house and senate committees on ways and means and the joint
305 committee on transportation.

306 (c) The revenue generated to meet the benchmarks in subsection (a) may be derived from
307 any funds collected by the authority through fees and fares and any other funds directly collected
308 by the authority; provided, however, such revenue shall not include funds contributed to the
309 Massachusetts Bay Transportation Authority State and Local Contribution Fund under section
310 35T of chapter 10 of the General Laws.

311 SECTION 26. (a) The Massachusetts Department of Transportation shall use the
312 revenues generated by this act to comply with the second sentence of section 15 of chapter 6C of
313 the General Laws requiring the salaries and benefits of employees of the department to be
314 classified and funded as operating expenditures. The department shall comply with said section
315 15 of said chapter 6C on or before June 30, 2018.

316 (b) The secretary of transportation, in consultation with the secretary of administration
317 and finance, shall file a report regarding the department's compliance with the second sentence
318 of said section 15 of said chapter 6C on or before August 1, 2013. The report shall include, but
319 not be limited to: (1) the number of employees with salaries funded by capital expenditures in
320 fiscal year 2013; (2) the total cost of employee salaries charged to capital expenditures in fiscal
321 year 2013; and (3) the number of employees and total cost of employee salaries that the
322 department estimates will be moved from capital expenditures to operating expenditures in fiscal
323 years 2014, 2015, 2016 and 2017. The report shall be filed with the joint committee on
324 transportation, the house and senate committees on bonding, capital expenditures and state assets
325 and the house and senate committees on ways and means.

326 SECTION 27. Notwithstanding any general or special law to the contrary, each regional
327 transit authority established under chapter 161B of the General Laws shall develop a
328 comprehensive regional transit plan in consultation with the appropriate regional planning
329 agency, the Massachusetts Department of Transportation, local employers and the business
330 associations, labor organizations and transit authority riders. The regional transit plan shall
331 include but not be limited to; (1) a comprehensive assessment of transit services; (2) a thorough
332 examination of the ridership trends for each line and service provided by the regional transit
333 authority; (3) a performance analysis of existing services; (4) the development and evaluation of

334 alternative service scenarios; (5) the development of a recommendation to better align service
335 with local and regional demand; (6) the commonwealth's environmental policies; (7) fare rates
336 and collection methods; (8) the region's job creation goals and employment needs; and (9) a
337 determination of whether the regional transit authority's service is deployed in the most effective
338 way possible to accommodate the transit needs of the region's workforce. The development of
339 the plan shall include public hearings in different regions of the commonwealth and the
340 opportunity to comment on a draft report. The final report shall be filed with the department of
341 transportation and made available on the department's website and the website of the appropriate
342 regional transit authority on or before June 30, 2014.

343 SECTION 28. There shall be a Prevailing Wage Commission, which shall determine the
344 effectiveness, practicality and usefulness in establishing fair wage rates of Massachusetts
345 prevailing wage law, as contained in Chapters 5, 71, 121B and 149 of the General Laws. The
346 commission shall consider the impact of the prevailing wage on the cost of roads, bridges and
347 rail projects for which they are utilized. The commission shall consist of the following 5
348 members: the secretary of transportation or a designee; the secretary of labor and workforce
349 development or a designee; and 3 persons to be appointed by the governor 1 of whom shall be
350 from the Massachusetts municipal association, 1 of whom shall be from an organization
351 representing employees not engaged in organized labor, and 1 of whom shall be from an
352 organization representing organized labor in the commonwealth. The commission shall hold not
353 less than 1 public hearing. The commission shall report to the general court the results of its
354 investigation and study and its recommendations, if any, together with drafts of legislation
355 necessary to carry such recommendations into effect, by filing the report with the clerk of the
356 house of representatives and the clerk of the senate, the joint committee on labor and workforce
357 development and the joint committee on transportation on or before September 1, 2013.

