

HOUSE No. 4047

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Text of an amendment recommended by the committee on House Ways and Means to the Senate Bill modernizing the transportation systems of the Commonwealth.

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

1) 99.85 percent shall be credited to the Commonwealth Transportation Fund to be used
2 for transportation-related purposes; and (ii) 0.15 percent shall be credited to the Inland Fisheries
3 and Game Fund, established by section 2C of chapter 131.

4 SECTION 58. Section 5 of chapter 64E of the General Laws, as appearing in the 2006
5 Official Edition, is hereby amended by striking out, in line 8, the words “Turnpike Authority”
6 and inserting in place thereof the following words:- Transportation and Infrastructure Authority

7 SECTION 59. Chapter 64E is hereby amended by striking out section 13 and inserting in
8 place thereof the following section:-

9 Section 13. All sums received under this chapter as excises, penalties, forfeitures,
10 interest, costs of suits and fines shall be credited to the Commonwealth Transportation Fund to
11 be used for transportation-related purposes.

12 SECTION 60. Section 3 of chapter 64F of the General Laws, as appearing in the 2006
13 Official Edition, is hereby amended by striking out, in line 10, the words “Turnpike Authority”
14 and inserting in place thereof the following words:- Transportation and Infrastructure Authority

15 SECTION 61.. Chapter 64F is hereby amended by striking out section 14 and inserting
16 in place thereof the following section:-

17 Section 14. All sums received under this chapter as excises, penalties, forfeitures,
18 interest, costs of suits and fines shall be credited to the Commonwealth Transportation Fund to
19 be used for transportation-related purposes.

20 SECTION 62. Section 25A of chapter 64H of the General Laws, as so appearing, is
21 hereby amended by striking out, in line 3, the word “commission” and inserting in place thereof
22 the following word:- division

23 SECTION 63.. Section 26A of chapter 64I of the General Laws, as so appearing, is
24 hereby amended by striking out, in line 3, the word “commission” and inserting in place thereof
25 the following word:- division

26 SECTION 64.. Section 1 of chapter 81 of the General Laws, as so appearing, is hereby
27 further amended by striking out, in line 1, the word “department” and inserting in place thereof
28 the following word:- division

29 SECTION 65.. Chapter 81A of the General Laws is hereby repealed.

30 SECTION 66. Section 7A of chapter 85 of the General Laws, as appearing in the 2006
31 Official Edition, is hereby amended by striking out, in line 34, the words “Turnpike Authority”
32 and inserting in place thereof the following words:- Transportation and Infrastructure Authority

33 SECTION 67.. Section 1 of chapter 90 of the General Laws, as appearing in the 2006
34 Official Edition, is hereby amended by striking out, in line 57 the second time it appears, the
35 word “department” and inserting in place thereof the following word: division

36 SECTION 68. Section 1A of chapter 90 of the General Laws, as amended by chapter 303
37 of the acts of 2008, is hereby amended by striking out, in the first paragraph, the words
38 “Turnpike Authority” and inserting in place thereof the following words:- Transportation and
39 Infrastructure Authority

40 SECTION 69. Section 7A of chapter 90 of the General Laws, as so appearing, is hereby
41 amended by striking out, in line 94, the words “Highway Fund” and inserting in place thereof the
42 following words:- Massachusetts Transportation, established under section 2ZZZ of chapter 29
43 of the General Laws.

44 SECTION 70. Section 20G of said chapter 90, is hereby amended by striking out, in line
45 2, the words “Turnpike Authority” and inserting in place thereof the following words:-
46 Transportation and Infrastructure Authority

47 SECTION 71. Said chapter 90 of the General Laws, as so appearing, is hereby further
48 amended by striking out section 34 and inserting in place thereof the following section:-

49 Section 34. The fees received under the preceding sections, together with all other fees
50 received by the registrar or any other person under the laws of the commonwealth relating to the
51 use and operation of motor vehicles and trailers shall be disposed of as follows: (i) an amount
52 equal to the costs associated with the administration and enforcement of laws relative to the use
53 and operation of motor vehicles and trailers and the operation of the division of motor vehicles
54 shall be deposited into the General Fund; (ii) \$2 from every motorcycle registration issued

55 pursuant to section 2 shall be deposited into the General Fund and used solely for the purpose of
56 promoting and advancing motorcycle safety; (iii) all fees from the issuance of veterans plates
57 pursuant to section 2, in excess of the fees set for the registration of the motor vehicle, shall be
58 deposited into the General Fund; and (iv) any amount remaining after compliance with clause (i),
59 (ii) and (iii) shall be deposited into the Commonwealth Transportation Fund established pursuant
60 to section 2ZZZ of chapter 29.

61 SECTION 72. Section 34½ of chapter 90 is hereby repealed.

62 SECTION 73. Section 35 of said chapter 90 of the General Laws, as appearing in the
63 2006 Official Edition, is hereby amended by striking out, in line 74 the second time it appears,
64 the word “commission” and inserting in place thereof the word:- division

65 SECTION 74. Said section 35 of said chapter 90 of the General Laws, as so appearing, is
66 hereby further amended by striking out, in lines 75 to 76, inclusive, the words “the director of
67 aeronautics employed by the commission” and inserting in place thereof the following words: the
68 undersecretary for aeronautics

69 SECTION 75. Section 50 of said chapter 90 of the General Laws, as so appearing, is
70 hereby further amended by striking out, in line 5, the words “chairman of the commission” and
71 inserting in place thereof the following words:- undersecretary for aeronautics

72 SECTION 76. Section 1 of chapter 90C of the General Laws, as appearing in the 2006
73 Official Edition, is hereby amended by striking out in line 59, the words “Turnpike Authority”
74 and inserting in place thereof the following words:- Transportation and Infrastructure Authority

75 SECTION 77. Section 1 of chapter 90E of the General Laws, as so appearing, is hereby
76 amended by striking out, in line 16 the second time it appears, the word “department” and
77 inserting in place thereof the following word: division

78 SECTION 78. Said section 1 of said chapter 90E of the General Laws, as so appearing, is
79 hereby further amended by striking out, in line 17 the second time they appear, the words
80 “commissioner of” and inserting in place thereof the following words: undersecretary for

81 SECTION 79. Section 1 of chapter 90H of the General Laws, as so appearing, is hereby
82 amended by striking out, in line 4 the second time it appears, the word “department” and
83 inserting in place thereof the following word: division

84 SECTION 80. Said section 1 of said chapter 90H of the General Laws, as so appearing, is
85 hereby further amended by striking out, in line 5 the second time they appear, the words
86 “commissioner of” and inserting in place thereof the following words: undersecretary for

87 SECTION 81. Section 35 of chapter 92 of the General Laws, as so appearing, is hereby
88 amended by inserting after the word “control.”, in line 11, the following words:- The
89 commission shall submit its plans for any such connection to the secretary of transportation and
90 the undersecretary for highways so that it may be included in their capital plans.

