

HOUSE No. 3179

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act creating the Mass Rail Transit Fund..

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

1 Chapter 90 of the General Laws, as appearing in the 2004 Official Edition, is hereby
2 amended by adding the following subsections:—

3 Section 34S. Vehicle Classification.

4 For purposes of section 34T and 34U only, the registrar shall issue rules and regulations
5 to classify all vehicles required to be registered by this chapter into the following categories: zero
6 emission vehicle, motorcycle, automobile, hybrid automobile, light truck, heavy truck, hybrid
7 truck, sports utility vehicle, hybrid sports utility vehicle, van, luxury vehicle, motor home, trailer,
8 other vehicle and rental vehicle, which shall include all vehicles intended as of the date of
9 registration to be used as a rental vehicle, which shall be known collectively as registration
10 classes. When any such vehicle is first registered pursuant to this chapter, the registrar shall
11 identify said vehicle as a member of one registration class.

12 Section 34T. Green Fee.

13 (a) The registrar or his authorized agents shall collect the following fees, to be called a
14 green fee, each time a vehicle is registered or the vehicle registration is renewed for any reason:

15 (1) For every automobile and hybrid trucks and hybrid sports utility vehicles the fee shall
16 be \$30 for a new or transfer registration and two year renewals, \$15 for vehicles renewing
17 annually.

18 (2) For hybrid automobiles and motorcycles the fee shall be \$15 for a new or transfer
19 registration and for two year renewals, \$7.50 for vehicles renewing annually.

20 (3) For light trucks, vans, luxury vehicles as defined by the registrar and sports utility
21 vehicles the fee shall be \$60 for a new or transfer registration and for two year renewals, \$30 for
22 vehicles renewing annually.

23 (4) For heavy trucks, motor homes and buses the fee shall be \$85 for a new or transfer
24 registration and for two year renewals, \$42.50 for vehicles renewing annually.

25 (5) For all other vehicles required to register pursuant to section 33 of chapter 90 the fee
26 shall be \$60 for a new or transfer registration and for two year renewals, \$30 for vehicles
27 renewing annually.

28 (6) Zero emission vehicles, as defined by the United States Department of Environmental
29 Protection, and those vehicles without a motor shall be exempt from the green fee.

30 (7) Any vehicle owned by any subdivision of the commonwealth and used solely for
31 official business and any vehicle identified in subsections 29, 30 and 33 of section 33 of chapter
32 90 shall be exempt from the green fee.

33 Section 34U. Luxury Registration Fee.

34 For all vehicles required to register pursuant to chapter 90 whose value, as determined
35 pursuant to chapter 60A, exceeds \$35,000, the registrar shall collect a fee at the time of
36 registration equal to one tenth of one percent of the purchase price for a new or transfer
37 registration and for two year renewals, and equal to one five hundredth of one percent for
38 vehicles renewing annually.

39 Section 34V. Car Rental Fee.

40 There shall be a surcharge of 5 percent of the total cost of each vehicular rental
41 transaction contract in the commonwealth.

42 SECTION 2. The general laws are hereby amended by creating the following new
43 chapter.

44 Chapter 161E. Massachusetts Rail Transit Fund

45 Section 1. As used in this chapter 161E, the following words shall have the following
46 meanings:

47 "Authority", the Massachusetts Bay Transportation Authority, established by section 2 of
48 chapter 161A, or its successor.

49 "Cost", as applied to a project and the site thereof, all costs, whenever incurred, of
50 acquiring land and of acquiring, developing, constructing, improving, furnishing, equipping,
51 finishing and carrying out a project and placing the same in operation, including without limiting
52 the generality of the foregoing, the cost of all lands, property, rights, easements and interests
53 acquired pursuant hereto and all labor, materials, machinery and equipment necessary to carry
54 out a project and place the same in operation, financing charges, interest prior to and during

55 construction and for a period not exceeding two years after completion of construction, the cost
56 of environmental investigation, analyses and remediation, the cost of demolition and removal of
57 any buildings or structures on lands acquired and removal or relocation of any public utilities and
58 other facilities, relocation payments as defined in, and any other costs of relocation assistance
59 required under chapter 79A of the General Laws and this act, the costs of architectural,
60 engineering and legal services, plans, specifications, surveys, estimates of cost and of revenues,
61 other expenses necessary or incident to determining the feasibility or practicability of the project,
62 administrative, marketing and promotion expenses, reserves for debt service, and other capital
63 and current expenses and such other expenses as may be necessary or incident to the construction
64 of a project and the acquisition of land therefore.

65 “Green Fee”, an amount collected by the registrar pursuant to section 35T of chapter 90.

66 “Local Project Receipts,” receipts described in section 11 of this chapter.

67 “Operating costs,” all direct costs, whenever incurred, of operating a rail project that
68 received funding from the Massachusetts Rail Transit Fund.