358 SECTION 29. Notwithstanding any general or special law to the contrary, no awarding
359 authority as defined by section 39 of chapter 3 of the General Laws, shall require or prohibit
360 bidders, contractors, or subcontractors to enter into or adhere to agreements with one or more
361 labor organizations, on the same or related projects, or discriminate against bidders, contractors,
362 subcontractors, or operators for becoming or refusing to become or remain signatories or
363 otherwise to adhere to agreements with one or more labor organizations, on the same or other
364 related public works projects. The use of such agreements requiring labor organization
365 participation shall be reserved exclusively for such situations when no other labor source was
366 available.

367 SECTION 30. Notwithstanding any general or special law to the contrary, the director of
368 the internal special audit unit shall conduct a comprehensive investigation of the financial impact
369 of chapter 25 of the acts of 2009. The investigation shall include a review of total savings to
370 date, anticipated future savings, an analysis of how the savings compare to projected savings at
371 the time of the passage of the act and recommendations to increase future savings and
372 efficiencies. The director shall publish his findings on the department's website and submit an

373 electronic copy of the report to the clerks of the house and the senate, the house and senate
374 committees on ways and means and the joint committee of transportation.

375 SECTION 31. The attorney general shall investigate and issue a report on federal laws or
376 other legal commitments binding upon the Massachusetts Bay Transportation Authority resulting
377 in proposed or contemplated service expansion and the feasibility and consequences of the state
378 challenging or defending a decision not to expand. The report shall include an analysis of legally
379 or contractually obligated service expansion, including but not limited to, the specific source of
380 the obligation, the legal authority demanding fulfillment of the expansion, legal defenses that
381 could reduce or eliminate the obligations, the impact of the decision on January 25, 2011 in
382 *Arborway v. Massachusetts Executive Office of Transportation* and the financial burdens of
383 breaching any potential obligations if an obligation exists. The report and recommendations
384 shall be filed electronically with the clerks of the house and the senate, the house and senate
385 committees on ways and means and with the joint committee on transportation not later than
386 August 31, 2013.

387 SECTION 32. Notwithstanding any general or special law to the contrary, the
388 Massachusetts Bay Transportation Authority shall issue a request for proposals from business,
389 civic and non-profit entities to enter into agreements for sponsorship rights of authority assets
390 and stations.

391 SECTION 33. (a) Notwithstanding any general or special law to the contrary, the
392 department of revenue shall develop and implement a tax amnesty program in accordance with
393 the provisions of this section to be effective for a period not to exceed 3 consecutive calendar
394 months between July 1, 2013 and June 30, 2014.

395 (b) The tax amnesty program shall be limited to the following taxpayers:

396 (i) taxpayers who receive written notice from the department that they are eligible for
397 participation in the tax amnesty program with the following existing business tax liabilities:
398 sales/use tax, sales tax on telecommunications services, meals tax, meals tax local option,
399 materialman sales tax, withholding income, performer withholding, pass-through entity
400 withholding, lottery annuity withholding, room occupancy excise, room occupancy excise local
401 option, convention center financing fees on room occupancy in Boston, Cambridge, Chicopee,
402 Springfield, West Springfield and Worcester, convention center financing surcharge for
403 sightseeing tours, convention center financing surcharge on vehicle rentals in Boston, convention
404 center financing surcharge on parking in Boston, Springfield, and Worcester, deeds excise,
405 cigarette excise, cigars and smoking tobacco excise, club alcohol beverage excise, gasoline
406 excise, special fuels excise, special fuels excise local option, and boat/recreational vehicles sales
407 tax; or

408 (ii) taxpayers who receive written notice from the department that they are eligible for
409 participation in the tax amnesty program with existing Part B taxable income liabilities.

410 (c) The tax amnesty program shall apply to taxes for which the department has issued a
411 proposed assessment, notice of assessment, bill, notice or demand for payment on or after July 1,
412 2006, and before January 1, 2013, or to taxes that became due on or after 1, 2006 and before
413 January 1, 2013.