91 SECTION 82. Section 251 of chapter 112 of the General Laws, as inserted by chapter
92 232 of the acts of 2008, is hereby amended by striking out the words “Turnpike Authority” and
93 inserting in place thereof the following words:- Transportation and Infrastructure Authority

94 SECTION 83. Section 1A of chapter 119A of the General Laws, as appearing in the 2006
95 Official Edition, is hereby amended by striking out in line 82, the words “Turnpike Authority”
96 and inserting in place thereof the following words:- Transportation and Infrastructure Authority

97 SECTION 84. Section 40A of chapter 131 of the General Laws, as so appearing, is
98 hereby amended by striking out, in line 95, the word “commission” and inserting in place thereof
99 the following words:- division

100 SECTION 85. Section 45 of said chapter 131 of the General Laws, as so appearing, is
101 hereby amended by striking out, in line 36, the word “commission” and inserting in place thereof
102 the following words:- division

103 SECTION 86. Section 21 of chapter 142 of the General Laws, as appearing in the 2006
104 Official Edition, is hereby amended by striking out in line 5, the words “Turnpike Authority” and
105 inserting in place thereof the following words:- Transportation and Infrastructure Authority

106 SECTION 87. Section 3A of chapter 143 of the General Laws, as appearing in the 2006
107 Official Edition, is hereby amended by striking out in line 27, the words “Turnpike Authority”
108 and inserting in place thereof the following words:- Transportation and Infrastructure Authority

109 SECTION 88. Section 94 of said chapter 143, is hereby amended by striking out, in line
110 10, the words “Turnpike Authority” and inserting in place thereof the following words:-
111 Transportation and Infrastructure Authority

112 SECTION 89. Section 25C of chapter 152 of the General Laws, as amended by chapter
113 303 of the acts of 2008, is hereby amended by striking out the words “Turnpike Authority” and
114 inserting in place thereof the following words:- Transportation and Infrastructure Authority

115 SECTION 90. Section 73 of said chapter 152, is hereby amended by striking out in line 5,
116 the words “Turnpike Authority” and inserting in place thereof the following words:-

117 Transportation and Infrastructure Authority

118 SECTION 91. Section 73 of chapter 152 of the General Laws, as so appearing, is hereby
119 amended by inserting after the first sentence, the following new sentence:- Notwithstanding the
120 provisions of any general or special law to the contrary, any present and former Massachusetts
121 bay transportation authority employee or retiree entitled to compensation under section 31, 34,
122 34A, 35, 35A or 36 and who is also entitled to a pension by reason of the same injury shall elect
123 whether he will receive such compensation or such pension, and shall not receive both, except in
124 the manner and to the extent provided by section 14 of chapter 32; provided, further, that the
125 requirement to make said election shall apply to all former Massachusetts bay transportation
126 authority employees or retirees presently receiving or entitled to receive benefits under section
127 31, 34, 34A, 35, 35A or 36 and who are also receiving or entitled to a pension by reason of the
128 same injury.

129 SECTION 92. Said section 73 of said chapter 152 of the General Laws, as so appearing,
130 is hereby further amended by striking out, in line 9, the words “any police officer of”

131 SECTION 92A. [Tech change MTA] Section 1 of chapter 159A of the General Laws, as
132 appearing in the 2006 Official Edition, is hereby amended by striking out in line 12, the words
133 “Turnpike Authority” and inserting in place thereof the following words:- Transportation and
134 Infrastructure Authority

135 SECTION 93. Section 1 of chapter 161A of the General Laws, as so appearing, is hereby
136 amended by striking out, in line 16, the words “executive office of transportation and

137 construction” and inserting in place thereof the following words:- Massachusetts transit division
138 within the department of transportation

139 SECTION 94. Said section 1 of said chapter 161A of the General Laws, as so appearing,
140 is hereby further amended by striking out, in lines 102 to 103, inclusive, the words “secretary of
141 the executive office of transportation and construction” and inserting in place thereof the
142 following words:- the undersecretary of transportation for mass transit within the department of
143 transportation

144 SECTION 95. Section 3 of chapter 161A of the General Laws, as so appearing, is hereby
145 amended by striking out, in lines 12 to 16, inclusive, the following words:- ; provided, however,
146 the authority may bind itself by contract to employ not more than five senior officers but no such
147 contract shall be for a period of more than five years.

148 SECTION 96. Chapter 161A of the General Laws, as so appearing, is hereby amended by
149 striking out section 7 and replacing it with the following section:-

150 Section 7. The authority shall be governed and its corporate powers exercised by a board
151 of directors. The authority shall consist of the governor, who shall serve as chairperson, and 4
152 additional members appointed by the governor for a term of 3 years, 2 of whom shall be experts
153 in the field of public or private transportation finance; 1 of whom shall have practical experience
154 in transportation planning and policy; and 1 of whom shall be a registered civil engineer with at
155 least 10 years experience. Any person appointed to fill a vacancy in the office of a member of the
156 board shall be appointed in a like manner and shall serve for only the unexpired term of such
157 member. Any member shall be eligible for reappointment. Any member may be removed from
158 his appointment by the governor for cause. The Governor may appoint a designee pursuant to

159 section 6A of chapter 30. A majority of the directors shall constitute a quorum, which shall be
160 required to take any particular action. The directors shall meet monthly, provided that said
161 meeting shall occur no later than the fifteenth day of the month. Each meeting shall provide a
162 sufficient opportunity for public comment.

163 SECTION 97. Section 13 of said chapter 161A, as so appearing in, is hereby amended by
164 striking out the last paragraph of clause (4) of subsection (a).

165 SECTION 98. Section 20 of said chapter 161A, as so appearing, is hereby amended by
166 striking out, in line 2, the words “March 1” and inserting in place thereof the following words:-
167 March 15

168 SECTION 99. Said section 20 of said chapter 161A, as so appearing, is hereby further
169 amended by striking out, in line 4, the words “March 15” and inserting in place thereof the
170 following words:- April 15

171 SECTION 100. Section 38 of said chapter 161A, as so appearing, is hereby amended by
172 striking out, in lines 4 to 5, the words “to the same extent as though the authority were a street
173 railway company”

174 SECTION 101. Said Section 38 of said chapter 161A, as so appearing, is hereby further
175 amended by striking out the second paragraph.

176 SECTION 102. Section 43 of said chapter 161A, as so appearing, is hereby amended by
177 striking out, in line 7, the words “not less than”

178 SECTION 103. Said section 43 of said chapter 161A, as so appearing, is hereby further
179 amended by striking out the second paragraph, and inserting in place thereof the following
180 paragraph:-

181 For the purposes of this section, the term “railroad” shall include any person, railroad
182 corporation or other legal entity in the business of providing rail transportation which contracts
183 or enters into a legal agreement with the Massachusetts Bay Transportation Authority for the
184 provision or accommodation of commuter rail services. For the purposes of this section, the term
185 “commuter rail services” shall include all services performed by a railroad pursuant to a contract
186 or any other agreement with the Massachusetts Bay Transportation Authority in connection with
187 the transportation of rail passengers including, but not limited to, the operation of trains, trackage
188 and equipment, or the construction, reconstruction or maintenance of railroad equipment, tracks
189 and any appurtenant facilities or the provision of trackage rights over lines owned by any such
190 railroad.