69 "Rail Project", the planning, design, acquisition, development, construction, expansion,
70 rehabilitation, improvement, furnishing, equipping and finishing or any combination of the
71 foregoing, necessary to provide subway or commuter rail service to a municipality which does
72 not have such service or to increase the frequency or speed of such service to a community that
73 the secretary determines is underserved by its existing subway or commuter rail service, together
74 with all necessary and related furnishings, machinery, equipment, facilities, approaches,
75 driveways, walkways, parking facilities, roadways, public transportation and landscaping, and
76 including without limitation the acquisition of lands or other property, or rights, easements, and

77 interests acquired for or in respect of any such lands or property for a project, the demolition or
78 removal of any buildings or structures on lands so acquired or in or with respect to which
79 interests are so acquired, relocation payments and other assistance therefore, and site preparation
80 and environmental remediation. Notwithstanding the foregoing, rail project may not include
81 funds for routine maintenance to existing subway or commuter rail facilities or for capital
82 projects to improve the accessibility of existing infrastructure for passengers with disabilities or
83 to improve access to existing service, such as parking expansion, installation of bicycle racks or
84 improvements to pedestrian approaches.

85 "Registrar", the registrar of motor vehicles, established pursuant to chapter 90.

86 "Secretary", the secretary of the executive office of transportation and public works,
87 established pursuant to chapter 6A.

88 Section 2. There shall be established and set up on the books of the commonwealth a
89 separate fund, to be known as the Massachusetts Rail Transit Fund, consisting of amounts
90 credited to the fund in accordance with section 3. The fund shall be administered in accordance
91 with the provisions of this act by the state treasurer and shall be held in trust exclusively for the
92 purposes and the beneficiaries described herein. The state treasurer shall be treasurer-custodian
93 of the fund and shall have the custody of its monies and securities.

94 Section 3. Commencing on the first day of the first full calendar month following 30 days
95 after the effective date of this act, the following receipts shall be credited to, and deposited by the
96 state treasurer in, the Massachusetts Rail Transit Fund and used in accordance with this section:
97 (i) three cents of the commonwealth's excise tax on motor fuels, levied pursuant to chapter 64E,
98 if the commonwealth's per gallon tax, surcharge or levy on motor fuels is increased by more than

99 three cents after January 1, 2009; (ii) the green fee, created by section 36T of chapter 90; (iii) the
100 luxury fee, created by section 36U of chapter 90; and (iv) and the car rental fee created by
101 section 36V of chapter 90. In addition, in accordance with section 12, the local project receipts
102 shall be credited to, and deposited by the state treasurer in the Massachusetts Rail Transit Fund
103 and shall be kept in segregated accounts for each rail project to be used in accordance with this
104 chapter.

105 Section 4. Notwithstanding any general or special law to the contrary, the secretary shall
106 annually rank all of the rail projects contained in the capital investment program required by
107 section 5 of chapter 161A. The secretary shall group said rail projects into two groups. Group 1
108 will include all of said rail projects that would provide new rail service to a city or town in the
109 commonwealth that does not have a commuter rail or rapid transit stop within its borders or, if a
110 rail project would establish new stations in more than one city or town, those rail projects that
111 would provide new rail service to cities or towns in the commonwealth half or more of whom do
112 not have a commuter rail or rapid transit stop within their borders. Group 2 shall include all rail
113 projects contained in the capital investment program required by section 5 of chapter 161A that
114 are not included in Group 1. The secretary shall rank the rail projects within each group based
115 on each rail project's performance relative to the other rail projects in that group on the following
116 evaluation criteria: the cost effectiveness of air quality improvements which the capital
117 investment program predicts a rail project would achieve, the rail project's projected cost per
118 rider and cost per new mass transit rider, whether a rail project constitutes a transit commitment
119 made in connection to the central artery project or is otherwise required by law, the likely
120 economic benefits of a rail project, the likelihood that a rail project will result in sprawl or smart
121 growth development and whether a rail project would serve any environmental justice target, all

122 as defined and described in the capital investment program. The secretary shall report said
123 ranking of rail projects along with his reasons therefore to the clerk of the senate and the clerk of
124 the house and the house and senate chairmen of the Joint Committee on Transportation no more
125 than ninety days after the issuance of the capital investment program required by section 5 of
126 chapter 161A.

127 Section 5. No funds from the Massachusetts Rail Transit Fund shall be used for any
128 purpose other than paying the cost or operating costs of a rail project and only that portion of a
129 rail project's cost or operating costs not available from other sources.

130 Section 6. (a) The Authority shall notify the secretary, the state treasurer and the clerks of
131 the senate and of the house in writing when it determines: 1) that the Massachusetts Rail Transit
132 Fund contains and is likely to continue to contain funds, minus those funds already committed to
133 other rail projects but including those local project revenues dedicated to a rail project pursuant
134 to this chapter, necessary to cover: a) the cost of the rail project ranked first in group 1 by the
135 secretary pursuant to section 4 minus all other funds available to the authority to cover such cost,
136 calculated based on not less than 105 per cent of the debt service on all special obligation bonds
137 to be issued pursuant to section XX that are required to cover the cost of such rail project and b)
138 the amount of any projected annual operating deficit determined by the Authority, calculated as
139 the average of the projected operating deficits of the first ten years of the rail project's operation;
140 and 2) that all plans, approvals, licenses and permits necessary to begin construction of said rail
141 project are in the Authority's possession. Upon the sale of bonds by the state treasurer for a rail
142 project pursuant to section 17 hereof, that rail project shall be removed from the secretary's
143 group rankings made pursuant to section 5.