414 (d) (i) The commissioner's authority to waive penalties during the amnesty period shall
415 not apply to any taxpayer who, before the start date of the amnesty program selected by the
416 commissioner, was the subject of a tax-related criminal investigation or prosecution. The
417 amnesty program shall not authorize the waiver of less than 10 per cent of the interest or more
418 than 30 per cent of the interest. The commissioner may offer tax amnesty to those taxpayers who
419 have either an unpaid self-assessed liability or who have been assessed a tax liability, whether
420 before or after the filing of a return, of which the assessed liability remains unpaid.

421 (ii) A taxpayer who delivers or discloses any false or fraudulent application, document,
422 return, or other statement to the department in connection with an amnesty application shall be
423 ineligible for amnesty and shall be subject to the fraud penalty under present law, including
424 under section 11A of chapter 62B of the General Laws, or a penalty of \$10,000, whichever is
425 greater.

426 (e) To the extent that a taxpayer within the scope of the amnesty program as determined
427 by the commissioner and wishing to participate in the amnesty program has postponed the
428 payment of an assessment of tax, interest and penalty under the authority of subsection (e) of
429 section 32 of chapter 62C of the General Laws, the taxpayer shall waive in writing all rights
430 under said subsection (e) of said section 32 of said chapter 62C further delay the payment of the
431 tax and applicable interest portions of the assessment. The tax and applicable interest portions of
432 the assessment shall be payable in full from the date of the commissioner's notice of assessment.
433 Upon payment by the taxpayer of the tax and interest of the outstanding assessment, the
434 commissioner shall waive all penalties associated with that assessment. The taxpayer and the
435 commissioner shall then proceed with all administrative appeal rights that the taxpayer wishes to
436 pursue with respect to the assessment.

437 (f) Amnesty shall not apply to those penalties which the commissioner would not have
438 the sole authority to waive including, but not limited to, fuel taxes administered under the
439 International Fuel Tax Agreement or under the local option portions of taxes or excises collected
440 for the benefit of cities, towns or state governmental authorities.

441 (g) The commissioner shall maintain records of the amnesty provided under this section
442 including, but not limited to: (i) the number of taxpayers provided with amnesty; (ii) the types of
443 tax liability for which amnesty was provided and, for each type of liability, the amount of tax
444 liability collected and the amount of penalties foregone by virtue of the amnesty program; and
445 (iii) the total outstanding tax liability for amnesty-eligible taxpayers at the conclusion of the tax
446 amnesty program after the collection of all funds under this section. The commissioner shall file

447 a report detailing such information with the clerks of the house of representatives and the senate,
448 the joint committee on revenue, the house and senate committees on ways and means, the
449 minority leader of the house and the minority leader of the senate not later than September 1,
450 2014; provided, however, that such report shall not contain information sufficient to identify an
451 individual taxpayer or the amnesty that an individual taxpayer was provided under this section.

452 (h) The department shall publicize the tax amnesty program in order to maximize the
453 public awareness of and participation in the program.

454 (i) Taxpayers electing to participate in the amnesty program who have paid under protest
455 and filed suit shall agree that upon approval of their amnesty application, the department shall
456 release their payment from escrow and apply it in accordance with the grant of amnesty.

457 (j) Amnesty shall only be granted for eligible taxes to eligible taxpayers, as determined
458 by the department, who apply for amnesty during the amnesty period on forms prescribed by the
459 department and who pay all of the tax, fees and costs, if applicable. If the amnesty application is
460 approved, the commissioner shall waive the appropriate interest and all of the penalties
461 associated with the tax periods to which amnesty is applied. No installment agreements will be
462 entered into for tax periods that are approved for amnesty.