191 SECTION 104. Section 1 of chapter 161B of the General Laws, as so appearing, is
192 hereby amended by striking out, in line 8, the words “executive office of transportation and
193 construction” and inserting in place thereof the following words:- Massachusetts transit division
194 within the department of transportation

195 SECTION 105. Said section 1 of said chapter 161B of the General Laws, as so appearing,
196 is hereby further amended by striking out, in lines 37 to 38, inclusive, the words “secretary of the
197 executive office of transportation and construction” and inserting in place thereof the following
198 words:- the undersecretary of transportation for mass transit within the department of
199 transportation

200 SECTION 106. Section 1 of chapter 161C of the General Laws, as so appearing, is
201 hereby amended by striking out, in lines 4 to 5, inclusive, the words “executive office of
202 transportation and construction established under chapter six A” and inserting in place thereof
203 the following words:- Massachusetts transit division within the department of transportation

204 SECTION 107. Said section 1 of said chapter 161C of the General Laws, as so appearing,
205 is hereby further amended by striking out, in lines 19 to 20, inclusive, the words “secretary of the
206 executive office of transportation and construction established under chapter six A” and inserting
207 in place thereof the following words:- the undersecretary of transportation for mass transit within
208 the department of transportation

209 SECTION 108. Section 2 of chapter 161D of the General Laws, as so appearing, is
210 hereby amended by striking out, in lines 4 to 5, inclusive, the words “executive office of
211 transportation and construction” and inserting in place thereof the following words:-
212 Massachusetts transit division within the department of transportation

213 SECTION 109. Said section 2 of said chapter 161D of the General Laws, as so appearing,
214 is hereby further amended by striking out, in lines 15 to 16, inclusive, the words “secretary of the
215 executive office of transportation and construction” and inserting in place thereof the following
216 words:- the undersecretary of transportation for mass transit within the department of
217 transportation

218 SECTION 110. Section 1 of chapter 218 of the General Laws, as appearing in the 2006
219 Official Edition, is hereby amended by striking out in line 243, the words “Turnpike Authority”
220 and inserting in place thereof the following words:- Transportation and Infrastructure Authority

221 SECTION 111. Section 1 of chapter 258 of the General Laws, as appearing in the 2006
222 Official Edition, is hereby amended by striking out in line 52, the words “Turnpike Authority”
223 and inserting in place thereof the following words:- Transportation and Infrastructure Authority

224 SECTION 112. Section 1 of chapter 258 of the General Laws, as so appearing, is hereby
225 further amended by inserting after the word at the end thereof the following paragraph:-

226 “Serious bodily injury”, bodily injury which results in a permanent disfigurement, or loss
227 or impairment of a bodily function, limb, or organ.

228 SECTION 113. Section 1 of said chapter 258 of the General Laws, as so appearing, is
229 hereby further amended by inserting after the word “including,” in line 40, the following
230 words:- the Massachusetts Transportation and Infrastructure Authority, the Massachusetts bay
231 transportation authority, any duly constituted regional transit authority, and the Massachusetts
232 Turnpike Authority

233 SECTION 114. Said section 1 of chapter 258 of the General Laws, as so appearing, is
234 hereby amended by striking out, in lines 50 to 52, inclusive, the words “the Massachusetts Bay
235 Transportation Authority, the Massachusetts Port Authority, the Massachusetts Turnpike
236 Authority” and inserting in place thereof the following words:- the Massachusetts Port Authority

237 SECTION 115. Section 10 of said chapter 258 of the General Laws, as so appearing, is
238 hereby amended by inserting after subsection (j) the following new subsection:-

239 (k) any claim against the Massachusetts Bay Transportation Authority for a serious
240 bodily injury

241 SECTION 116. Section 8 of chapter 268A of the General Laws, as so appearing, is
242 hereby amended by inserting after the word “bonds” as it appears in line 13, the following:- ;
243 provided, further, that this section shall not prohibit any state, county or municipal employee or
244 any person acting on behalf of such employee, or any state, county or municipal agency, with
245 respect to any public building or construction project, from evaluating and implementing an
246 owner controlled insurance program, so called, where such evaluation has resulted in a
247 determination that implementation of an owner controlled insurance program as a risk
248 management tool associated with the public building or construction contract is in the best
249 interests of the state, county, or municipality issuing and responsible for the public building or
250 construction contract.

251 SECTION 117 . Section 1 of chapter 465 of the acts of 1956 is hereby amended by
252 inserting after subsection (a) the following new subsection:-

253 (aa) The words advisory board shall mean the advisory board established pursuant to
254 section 36 of this act.

255 SECTION 118. Said chapter 465 of the acts of 1956 is hereby further amended by
256 inserting at the end thereof the following section:-

257 Section 36. (a) There shall be an advisory board to the authority consisting of a voting
258 representative of each of the following cities and towns: Braintree, Bedford, Brookline,
259 Cambridge, Chelsea, Cohasset, Concord, Everett, Hingham, Hull, Lexington, Lincoln, Malden,
260 Melrose, Medford, Milton, Nahant, Quincy, Revere, Somerville, Weymouth, and Winthrop;
261 provided further, that the city of Boston shall have 7 voting representatives, 1 of whom shall be a
262 resident of the Beacon Hill or South End sections of the city of Boston, 1 of whom shall be a

263 resident of the East Boston section of the city of Boston, 1 of whom shall be a resident of the
264 Dorchester or Roxbury sections of the city of Boston, 1 of whom shall be a resident of the
265 Charlestown section of Boston, 1 of whom shall be a resident of the South Boston section of the
266 city of Boston, 1 of whom shall be a resident of the Roslindale or Hyde Park sections of the city
267 of Boston, and 1 of whom shall be a resident of the West Roxbury or Jamaica Plain sections of
268 the city of Boston. The members of the advisory board shall consist of the chief executive officer
269 thereof; provided however, that any chief executive officer, by writing filed with the authority,
270 may appoint a permanent designee to serve in his stead as a member of said advisory board until
271 the expiration of each term of office of the designating chief executive officer or the earlier
272 vacancy of the office of the designating chief executive officer; provided further, that if the chief
273 executive officer of the city of Boston opts to serve as the representative for the city of Boston to
274 the advisory board, he shall be deemed to represent the forgoing sections of the city of Boston;
275 provided further that a permanent designee shall be versed in at least one of the following three
276 disciplines: environmental affairs, community/airport relations or public health. For the purpose
277 of this section, the term “chief executive officer” shall mean the person designated as the chief
278 executive officer under the provisions of a local charter or laws having the force of a charter, and
279 otherwise the mayor in every city and the chairman of the board of selectmen or president of the
280 town council, as the case may be, in every town.

281 (b) Except as otherwise prescribed in this section, each voting representative shall cast 1
282 vote on the advisory board. Each voting representative of the several sections of the city of
283 Boston as listed in paragraph (a) shall cast 1 vote. Wherein the chief executive officer of the city
284 of Boston shall opt to serve as the representative to the advisory board for the city of Boston, he
285 shall cast 7 votes.