144 (b) Subsequent to the first rail project having been removed from the secretary's group
145 rankings pursuant to subsection (a), the Authority shall notify the secretary, the state treasurer
146 and the clerks of the senate and of the house in writing when it determines: 1) that the
147 Massachusetts Rail Transit Fund contains and is likely to continue to contain funds, minus those
148 funds already committed to other rail projects but including those local project revenues
149 dedicated to a rail project pursuant to this chapter, necessary to cover: a) the cost of either or
150 both, if available funds exist, of the rail projects ranked first in either group 1 or group 2 by the
151 secretary pursuant to section 4 minus all other funds available to the authority to cover such cost,
152 calculated based on not less than 105 per cent of the debt service on all special obligation bonds
153 to be issued pursuant to section 17 that are required to cover the cost of such rail project and b)
154 the amount of any projected annual operating deficit determined by the Authority, calculated as
155 the average of the projected operating deficits of the first ten years of the rail project's operation;
156 and 2) that all plans, approvals, licenses and permits necessary to begin construction of said rail
157 project are in the Authority's possession. Upon the sale of bonds by the state treasurer for a rail
158 project pursuant to section 17 hereof, that rail project shall be removed from the secretary's
159 group rankings made pursuant to section 5. No later than ninety days after receiving said
160 determination, the secretary shall certify to the state treasurer that he has received said
161 determination and that said determination meets the requirements of this chapter and shall name
162 the next project to be funded pursuant to section 17. In making his choice, the secretary shall
163 continue to give preference, in his discretion, to projects listed in group 1.

164 (c) Determinations described in subsections (a) and (b), shall include: (1) project plans
165 sufficiently complete to indicate the project's boundaries, such land acquisition, demolition and
166 removal of structures, and such redevelopment and general public improvements, as may be

167 proposed to be carried out and proposed land uses including preliminary project designs and a
168 description of the project programs; (2) the proposed method for relocation of persons and
169 organizations to be displaced by the project, if any; (3) cost estimates of the project, including
170 acquisition, and identification of parcels to be acquired and the estimated cost thereof; (4)
171 proposals for informing and communicating with the affected communities; and (5) a description
172 of measures to mitigate environmental and neighborhood impacts of the project and such other
173 planning and urban design issues as the Authority shall determine are presented by the project.

174 (d) In connection with the preparation of the plans described in subsection (c) and the
175 exercise by the Authority of its powers under this act, the Authority and its authorized agents and
176 contractors are hereby authorized, whenever the Authority deems it necessary or convenient, to
177 enter onto any properties and the improvements thereon and to undertake appraisals, surveys,
178 environmental analyses and investigations, including subsurface investigations, permitting
179 analyses and investigations, and other investigations and analyses, for the purpose of determining
180 the value and condition of such properties. The Authority shall provide 20 days written notice by
181 certified mail to the owners of properties, as such owners are recorded in the office of the city
182 assessor, prior to any such entry. Such entry, appraisals, surveys, analyses and investigations
183 shall not be deemed a trespass, a taking by eminent domain or an entry under any eminent
184 domain or condemnation proceedings. The Authority shall make reimbursement for any actual
185 injury or actual damage resulting to such properties and any improvements thereon from the
186 entry, appraisals, surveys, analyses and investigations authorized hereunder, and the Authority
187 shall, as far as possible, restore such properties and the improvements thereon to their condition
188 prior to such entry, appraisals, surveys, analyses and investigations. Without derogating from the
189 foregoing, the Authority is hereby authorized to exercise the power of eminent domain as

190 provided in clause (d) of section 11 of chapter 121B of the General Laws in order to temporarily
191 obtain access to properties and the improvements thereon for the Authority and its agents and
192 contractors for the purpose of conducting the appraisals, surveys, analyses and investigations
193 authorized by this act. If the Authority restores the properties and improvements as required
194 hereunder, the damages for the temporary taking hereby authorized shall be nominal in the
195 absence of extraordinary circumstances unique to particular properties.

196 Section 7. (a) In order to provide for a portion of the costs of each rail project and the
197 payment of the principal of and interest on special obligation bonds of the commonwealth issued
198 pursuant to section 17, there is hereby imposed, in addition to the excises levied under chapter
199 64G of the General Laws and section 22 of chapter 546 of the acts of 1969, a transportation
200 financing fee upon the transfer or occupancy of any room or rooms in any hotel, motel or other
201 lodging establishment which could be subject to such excises in any city or town that will receive
202 one or more new stations or enhanced service as part of said rail project and any portion of any
203 other city or town designated by the governor that is adjacent to a city or town that will receive
204 one or more new stations or enhanced service as part of said rail project at the rate of 2.75 per
205 cent of the total amount of rent for each such occupancy. The transportation financing fee shall
206 take effect on the first day of the calendar quarter following 30 days after the effective date of
207 hereof. All receipts from the transportation financing fee shall be applied solely as provided in
208 this chapter.