463 (k) The department may adopt regulations and provide notice that a cost of collection
464 penalty may be imposed after the expiration of the tax amnesty period for any deficiency
465 assessed for any taxable period due on or after July 1, 2006, and ending before January 1, 2014.
466 This penalty shall be in addition to all other applicable penalties, fees, or costs.

467 SECTION 34. Notwithstanding any general or special law to the contrary, the
468 Massachusetts Bay Transportation Authority shall, as mandated by section 14 of chapter 132 of
469 the acts of 2012, shall issue a report on revenues collected through the use of sponsorship
470 agreements. The report shall include, but not be limited to, an analysis of revenues collected,
471 offers to sponsor which have been declined and attempts to increase and promote sponsorship
472 opportunities. The report and recommendations shall be filed with the clerks of the house of
473 representatives and the senate, who shall forward the report to the house and senate committees
474 on ways and means and the joint committee on transportation on or before August 30, 2013.

475 SECTION 35. Notwithstanding any general or special law to the contrary, the secretary
476 of transportation shall issue a 5 year plan, as provided for in section 11 of chapter 6C, not less
477 than 180 days after the passage of this act. Said plan shall prioritize projects to provide for the
478 reduction in the number of structurally deficient bridges, to reduce congestion attributable to
479 disrepair, to improve urban and rural primary pavement conditions, to improve interstate
480 pavement conditions, to increase maintenance disbursements per mile to the level necessary to
481 achieve and maintain a state of good repair, to move bus and transit assets into a state of good
482 repair, to improve track and signalization conditions, and to otherwise eliminate the backlog on

483 transit, road and bridge projects. The plan shall not include any capital expansion projects and
484 shall be published as provided for in section 11 of chapter 6C.

485 SECTION 36. There shall be established and set up on the books of the commonwealth a
486 fund to be known as the 2009 Transportation Reform Savings Fund. The fund shall consist of
487 monies transferred from the Gaming Revenue Fund, monies credited as savings resulting from
488 chapter 25 of the acts of 2009 as certified by the state auditor and all other monies credited or
489 transferred to the fund from any other fund or source and proceeds from the investment of such
490 funds. The secretary of transportation shall be the trustee of this fund; provided, however, that no
491 funds shall be expended until road, transit and bridge backlogs are eliminated, transportation
492 assets are in a state of good repair, and the secretary of administration and finance has provided
493 written approval annually of a proposed spending plan; and provided further, that the director of
494 the internal special audit unit shall annually audit the savings resulting from chapter 25 of the
495 acts of 2009, documenting the quality, efficiency and the integrity of the department's
496 implementation of the act and providing the state auditor a report of the yearly savings it
497 achieved as a result of the act.

498 SECTION 37. Notwithstanding any general or special law to the contrary, the
499 Massachusetts Bay Transportation Authority shall create a pilot program at 3 high volume
500 parking station facilities dedicating not more than 10 per cent of the available parking to
501 customers willing to pay an increased premium for a reserved parking spot that is guaranteed to
502 be available to them if they arrive at the spot before a certain hour, as determined by the
503 authority.

504 SECTION 38. Notwithstanding any general or special law to the contrary, the
505 Massachusetts Bay Transportation Authority shall issue a request for proposals from business,
506 civic and non-profit entities to enter into sponsorship agreements for providing transportation
507 services beyond the current hours of operation.

508 SECTION 39. There shall be an independent commission to study and investigate issues
509 related to the laws governing the use of private contracts to provide for public services. The
510 commission shall investigate and report on the financial impact of the laws governing privation
511 contracts on state agencies, the process by which private contractors apply to provide
512 government services, the criteria used to evaluate a private sector application and the overall
513 impact on the finances of state government and the private sector. The commission shall consist
514 of the state auditor or a designee, who shall serve as chair, the inspector general or a designee
515 and the attorney general or a designee. The commission shall submit a final report of its findings
516 and recommendations, together with drafts of legislation necessary to implement those
517 recommendations, by filing the same with the clerks of the senate and house by August 30, 2013.