286 (c) Said advisory board may act at a regular periodic meeting called in accordance with
287 its by-laws; or at a special meeting called by the authority; or if a majority of board members
288 choose to do so. Except as specially provided in paragraph (f), a quorum of the advisory board
289 shall consist of a simple majority of voting members present, and the advisory board may act,
290 except as otherwise provided in paragraph (f), by affirmative casting of a majority of the votes
291 represented in the quorum. The advisory board shall be deemed to be a governing body for the
292 purposes of, and shall be subject to, section 11A½ of chapter 30A of the General Laws.

293 (d) For the conduct of its business said advisory board shall adopt. Said advisory board
294 shall annually elect a chairperson, a vice-chairperson, a secretary and such officers as said
295 advisory board might determine. Each officer may be removed by a two-thirds vote of the
296 advisory board without cause. In the event of a vacancy, said board shall fill the vacancy for the
297 unexpired term. Each member of said advisory board shall serve without compensation but may
298 be reimbursed, as an expense of said advisory board, for all reasonable expenses incurred in the
299 performance of his duties as approved by the advisory board.

300 (e) The advisory board shall without limitation: (i) make recommendations to the
301 authority on annual current expense expenditure budgets submitted to the advisory board under
302 paragraph (j); (ii) hold hearings, which may be held jointly with the authority at the discretion of
303 the advisory board and said authority, on matters relating to said authority; (iii) review the annual
304 report of the authority and to prepare comments thereon to the authority and the governor, and to
305 make such examinations of the reports on the authority's records and affairs as the advisory
306 board deems appropriate; and (iv) make recommendations to the governor and the general court
307 respecting the authority and its programs. The advisory board shall have all powers necessary or
308 convenient to carry out and effectuate the foregoing purposes.

309 (f) Within 30 days of receiving any proposed current expense budget of the authority or
310 within 15 days of receiving any proposed amended expense budget of the authority, the advisory
311 board shall hold a public hearing on matters relating to said budget for the purpose of
312 ascertaining, for subsequent report to the authority if necessary, the views of the public thereon.

313 (g) The advisory board shall appoint an ombudsman who, with the assistance from such
314 staff and consultants as the advisory board may authorize and appoint, shall act for and in the
315 name of the advisory board in the following respects: (i) preparation of analysis for the advisory
316 board of the authority's current expense budgets, capital expenditure budgets and capital
317 programs and their effect on the charges of said authority; (ii) representation of the advisory
318 board to said authority on all matters pertaining to said authority's programs, operations,
319 finances and charges; (iii) reporting regularly to the advisory board on the activities of the
320 ombudsman and other staff of the advisory board, on the affairs of the Authority, and on the
321 effect of the authority's program and operations on residents of neighboring communities; (iv)
322 exercising such other duties and responsibilities consistent with the powers of the advisory board
323 as the advisory board may assign from time to time.

324 (h) The advisory board may incur annual expenses, not to exceed \$500,000 for expenses
325 authorized under paragraph (c) and for personnel and office expenses. Said annual expenses shall
326 be paid by the authority.

327 (i) The authority shall provide any information, including but not limited to, annual
328 current expense expenditure budgets and capital expenditure reports, requested by the advisory
329 board which are necessary for the discharge of its duties; provided however, that the advisory
330 board shall not be granted access to any information if it be determined by the executive director

331 of the authority and the director of security for the authority that the release of such information
332 would be detrimental to public safety; provided further, that said determination shall be made in
333 writing and said writing shall be delivered to the advisory board within two days; and, provided
334 further, that said writing shall be signed by the executive director and director of security of said
335 authority under pains and penalties of perjury.

336 SECTION 119. Section 2 of chapter 634 of the acts of 1971, as most recently amended
337 by section 1 of chapter 364 of the acts of 1990, is hereby amended by striking out the second
338 paragraph, and inserting in place thereof the following paragraph:-

339 Following acquisition of said bridges by the department, said department shall, in its sole
340 discretion, furnish or otherwise provide for the necessary flag protection on the railroad rights-
341 of-way of the Massachusetts bay transportation authority, which may be required when the
342 department is performing inspection, maintenance and repair, reconstruction, or replacement of
343 any such bridges.

344 SECTION 120. Subsection (c) of section 83 of chapter 4 of the acts of 2003, as most
345 recently amended by section 8 of chapter 228 of the acts of 2007, is hereby amended by striking
346 out the words “Central Artery and Statewide Road and Bridge Infrastructure Fund established
347 under section 63 of chapter 10 of the General Laws” and inserting in place thereof the following
348 words Massachusetts Transportation and Infrastructure Fund established pursuant to section 4 of
349 chapter 6C

350 SECTION 121. (a) Notwithstanding the provisions of any general or special law to the
351 contrary, the Massachusetts Transportation and Infrastructure Authority and the Massachusetts
352 turnpike authority are hereby authorized and directed to develop and implement a transfer

353 agreement providing for the orderly transfer and provisional appointment of personnel from the
354 turnpike authority to the Massachusetts Transportation and Infrastructure Authority consistent
355 with the provisions contained herein as well as the transfer of all assets, liabilities, obligations,
356 and debt of said authority to Massachusetts Transportation and Infrastructure Authority not later
357 than July 1, 2010; provided, further, that said transfer should be effectuated upon a vote by the
358 Massachusetts Transportation and Infrastructure Authority to assume responsibility for the
359 liabilities, obligations and debts of the former turnpike authority. Upon the assumption of the
360 outstanding liabilities, obligations, and debt of the authority by the Massachusetts Transportation
361 and Infrastructure Authority, said authority shall be dissolved and, without further conveyance or
362 other act, all the assets, liabilities, obligations and debt as well as all rights, powers and duties of
363 the authority shall be transferred to and assumed by Massachusetts Transportation and
364 Infrastructure Authority. Unless specifically provided to the contrary, the terms “turnpike,” “Ted
365 Williams tunnel,” “Sumner tunnel,” and “metropolitan highway system” as used in this section,
366 and elsewhere in this act, shall have the meanings ascribed to them in chapter 81A of the General
367 Laws.