209 (b) All terms used in this section shall have the same meaning given such terms in
210 chapter 64G of the General Laws and all provisions of said chapter 64G relative to the
211 assessment, collection, payment, abatement, verification and administration of the excises
212 imposed therein, including penalties, shall, so far as pertinent, be applicable to the fees imposed

213 by this section. The transportation financing fee imposed under the provisions of this section
214 shall be paid by the operator at the same time and in the same manner as the excises due the
215 commonwealth under said chapter 64G.

216 (c) For the purpose of adding and collecting the transportation financing fee imposed by
217 this section and the excises imposed by said chapter 64G, the commissioner of the department of
218 revenue shall issue a schedule showing the total of the excises due for each bracket of taxable
219 charges or rent, as defined in said chapter 64G, plus the transportation financing fee imposed
220 under this section. Such schedule shall be in such form, including the number and size of the
221 brackets, as said commissioner may determine.

222 Section 8. For each rail project there shall be a surcharge of 5 per cent of the purchase
223 price imposed on the price of any ticket purchased for any water-based sightseeing, tourist venue
224 or entertainment cruise or tour and for any land-based sightseeing, tourist venue or trolley tour,
225 originating or located in the commonwealth and conducted partly or entirely within any city or
226 town or portion thereof described in section 7; provided, however, that no such surcharge shall
227 be imposed on children's tickets, so-called, if said ticket is \$6 or less; and provided, further, that
228 no such surcharge shall be imposed for such tours or cruises on tickets sold to an organized
229 school or youth group and adults accompanying such group.

230 Section 9. For each rail project there shall be a surcharge of \$5 imposed upon each
231 commercial airline ticket for any flight landing in or taking off from any city or town or portion
232 thereof described in section 7.

233 Section 10. For each rail project there are hereby established district improvement
234 financing districts in the any city or town or portion thereof described in section 7, which shall
235 operate in accordance with the provisions of section 1 of chapter 40Q.

236 Section 11. The levies described in section 7, 8, 9 and 10 shall commence on the first day
237 of the first full calendar year following the receipt by the secretary of the determination of the
238 Authority described in section 6.

239 Section 12. Commencing on the first day of the first full calendar year following the
240 receipt by the secretary of the determination of the Authority described in section 6, the
241 following receipts, hereinafter referred to, together with investment earnings thereon, as local
242 project receipts, shall be credited to, and deposited by the state treasurer in the segregated
243 account within the Massachusetts Rail Transit Fund created by the state treasurer for each rail
244 project pursuant to section 3: (i) all receipts from the transportation financing fee imposed by
245 section 7; (ii) all receipts from the excise imposed by section 8; (iii) all receipts from the excise
246 imposed by section 9; (iv) all receipts collected pursuant to section 10; and (v) any funds
247 received by the Authority from the sale, lease or other disposition of land or rights therein
248 adjacent to stations which shall be a part of each rail project. Notwithstanding anything in
249 section 35J of chapter 10 of the General Laws to the contrary, amounts described in this section
250 shall not be included in the computation of the amount to be deposited in the Massachusetts
251 Tourism Fund pursuant to said section 35J.

252 Section 13. For all rail projects constructed pursuant to this chapter all construction
253 employees employed in the construction of said project shall be paid no less than the wage rate
254 established for such work pursuant to a project labor agreement with the appropriate labor

255 organization or labor organizations, which includes (1) a uniform grievance and arbitration
256 procedure for the resolution of work-related disputes on job sites; (2) mutually agreeable uniform
257 work rules and schedules for the project; and (3) an obligation for any such labor organization
258 and its constituent members not to strike with respect to work on such project, provided that it
259 shall not be a precondition to the award of a contract that a bidder have previously entered into a
260 collective bargaining agreement with a labor organization, but only that the bidder be willing to
261 execute and comply with said project labor agreement for the project if it is awarded a contract.

262 Section 14. Expenditures from Massachusetts Rail Transit Fund funds not segregated
263 pursuant to section 3 shall be made for the following purposes only if and when the amounts
264 available in each rail project's segregated fund, created pursuant to section 3, are inadequate to
265 the meet the cost or operating costs of that rail project: (i) for the payment of the principal,
266 including sinking fund payments and premium, if any, and interest on special obligation bonds of
267 the commonwealth issued pursuant to section 17 and on notes issued in anticipation of such
268 bonds for the relevant project; (ii) for the maintenance of, or provision for, any reserves for debt
269 service and other capital and current expenses, including without limitation any capital reserve
270 fund created for such purpose, and for any additional security, insurance or other form of credit
271 enhancement required or provided for in any trust or other security agreement entered into
272 pursuant to this chapter to secure such bonds; and (iii) for direct expenditure for any cost of the
273 rail project and for the operation, promotion and marketing thereof incurred by the Authority.