368 (b) On the date the authority is dissolved, but not later than July 1, 2010: (i) ownership,
369 possession, and control of all personal property, including, but without limitation, all equipment,
370 books, maps, papers, plans, records and documents of whatever description pertaining to the
371 design, construction, use, operation, and general affairs of the turnpike and metropolitan highway
372 system which are in the possession of the Massachusetts turnpike authority or any division, unit,
373 officer or employee thereof shall pass to and be vested in the Massachusetts Transportation and
374 Infrastructure Authority without consideration or further evidence of transfer and shall thereafter
375 be in the possession and control of the highway division; (ii) ownership, possession, and control

376 of all real property, including, without limitation, all land, buildings, highways, bridges, tunnels
377 and other highway elements of whatever description that are owned by the Massachusetts
378 turnpike authority or any division or unit thereof shall pass to and be vested in the Massachusetts
379 Transportation and Infrastructure Authority without consideration or further evidence of transfer
380 and shall thereafter be a part of the state highway system under the possession and control of the
381 highway division; provided, however, that prior to such dissolution, the Massachusetts Turnpike
382 Authority shall be authorized to transfer, for nominal consideration, to the Massachusetts bay
383 transportation authority, all of its right title and interest in the land, track and other property
384 comprising the rail line and right of way extending from the south bay section of the city of
385 Boston to the city of Newton; provided, further, that the authority shall retain any portion of or
386 interest in such rail line and right of way deemed by the authority or the highway division, with
387 the approval of the Massachusetts Transportation and Infrastructure Authority, to be necessary
388 for the operation of the turnpike or the metropolitan highway system; and (iii) all duly existing
389 contracts, leases, or obligations of the Massachusetts turnpike authority with respect to the
390 turnpike or metropolitan highway system which remain in force immediately prior to the
391 effective date of the dissolution of the authority, shall be deemed to be the obligations of the
392 Massachusetts Transportation and Infrastructure Authority. No existing right or remedy under
393 this section shall be lost, impaired or affected by the provisions of this act. The Massachusetts
394 Transportation and Infrastructure Authority shall have authority to exercise all rights and enjoy
395 all interests conferred upon the Massachusetts turnpike authority by said contracts, leases, or
396 obligations. In the case of collective bargaining agreements, any obligations under said
397 agreements shall expire on the stated date of expiration of such agreements.

398 (c) The transfer of the assets, liabilities, obligations, and debt of the Massachusetts
399 turnpike authority to the department under this act shall be effective upon dissolution of said
400 authority and shall bind all persons, with or without notice and without any further action or
401 documentation. Without derogating from the foregoing, the department of transportation may,
402 from time to time, execute and record and file for registration with any registry of deeds or the
403 land court or with the secretary of the commonwealth, as appropriate, a certificate confirming the
404 commonwealth's ownership of any interest in real or personal property formerly held by the
405 Massachusetts turnpike authority and transferred pursuant to the provisions of this act and
406 establishing and confirming the limits of state highway so transferred.

407 (d) The provisions of this act shall not limit or impair the rights, remedies, or defenses of
408 the commonwealth, the department of transportation, or the Massachusetts turnpike authority in
409 or to any such action including, without limitation, the provisions of section 18 of chapter 81 and
410 chapter 258. All actions or proceedings shall be subject to the provisions of said section 18 of
411 chapter 81 and chapter 258. Except as expressly excepted by the previous sentence, actions and
412 proceedings against or on behalf of the Massachusetts turnpike authority shall continue unabated
413 and, from and after the date of dissolution of the authority, may be completed against or by the
414 department of transportation.

415 SECTION 122. Notwithstanding any general or special law to the contrary, any order,
416 rule, or regulation duly promulgated, or any license, permit, certificate or approval duly granted,
417 by or on behalf of the Massachusetts turnpike authority shall continue in effect from and after the
418 date of dissolution of the authority and shall be enforced by the department of transportation
419 until superseded, revised, rescinded or cancelled by the department of transportation.

420 SECTION 123. Notwithstanding any general or special law to the contrary, the
421 department shall, in consultation with the Federal Highway Administration, inventory the
422 requirements for, and assume the responsibilities of, rehabilitating and reconstructing the
423 turnpike and metropolitan highway system in compliance with Title 23 of the United States
424 Code. Said inventory shall include operational and safety considerations associated with direct
425 access to the mainline roadway from (i) maintenance, administration, and state police facilities,
426 (ii) emergency median crossovers, and (iii) adjacent local roadways and service plazas.

427 SECTION 124. Notwithstanding any general or special law to the contrary, the terms and
428 conditions of any collective bargaining agreement entered into by the Massachusetts turnpike
429 authority and in effect as of July 1, 2010 with respect to employees of said Massachusetts
430 turnpike authority, shall continue in effect until the stated expiration date of such agreement, at
431 which point the agreement shall expire.

432 The personnel administrator of the commonwealth, in consultation with the
433 Massachusetts department of transportation, shall complete a study of job titles in the former
434 Massachusetts turnpike authority. The personnel administrator, in consultation with said
435 department, shall determine the appropriate commonwealth job titles for former employees of
436 the authority transferred to the department. Employees transferred to the department shall be
437 placed in job titles as determined by the personnel administrator, and shall be paid wages and
438 receive benefits consistent with the commonwealth bargaining unit contract governing such job
439 title. Employees not transferred to the department shall be released pursuant to the provisions of
440 any applicable collective bargaining agreement or authority policy in place as of April 1, 2009.

441 SECTION 125. Notwithstanding any general or special law to the contrary, upon the
442 effective date of section 124 of this act the Massachusetts Transportation and Infrastructure
443 Authority established pursuant to chapter 6C shall be the successor to the financial obligations of
444 the Massachusetts Turnpike Authority and shall be deemed to have assumed, without any further
445 action, all rights, duties and obligations of the Massachusetts Turnpike Authority in effect as of
446 said date. Notwithstanding the foregoing, no existing rights of the holders of the bonds issued by
447 the Massachusetts turnpike authority under chapter 81A of the General Laws shall be impaired
448 hereby, and the Authority, as successor in interest to the Massachusetts turnpike authority, shall
449 maintain the covenants of the trust indentures pertaining to such bonds so long as such bonds
450 shall remain outstanding.

451 SECTION 126. (a) Notwithstanding the provisions of any general or special law to the
452 contrary, employees of the Massachusetts turnpike authority who become state employees under
453 this act and who are eligible for group insurance coverage pursuant to chapter 32A of the
454 General Laws shall receive the full extent of benefits provided to existing state employees. Said
455 employees shall cease to be eligible or insured by the authority. The group insurance
456 commission, hereinafter referred to as the commission, shall provide uninterrupted coverage for
457 group life and accidental death and dismemberment insurance and group general or blanket
458 insurance providing hospital, surgical, medical, dental, and other health insurance benefits
459 pursuant to said chapter 32A.

460 (b) Notwithstanding the provisions of any general or special law to the contrary, retired
461 employees of the Massachusetts turnpike authority and the surviving spouses of active or retired
462 authority employees who are eligible for group insurance coverage pursuant to this section and
463 said chapter 32A shall have said eligibility and coverage transferred to the commission and shall

464 receive the full extent of benefits provided to existing state employees. Said persons shall cease
465 to be eligible or insured by the authority. The commission shall provide uninterrupted coverage
466 for group life and accidental death and dismemberment insurance and group general or blanket
467 insurance providing hospital, surgical, medical, dental, and other health insurance benefits to the
468 extent authorized under the provisions of said chapter 32A. All questions relating to group
469 insurance rights, obligations, costs and payments shall be determined solely by the group
470 insurance commission, and shall include the manner and method for the payment of all required
471 premiums applicable to all such coverage.

472 (c) The human resources division of the executive office for administration and finance
473 shall assume the obligations of the Massachusetts turnpike authority to employees who become
474 state employees and who are covered under a health and welfare trust fund agreement. Any
475 monies in the authority's employees' group insurance trust fund shall be transferred to the Group
476 Insurance Commission Trust Fund established pursuant to section 9 of said chapter 32A.