274 Section 15. (a) The Authority is hereby authorized and directed to acquire all lands,
275 properties, rights, air rights, sub-surface rights, easements and other interests necessary to
276 complete the projects. To carry out and effectuate the foregoing purposes, the Authority may
277 take by eminent domain under chapter 79 or chapter 80A of the General Laws, or acquire by

278 purchase, lease, gift, bequest, grant or otherwise from any party, public or private, and hold,
279 clear, repair, operate and, after having taken or acquired the same, convey as provided in this
280 chapter, any lands and other property, real or personal, improved or unimproved, tangible or
281 intangible, and any interest therein, including, to the extent not inconsistent with federal law,
282 railroad properties, necessary to complete the projects, as stipulated in the reports to be produced
283 pursuant to section 6, after a public hearing of which the land owners of record have been
284 notified by certified mail and of which at least 20 days' notice has been given by publication in a
285 newspaper having general circulation in the city in which the land is located; provided, however,
286 that no such taking or acquisition shall be effected until 30 days after the Authority has notified
287 the land owner of record by certified mail and has caused a notice of such determination to be
288 published in a newspaper having general circulation in the city in which the land is located. The
289 value of any lands or real property acquired by the Authority by eminent domain shall be
290 reduced by the costs necessary to remediate the environment of said site. To the extent not
291 inconsistent with federal law, the taking or other acquisition by the Authority of railroad rights of
292 way or related facilities from any department, authority, agency or political subdivision of the
293 commonwealth, from any railroad company, or from any other party, shall be exempt from the
294 procedures, findings and requirements of section 7 of chapter 161C of the General Laws.

295 It is hereby declared that, for purposes of any constitutional entitlement to damages in the
296 event of a taking, all properties and interests taken by the Authority by eminent domain by any
297 subdivision of the commonwealth are being held by the Authority in a governmental and not a
298 proprietary capacity and it is not the intent of this act to confer on the Authority any rights to
299 damages for such taking. Any such taking of property shall be effective notwithstanding any
300 inconsistent prior public use. The Authority may make relocation payments to persons and

301 businesses displaced as a result of carrying out a project and shall otherwise provide relocation
302 assistance as provided in chapter 79A and chapter 121B of the General Laws.

303 To the extent not inconsistent with federal law, if there is a taking or other acquisition of
304 railroad lines, rights of way, easements or related facilities from any party, the Authority is
305 hereby authorized and directed to relocate such railroad lines.

306 (b) The Authority shall have all the powers necessary and convenient to carry out the
307 purposes of this act. Without limiting the generality of the foregoing, the Authority may exercise
308 with respect to the projects and any property acquired in accordance with this section all powers,
309 and shall have all immunities, consistent with this chapter, granted to operating agencies, as
310 defined in chapter 121B of the General Laws or otherwise granted to the Authority under any
311 general or special law.

312 (c) The Authority is hereby authorized and directed to prepare or cause to be prepared a
313 report in accordance with section 62B of chapter 30 of the General Laws for those of the projects
314 for which such a report has not yet been prepared or is no longer valid at the time required by
315 law. Notwithstanding the provisions of sections 62 to 62H, inclusive, of said chapter 30, the
316 Authority may commence and undertake research, planning, design and other work necessary for
317 the projects and may engage an owner's representative, architects and engineers and a
318 construction manager therefore for each rail project individually, and the Authority may take all
319 actions necessary or appropriate or required for acquisition of lands, air rights, sub-surface rights
320 or other property interests prior to the publication of a final environmental impact report pursuant
321 to this section and section 62C of said chapter 30; provided, however, that the Authority shall not
322 record a notice of taking with respect to any lands or other property by eminent domain as

323 provided in this section until the secretary of energy and environmental affairs has issued a
324 notice of availability of a report submitted to said secretary in accordance with said section 62C
325 which demonstrates to the satisfaction of said secretary that a project may be carried out with
326 appropriate mitigation measures as may be necessary to minimize and prevent damage to the
327 environment.

328 (d) The Authority shall be excluded from the definition of an owner or operator of a
329 project with respect to releases of hazardous materials that occur before the Authority acquires
330 ownership of any portion of a site pursuant to this act upon or from which such a release may
331 occur as if the Authority were a city or town that has purchased or taken such land for the
332 nonpayment of taxes, in accordance with paragraph (d) of the definition of "Owner" or
333 "Operator" of section 2 of chapter 21E of the General Laws; provided, however, that the
334 Authority complies with all of the requirements set forth in subparagraphs (2) and (3) of said
335 paragraph (d), except that the Authority shall have no obligation to comply with clause (F) of
336 subparagraph (3) of said subsection (d).

337 Section 16. (a) No person shall be precluded by chapter 7 or chapter 268A of the General
338 Laws from participating by contract or otherwise in the activities of the commonwealth or the
339 Authority with regard to the planning, acquisition, construction and operation of a rail project
340 contained in this act solely by reason of a financial interest, direct or indirect, in any contract or
341 extension thereof for services with respect to the project report or otherwise with respect to the
342 development of the rail project executed by such person with the commonwealth or the Authority
343 prior to the effective date hereof. For purposes of the foregoing, the Authority shall have all of
344 the powers granted to it by general or special law not inconsistent with this chapter. Each rail

345 project shall be exempt from compliance with applicable zoning codes and any regulations
346 promulgated thereunder.

347 (b) The Authority shall prepare quarterly reports for each rail project described by this
348 chapter which shall include, but not be limited to: (i) the total dollars expended on the project to
349 date, (ii) the number of contracts entered into to date; (iii) the number of contracts entered into
350 with minority businesses; (iv) the number of contracts entered into with women-owned
351 businesses; (v) the dollar value of contracts entered into with minority businesses; (vi) the dollar
352 value of contracts entered into with women-owned businesses; (vii) the total number of
353 employees working on the project; and (viii) the total number of employees working on the
354 project, broken down by race, ethnicity and gender. Said quarterly reports shall be submitted to
355 the secretary of the executive office for administration and finance, the house ways and means
356 committee, the senate ways and means committee, the clerk of the house and the clerk of the
357 senate.

358 Section 17. Upon the certification by the secretary of his receipt of a determination made
359 pursuant to section 6, the state treasurer shall issue bonds in such amounts and at such time as he
360 determines, after consultation with the secretary and the Authority, necessary to meet the
361 expenditures required for the rail project which is the subject of said determination. Any such
362 bonds shall be special obligations of the commonwealth payable first from the local project
363 receipts defined in sections (7), (8), (9) and (10) to the extent available and second from the
364 unsegregated funds described in section 3.

365 Section 18 (a) The administration of the fees imposed under sections (7), (8), (9) and (10)
366 of chapter 161E is hereby vested in the commissioner of revenue. Said fees shall be collected by

367 the vendor or operator of the service or facility and remitted to the department of revenue on a
368 quarterly basis. Amounts collected pursuant to section 10 shall be collected by the city or town
369 and remitted to the department of revenue. All provisions of this act relative to assessment,
370 collection, payment, abatement, verification and administration, including penalties and interest,
371 shall, so far as pertinent, be applicable to the fees imposed by this act as though they were taxes
372 enumerated in section 2 of chapter 62C.

373 Section 19. The Massachusetts Bay Transportation Authority or its successor is hereby
374 authorized and directed to take whatever actions are necessary to pursue any federal funds for
375 which the projects or any portions thereof are eligible and to seek or coordinate with partners
376 where warranted.

377 Section 20. The Executive Office of Transportation and Public Works or its successor
378 shall choose a regional planning agency or agencies established pursuant to Chapter 40B to
379 conduct corridor land use planning for the projects. Each regional planning agency or agencies
380 shall work with municipalities, state agencies and other stakeholders to complete the land use
381 corridor plan prior to November 1, 2010. Each land use corridor plan shall include the necessary
382 actions to be taken by municipal or state government, including zoning and other bylaw changes,
383 in order to maximize the long term benefit of the expansion, preserve capacity added by the
384 project, promote sustainable economic and residential development, protect critical open space
385 and other natural resources, and mitigate environmental and neighborhood impacts, including
386 sprawl and gentrification.

387 The Massachusetts Bay Transportation Authority or its successor shall not begin
388 construction on new rail stations to be completed pursuant to chapter 161E until the secretary

389 finds that the municipality in which the station would be located has taken substantial actions to
390 implement the applicable provisions and requirements of the corridor land use plan and have
391 taken actions to reasonably ensure ongoing implementation of the plan after construction is
392 complete.

393 One tenth of one percent of the cost of each rail project shall be used for corridor land use
394 planning pursuant to this section, and shall be allocated from the Massachusetts Rail Transit
395 Fund to the regional planning agencies identified by the Executive Office of Transportation and
396 Public Works or its successor for the purposes of corridor land use planning pursuant to this
397 section. Each regional planning agency receiving funds shall file a report with the Executive
398 Office of Transportation and Public Works or its successor and the House and Senate
399 Committees on Ways and Means detailing their activities.

400 Section 21. The provisions of this act shall be deemed to provide an exclusive, additional,
401 alternative and complete method for the doing of the things authorized hereby and shall be
402 deemed and construed to be supplemental and additional to, and not in derogation of, powers
403 conferred upon the Massachusetts Bay Transportation Authority or its successor; provided,
404 however, that insofar as the provisions of this act are inconsistent with the provisions of any
405 general or special law, administrative order or regulation or any limitation imposed by a
406 corporate or municipal charter, the provisions of this act shall be controlling.

407 Section 22. This act, being necessary for the welfare of the commonwealth and its
408 inhabitants, shall be liberally construed to affect its purposes.