477 (d) Any monies in the Massachusetts turnpike authority's claims trust fund shall be
478 transferred to the commission. The Massachusetts turnpike authority's treasurer shall provide the
479 commission with an accounting of the claims trust fund which shall be for the one year period
480 immediately preceding the effective date and shall include a calculation of the employee, retiree
481 and surviving spouse contributions that are in excess of the claims costs and expenses of the
482 plans for which the contributions were made. Said treasurer shall routinely forward to the
483 commission any claims for health insurance claims made on behalf of the active employees and
484 retirees of the authority.

485 (e) Nothing in this section shall be construed to affect the eligibility and coverage of
486 retired Massachusetts Turnpike Authority employees and the surviving spouses of active or
487 retired Massachusetts Turnpike Authority employees who are eligible for group insurance
488 coverage under a plan offered by the Massachusetts Turnpike Authority or who are insured under
489 a plan offered by the Massachusetts Turnpike Authority.

490 SECTION 127. (a) Notwithstanding the provisions of any other general or special law to
491 the contrary: (1) the Massachusetts turnpike authority employees retirement system shall be
492 abolished and transferred to the state employee retirement system and shall be managed by the
493 state board of retirement pursuant to section 18 of chapter 10 of the General Laws, which board
494 shall have with respect thereto the general powers and duties set forth in subdivision 5 of section
495 20 of chapter 32; (2) the authority's employees who retired on or before the effective date of this
496 act shall be members of the state retirement system, which shall pay the cost of benefits annually
497 to such retired authority employees and their survivors; and (3) the assets, liabilities, including
498 all accrued pension and unfunded liabilities, and all data files, papers, records, and other
499 materials of the authority's retirement system shall be transferred from said authority retirement
500 system to the state retirement system, subject to paragraph (a) of subsection 8 of section 3 of
501 chapter 32 of the General Laws, and such other applicable provisions of law; provided, however,
502 that the members and officers thereof shall continue to be authorized to do all such things and
503 take all such action as may be necessary or desirable to be done or taken by them to effectuate
504 the transfers to be made pursuant to this section.

505 (b) Effective upon the date of dissolution of the Massachusetts turnpike authority or a
506 default in its obligations under chapter 32 of the General Laws, the payment of all annuities,
507 pensions, retirement allowances and refunds of accumulated total deductions and of any other

508 benefits granted under the provisions of sections 1 to 28, inclusive, of said chapter 32 are hereby
509 made obligations of the commonwealth in the case of any such payments from funds of the
510 Massachusetts turnpike authority employees retirement system.

511 SECTION 128. Notwithstanding the provisions of any general or special law to the
512 contrary, employees of the Massachusetts turnpike authority who are hired after the effective
513 date of this act shall become members of the state retirement system, and notwithstanding the
514 provisions of any general or special law to the contrary including, but not limited to, paragraph
515 (c) of subdivision 8 of section 3 of chapter 32, said system shall be responsible for all liability
516 attributable to the service of such employees. The liabilities attributable to the service of such
517 employees shall be recoverable by the commonwealth pursuant to the terms of section 8.
518 Employees hired by said authorities after the effective date of this act shall not be members of
519 either authority's retirement system.

520 SECTION 129. Notwithstanding the provisions of any general or special law to the
521 contrary, on and after the effective date of this act, the Massachusetts Turnpike Authority shall
522 not enter into any contract to employ a person as an employee or officer beyond July 1, 2010.

523 SECTION 130. Notwithstanding the provisions of any general or special law to the
524 contrary, on and after the effective date of this act, the Massachusetts Turnpike Authority shall
525 not extend the term of any collective bargaining agreement to a date after July 1, 2010, and shall
526 not enter into any collective bargaining agreement with an expiration date after July 1, 2010.

527 SECTION 131. Notwithstanding any general or special law to the contrary, all employees
528 of the Massachusetts Bay Transportation Authority who are hired on or after the effective date of
529 this act shall be deemed "employees" in accordance with the provisions of chapter 32A section

530 2(b) and shall be subject to all of the provisions of said chapter, and shall not be eligible for
531 coverage and shall not receive benefits under any other plan offered by the Massachusetts Bay
532 Transportation Authority. The authority's contribution to the cost of health insurance coverage
533 for Massachusetts Bay Transportation Authority employees hired after the effective date of this
534 act shall be the same as the provisions on the commonwealth's contributions in chapter 32A.

535 SECTION 132. Notwithstanding any general or special law to the contrary, an employee
536 of the Massachusetts Bay Transportation Authority who is employed by the Massachusetts Bay
537 Transportation Authority on the effective date of this act and who becomes and who is eligible
538 for group insurance coverage under insurance plans offered by the authority or who is insured
539 under such a plan, shall have his eligibility and coverage transferred to the jurisdiction of the
540 group insurance commission effective July 1, 2010 and such person shall cease to be eligible or
541 insured under the plans previously offered by the Massachusetts Bay Transportation Authority.

542 Upon transfer to the group insurance commission all employees of the Massachusetts Bay
543 Transportation Authority shall be deemed "employees" in accordance with the provisions of
544 chapter 32A section 2 (b) and shall be subject to all of the provisions of said chapter; provided,
545 however, that a Massachusetts Bay Transportation Authority employee who was covered by a
546 collective bargaining agreement on the date of transfer shall continue to receive the group
547 insurance benefits required by his respective collective bargaining agreement until the expiration
548 date of such agreement. If the Massachusetts Bay Transportation Authority has monies in an
549 employee's group insurance trust fund related to the employees transferred to the group
550 insurance commission, these funds shall be transferred to the group insurance commission trust
551 fund established in section 9 of chapter 32A.

552 SECTION 133. Notwithstanding the provisions of any general or special law to the
553 contrary, the Massachusetts Bay Transportation Authority shall continue to provide the coverage,
554 benefits, premium contribution ratios, and other terms, in effect as of June 30, 2010, applicable
555 to retired employees of the Massachusetts Bay Transportation Authority and the surviving
556 spouses of active or retired employees of the Massachusetts Bay Transportation Authority who
557 are eligible for group insurance coverage under a plan offered by the Massachusetts Bay
558 Transportation Authority and who have retired prior to July 1, 2010; provided, however, that
559 employees retired prior to July 1, 2010 shall be entitled to noncontributory coverage under any
560 health maintenance organization offered by the Massachusetts Bay Transportation Authority as
561 of June 30, 2010.

562 SECTION 134. Notwithstanding any general or special law to the contrary, the
563 Massachusetts Bay Transportation Authority or any successor, shall enter into an agreement to
564 establish or amend existing retirement or pension benefits only if any employee hired after the
565 effective date of the agreement or amendment may not receive a retirement or pension benefit
566 prior to the completion of 25 years of credited pension service and attained 55 years of age. The
567 Massachusetts Bay Transportation Authority is not prohibited by this section from permitting
568 retirement prior to attaining age 55, provided however, that either: (i) the employee is entitled to
569 a disability pension under the Massachusetts Bay Transportation Authority retirement system; or
570 (ii) the employee has earned the maximum percentage allowed under the retirement formula of
571 the Massachusetts Bay Transportation Authority retirement system and that the employee waives
572 the ability to collect a pension and retirement benefit due until attaining age 55.