409 SECTION 3. (a) To meet the expenditures necessary to carry out the provisions of
410 section 2, the state treasurer may issue and sell bonds of the commonwealth in any amount. Any

411 such bonds shall be special obligations of the commonwealth payable first from the local project
412 receipts described in section 12 of chapter 161E to the extent available and second from the
413 receipts described in section 3 of chapter 161E to the extent available.

414 (b) Bonds of the commonwealth may be issued under authority of this section in such
415 manner and on such terms and conditions as the state treasurer, with the concurrence of the
416 secretary of administration and finance, may determine in accordance with the provisions of this
417 subsection and, to the extent not inconsistent with the provisions hereof, provisions of General
418 Law for the issuance of bonds of the commonwealth. Bonds may be secured by a trust agreement
419 or other security agreement entered into by the state treasurer, with the concurrence of the
420 secretary of administration and finance, on behalf of the commonwealth, which trust agreement
421 or other security agreement may pledge or assign all or any part of the local project receipts
422 credited to the fund pursuant to sections 3 and 12 of chapter 161E, and any other pledged funds
423 as hereinafter provided, and rights to receive the same, whether existing or coming into existence
424 and whether held or thereafter acquired, and the proceeds thereof. The state treasurer is also
425 authorized, with the concurrence of the secretary of administration and finance, to enter into
426 additional security, insurance or other forms of credit enhancement which may be secured on a
427 parity or subordinate basis with the bonds. A pledge in any such trust or other security agreement
428 or credit enhancement agreement shall be valid and binding from the time such pledge shall be
429 made without any physical delivery or further act, and the lien of such pledge shall be valid and
430 binding as against all parties having claims of any kind in tort, contract or otherwise, irrespective
431 of whether such parties have notice thereof. Any such pledge shall be perfected by filing of the
432 trust or other security agreement or credit enhancement agreement in the records of the state
433 treasurer, and no filing need be made under chapter 106 of the General Laws. Any such trust

434 agreement, security agreement or credit enhancement agreement may establish provisions
435 defining defaults and establishing remedies and other matters relating to the rights and security
436 of the holders of the bonds or other secured parties as determined by the state treasurer, including
437 provisions relating to the establishment of reserves, the issuance of additional or refunding
438 bonds, whether or not secured on a parity basis, the application of the moneys and funds pledged
439 pursuant to such agreement, in this act referred to as pledged funds, and other matters deemed
440 necessary or desirable by the state treasurer for the security of such bonds, and may also regulate
441 the custody, investment and application of moneys.

442 (c) As additional security for bonds of the commonwealth issued under authority of this
443 section, the state treasurer, with the concurrence of the secretary of administration and finance,
444 shall create and establish a special fund for each rail project, herein referred to as the Capital
445 Reserve Funds, within the Massachusetts Rail Transit Fund established under section 3 of
446 chapter 161E or otherwise under a trust or other security agreement securing such bonds, and
447 shall pay into the capital reserve funds any receipts available for such purpose as provided in
448 chapter 161E and section 3(a) of this act and any other moneys appropriated and made available
449 for the purposes of such fund, any proceeds of such bonds to the extent determined by the state
450 treasurer, with the concurrence of the secretary of administration and finance, or as may be
451 provided in any such trust or other security agreement, and any other moneys available for
452 purposes of such fund as provided in this section, all of which shall be pledged funds for
453 purposes of this act.

454 (d) All moneys held in the Capital Reserve Funds, except as hereinafter provided, shall be
455 used solely for the payment of the principal of bonds of the commonwealth issued under
456 authority of this section as the same mature, the purchase of such bonds, the payment of interest

457 on such bonds or the payment of any redemption premium required to be paid when such bonds
458 are redeemed prior to maturity; provided, however, that, moneys in the capital reserve funds
459 shall not be withdrawn therefrom at any time in such amount as would reduce the amount of any
460 such fund to less than the maximum amount of principal and interest maturing and becoming due
461 in any succeeding fiscal year on all such bonds outstanding or such lesser amount as shall be
462 established by the state treasurer, with the concurrence of the secretary of administration and
463 finance, as necessary or appropriate to secure such bonds, in this act referred to as the capital
464 reserve fund requirements, except for the purpose of paying the principal of and interest on such
465 bonds maturing and becoming due and for the payment of which other receipts held in the funds
466 are not available.

467 (e) Notwithstanding any provision of this act to the contrary, the state treasurer shall not
468 issue bonds of the commonwealth under authority of this section at any time if following such
469 issuance the balance on deposit in the Capital Reserve Funds would be less than the capital
470 reserve fund requirements with respect to all such bonds then outstanding.

471 (f) If on the last day of any fiscal year during which any bonds of the commonwealth
472 issued under authority of this section are outstanding, the balance on deposit in the Capital
473 Reserve Funds shall be less than the capital reserve fund requirements as then calculated, after
474 deposit therein of all amounts available therefore in the funds or otherwise under the trust or
475 other security agreement securing such bonds, the motor fuel excise tax shall be increased and all
476 newly created revenue directed into the Massachusetts Rail Transit Fund until the balance of said
477 capital reserve fund shall again equal the capital reserve fund requirement as so certified by the
478 secretary of administration and finance but in no event shall the total amount of the excise

479 imposed pursuant to sections 3 and 3A of chapter 64G of the General Laws and section 22 of
480 chapter 546 of the acts of 1969 exceed 14 per cent.

481 (g) In order to increase the marketability of any bonds issued by the commonwealth
482 under authority of this section, and in consideration of the acceptance of payment for any such
483 bonds, the commonwealth covenants with the purchasers and all subsequent holders and
484 transferees of any such bonds that until all such bonds, including all bonds issued to refund such
485 bonds, and the interest thereon, shall be paid or, if earlier, shall be deemed paid within the
486 meaning of any trust or other security agreement or credit enhancement agreement securing the
487 same, (i) receipts shall not be diverted from the purposes identified in this act; (ii) no pledged
488 funds shall be diverted from the funds established by section 3 of chapter 161E or the capital
489 reserve funds except as provided in this act; (iii) in any fiscal year of the commonwealth, unless
490 and until an appropriation has been made which is sufficient to pay the principal, including
491 sinking fund payments, of and interest on all such bonds and to provide for or maintain any
492 reserves, additional security, insurance or other form of credit enhancement required or provided
493 for in any trust or other security agreement or credit enhancement agreement securing any such
494 bonds or notes, no pledged funds shall be applied to any other use; and (iv) so long as such
495 revenues are necessary, as determined by the state treasurer in accordance with any applicable
496 trust or other security agreement or credit enhancement agreement, for the purposes for which
497 they have been pledged, the rate of any fees imposed by chapter 161E or which may constitute
498 pledged funds under this section shall not be reduced below the amount in effect at the time of
499 issuance of any such bond.

500 (h) Any bonds issued under authority of this section, and any notes of the commonwealth
501 issued in anticipation thereof as hereinafter provided, shall be deemed to be investment securities

502 under chapter 106 of the General Laws, shall be securities in which any public officer, fiduciary,
503 insurance company, financial institution or investment company may properly invest funds and
504 shall be securities which may be deposited with any public custodian for any purpose for which
505 the deposit of bonds is authorized by law. Any such bonds and notes, their transfer and the
506 income therefrom, including profit on the sale thereof, shall at all times be exempt from taxation
507 by and within the commonwealth.

508 SECTION 4. The state treasurer may borrow, from time to time, on the credit of the
509 commonwealth such sums of money as may be necessary for the purposes of meeting payments
510 as authorized by chapter 161E in anticipation of the receipt of proceeds of special obligation
511 bonds of the commonwealth issued under authority of section XX15, and may issue and renew,
512 from time to time, notes of the commonwealth therefore, bearing interest payable at such time
513 and at such rate as shall be fixed by the state treasurer. Such notes shall be issued and may be
514 renewed one or more times for such maximum term of years, not exceeding seven years, as the
515 governor may recommend to the general court in accordance with Section 3 of Article LXII of
516 the Amendments to the Constitution; provided, however, that all such notes shall be payable no
517 later than seven years after issuance. Notes and the interest thereon issued under the authority of
518 this section, notwithstanding any other provisions of this act, shall be general obligations of the
519 commonwealth.

520 SECTION 5. This act shall be construed in all respects so as to meet all constitutional
521 requirements. In carrying out the purposes and provisions of this act, all steps shall be taken
522 which are necessary to meet constitutional requirements whether or not such steps are required
523 by statute.

524 SECTION 6. Section 1 of chapter 161C of the General Laws is hereby amended by
525 adding after the last sentence the following sentence:–

526 Furthermore, to carry out the purposes of this section, the Commonwealth of
527 Massachusetts shall preserve intact the right of way for the proposed North South Rail Link.
528 This right of way is extremely vulnerable to the impact of development and redevelopment
529 around the existing rail tracks and terminals. In addition, rail projects already in planning and
530 construction phases will exceed the capacity of the South Station terminal. Preservation of the
531 right of way for the North South Rail Link will assure that rail transportation can be enhanced or
532 expanded in our region.

533 SECTION 7. Chapter 161C of the General Laws is hereby amended by inserting after
534 section 7 the following section:–

535 Section 8. This section requires the Commonwealth of Massachusetts through its
536 executive office of transportation and construction, in consultation with the Massachusetts
537 turnpike authority and the Massachusetts Bay Transportation Authority or their successors to
538 perform a study to specifically identify and map the necessary right of way to allow for the
539 construction of the proposed North South Rail Link connecting North Station to South Station.
540 This study must include particular reference to the Major Investment Study/Draft Environmental
541 Impact Report (EOEA#10270), prepared under the aegis of the executive office of environmental
542 affairs which was concluded on March 31, 2003. A plan to preserve said right of way, once
543 identified, shall be determined and implemented immediately.