573 SECTION 135. Notwithstanding the provisions of any general or special law to the
574 contrary, the Massachusetts bay transportation authority, the Massachusetts port authority, and

575 the Massachusetts turnpike authority, for so long as it shall exist, are hereby prohibited, upon the
576 effective date of this act, from entering into any new or amended employment agreements, which
577 fix the compensation and conditions of employment or otherwise bind said authorities to
578 designated contract periods.

579 SECTION 136. (a) As used in section xx through yy the following words shall, unless the
580 context clearly requires, have the following meanings:

581 “Authority”, the Massachusetts Port Authority established pursuant to chapter 465 of the
582 acts of 1956.

583 “Bridge”, the Tobin Memorial Bridge, formerly known as the Mystic River Bridge,
584 constructed and owned by the authority pursuant to chapter 465 of the acts of 1956.

585 “Department”, the department of transportation.

586 “Fund”, the Massachusetts Turnpike Authority Revenue Enhancement Fund established
587 pursuant to section 4.

588 (b) Notwithstanding any general or special law to the contrary, not later than July 1, 2009
589 the authority shall transfer the bridge, owned and operated by the authority, to the Massachusetts
590 Transportation and Infrastructure Authority to be under the control of the Massachusetts
591 Transportation and Infrastructure Authority. Ownership, possession, and control of the bridge,
592 including, but not limited to, all equipment, books, maps, papers, plans, records and documents
593 of whatever description pertaining to the design, construction, use, operation, and general affairs
594 of the bridge which are in the possession of the authority or any division, unit, officer or
595 employee thereof shall pass to and be vested in the Massachusetts Transportation and

596 Infrastructure Authority of to be under the control of the Massachusetts Transportation and
597 Infrastructure Authority without consideration or further evidence of transfer and shall thereafter
598 be in the ownership, possession and control of the Massachusetts Transportation and
599 Infrastructure Authority.

600 (c) Notwithstanding any general or special law to the contrary, bridge personnel deemed
601 necessary by the authority for the operation, management, design, construction, reconstruction,
602 repair, maintenance, or improvement of the bridge, transferred under subsection (b), shall be
603 transferred to the Massachusetts Transportation and Infrastructure Authority. The terms and
604 conditions of any collective bargaining agreement covering bridge personnel that is in effect
605 upon the transfer of such personnel to the Massachusetts Transportation and Infrastructure
606 Authority shall remain in effect until the stated date of expiration of such agreement, at which
607 point the agreement shall expire; provided, however, that upon the effective date of this act, the
608 authority shall not engage in negotiations for future collective bargaining agreements covering
609 such employees.

610 Notwithstanding any general or special law to the contrary, a bridge employee who is
611 employed by the authority on the effective date of this act and who becomes an employee of the
612 Massachusetts Transportation and Infrastructure Authority on or after July 1, 2009 and who is
613 eligible for group insurance coverage under insurance plans offered by the authority or who is
614 insured under such a plan, shall have his eligibility and coverage transferred to the jurisdiction of
615 the group insurance commission effective July 1, 2009 and such person shall cease to be eligible
616 or insured under the plans previously offered by the Massachusetts Port Authority.

617 Upon transfer to the group insurance commission all employees of the Massachusetts
618 Transportation and Infrastructure Authority shall be deemed “employees” in accordance with the
619 provisions of chapter 32A section 2 (b) and shall be subject to all of the provisions of said
620 chapter; provided, however, that a Tobin Bridge employee who was covered by a collective
621 bargaining agreement on the date of the transfer to the Massachusetts Transportation and
622 Infrastructure Authority shall continue to receive the group insurance benefits required by his
623 respective collective bargaining agreement until the expiration date of such agreement.

624 If the Massachusetts Port Authority has monies in an employee’s group insurance trust
625 fund related to the bridge employees transferred to the Massachusetts Transportation and
626 Infrastructure Authority, these funds shall be transferred to the group insurance commission trust
627 fund established in section 9 of chapter 32A.

628 Nothing in this section shall be construed to affect the eligibility and coverage of retired
629 bridge employees and the surviving spouses of active or retired bridge employees who are
630 eligible for group insurance coverage under a plan offered by the authority or who are insured
631 under a plan offered by the authority.

632 (d) Notwithstanding any general or special law to the contrary, all duly existing
633 contracts, leases, and obligations of the authority regarding the bridge shall continue in effect and
634 shall remain the liability of the authority; provided, however, that all contracts and obligation
635 related to any collective bargaining agreement shall be assumed by the Massachusetts
636 Transportation and Infrastructure Authority; and provided further, that in the case of collective
637 bargaining agreements, any obligations assumed by the Massachusetts Transportation and
638 Infrastructure Authority under said agreements shall expire on the stated date of expiration of

639 such agreements. No existing right or remedy of any character shall be lost, impaired, or affected
640 by this act.

641 (e) On and after the effective date of this act, the authority shall not increase its net
642 workforce of employees working primarily on the bridge.

643 SECTION 137. Notwithstanding any general or special law to the contrary, the
644 department may, in accordance with section 3B of chapter 7 of the General Laws, fix and revise
645 by regulation from time to time and charge and collect tolls, rates, fees, rentals, and other charges
646 for transit over or through the Tobin bridge.

647 The department shall convene at least two public hearings, to be within the metropolitan
648 Boston area for proposed changes in the toll structure on the bridge. Said public hearings shall be
649 at least 30 days prior to the effective date of any proposed change in toll structure and shall allow
650 for a one week comment period, after each such hearing, during which written testimony and
651 comments shall be accepted.

652 The department shall not charge or collect a toll for transit by official emergency vehicles
653 of the commonwealth or any municipality, political subdivision or instrumentality thereof over
654 or through the Tobin bridge.

655 SECTION 138. Notwithstanding any general or special law to the contrary, all revenues
656 collected by the department from fares, fees, tolls, or any other revenue sources, including, but
657 not limited to, from federal sources from the operation of the Tobin bridge shall be deposited in
658 the Massachusetts Transportation and Infrastructure Fund established pursuant to section 4 of
659 chapter 6C of the General Laws.

660 SECTION 139. (a) Notwithstanding the provisions of section 35 of chapter 92 of the
661 General Laws, or any other general or special law to the contrary, the care, custody, and control
662 of all bridges carrying vehicular traffic that are owned by the commonwealth and are under the
663 care and control of the department of conservation and recreation, all land beneath such bridges
664 and all appurtenant structures, works and systems, including necessary bridge approaches, and
665 all books, records, documents, agreements, contracts, licenses, permits and other legal
666 obligations associated with said bridges or necessary for the department of transportation to
667 design, construct, reconstruct, repair, maintain, or improve said bridges, shall be transferred to
668 the department of transportation to be held under the control of the department for the same
669 purposes. At such time, such bridges and appurtenances shall be considered to be a part of the
670 state highway system, subject to and with the benefit of all rights and obligations related to such
671 system, including, without limitation, the benefit of the so-called "footprint bridge exemption"
672 set forth in section 61 of chapter 303 of the acts of 2008.

673 (b) Any alteration, reconstruction, redesign, maintenance, improvement or repair of the
674 bridges and appurtenances transferred by this act shall be carried out according to standards to
675 protect the scenic and historic integrity of the bridges and related infrastructure. Such standards
676 shall be developed by the department of conservation and recreation and agreed to by the
677 division not later than 120 days from the effective date of this act.

678 (c) Not later than 1 year from the effective date of this act, the department of
679 transportation and department of conservation and recreation shall file with the division of
680 capital asset management and maintenance and the secretary of administration and finance a
681 report documenting the extent of the bridges, land, and appurtenances transferred to the
682 department on account of this act and documenting the standards required by this section.

683 (d) All unexpended funds and authorizations, which have been appropriated from time to
684 time, for the engineering, design, permitting, construction, reconstruction, maintenance, and
685 other services essential to the operation of the bridges transferred by this section but not yet
686 expended, including, but not limited to, funds authorized by section 2A of chapter 233 of the acts
687 of 2008 shall be transferred from the department of conservation and recreation to the
688 department of transportation for expenditure.

689 (e) Department of conservation and recreation personnel deemed necessary by the
690 department and the highway division for the design, construction, reconstruction, repair,
691 maintenance, or improvement of bridges and appurtenances transferred under this act shall be
692 transferred to the department of transportation, together with the funds associated with their
693 salary and benefits, without impairment of civil service status, seniority, retirement or other
694 rights of the employee, and without reduction in compensation or salary grade, notwithstanding
695 any change in title or duties resulting from such transfer, and without loss of accrued rights to
696 holidays, sick leave, vacation and benefits, and without change in union representation or
697 certified collective bargaining unit as certified by the state division of labor relations or in local
698 union representation or affiliation. Any collective bargaining agreement in effect immediately
699 before the transfer date shall continue in effect and the terms and conditions of employment
700 therein shall continue as if the employees had not been so transferred. The transfer shall not
701 impair the civil service status of any such transferred employee who immediately before the
702 effective date of this act either holds a permanent appointment in a position classified under
703 chapter 31 of the General Laws or has tenure in a position by reason of section 9A of chapter 30
704 of the General Laws.

705 (f) All duly existing contracts, leases and obligations of the department of conservation
706 and recreation relating to the assets to be transferred pursuant to this section shall continue in
707 effect but shall be assumed by the department of transportation. No existing right or remedy of
708 any character shall be lost, impaired or affected by this act.

709 SECTION 140. Notwithstanding any general or special law to the contrary, the
710 Massachusetts Transportation and Infrastructure Authority, in consultation with the
711 commissioner of conservation and recreation and the Massachusetts historical commission, shall
712 promulgate regulations and procedures within 1 year after the effective date of this act relative to
713 the design, construction, reconstruction, maintenance, repair, improvement and operation of all
714 bridges, and land thereunder, and all appurtenant facilities, works and systems, machinery and
715 equipment related to the operation and maintenance of bridges, and land thereunder, and
716 appurtenant facilities, works and systems related thereto transferred to the Massachusetts
717 Transportation and Infrastructure Authority pursuant to section 139, and such regulations and
718 procedures shall comply with the Historic Parkways Preservation Treatment guidelines except to
719 the extent that compliance with such guidelines is waived by the commissioner of conservation
720 and recreation, in consultation with the Massachusetts historical commission. The Massachusetts
721 Transportation and Infrastructure Authority shall establish in the regulations and procedures a
722 process for public input into the development of plans and projects relating to the bridges and
723 other assets transferred to the Massachusetts Transportation and Infrastructure Authority
724 pursuant to 139 consistent with the Historic Parkways Preservation Treatment guidelines.

725 SECTION 141. (a) The secretary of transportation shall make such plans and
726 arrangements as may be necessary to ensure the efficient transfer of: (i) the Massachusetts
727 turnpike authority's functions, assets, liabilities, and obligations; (ii) the Tobin memorial bridge

728 owned and operated by the Massachusetts port authority; and (iii) the vehicular bridges and
729 appurtenances under the control of the department of conservation and recreation, to the
730 department pursuant to this act.

731 The secretary shall have the authority to promulgate new rules and regulations as deemed
732 necessary to effectuate the purposes of the transfers.

733 Any order, rule or regulation duly promulgated by or on behalf of the department of
734 highways, the Massachusetts aeronautics commission, the registry of motor vehicles, and the
735 Massachusetts turnpike authority, shall continue in full force and effect to the extent consistent
736 with this act and the laws of the Commonwealth, and shall continue to be enforced, until
737 superseded, revised, rescinded or cancelled by the secretary of transportation.

738 SECTION 142. (a) Notwithstanding the provisions of any general or special law to the
739 contrary, the department of transportation shall facilitate the orderly transfer of the employees,
740 proceedings, rules and regulations, property, and legal obligations of the following functions of
741 state government from the transferor agency to the transferee agency, defined as follows: (1) the
742 functions of the department of highways, as the transferor agency, to the Massachusetts
743 department of transportation, highway division, as the transferee agency; (2) the functions of the
744 registry of motor vehicles, as the transferor agency, to the Massachusetts department of
745 transportation, motor vehicles division, as the transferee agency; (3) the functions of the
746 aeronautics commission, as the transferor agency, to the Massachusetts department of
747 transportation, aeronautics division, as the transferee agency.

748 (b) The employees of each transferor agency, including those who immediately before
749 the effective date of this act hold permanent appointment in positions classified under chapter 31

750 of the General Laws or have tenure in their positions as provided by section 9A of chapter 30 of
751 the General Laws or do not hold such tenure, or hold confidential positions, are hereby
752 transferred to the respective transferee agency, without interruption of service, without
753 impairment of seniority, retirement or other rights of the employee, and without reduction in
754 compensation or salary grade, notwithstanding any change in title or duties resulting from such
755 reorganization, and without loss of accrued rights to holidays, sick leave, vacation and benefits,
756 and without change in union representation or certified collective bargaining unit as certified by
757 the state division of labor relations or in local union representation or affiliation. Any collective
758 bargaining agreement in effect immediately before the transfer date shall continue in effect and
759 the terms and conditions of employment therein shall continue as if the employees had not been
760 so transferred. The reorganization shall not impair the civil service status of any such reassigned
761 employee who immediately before the effective date of this act either holds a permanent
762 appointment in a position classified under chapter 31 of the General Laws or has tenure in a
763 position by reason of section 9A of chapter 30 of the General Laws.

764 Notwithstanding the provisions of any general or special law to the contrary, all such
765 employees shall continue to retain their right to collectively bargain pursuant to chapter 150E of
766 the General Laws and shall be considered employees for the purposes of said chapter 150E.

767 Nothing in this section shall be construed to confer upon any employee any right not held
768 immediately before the date of said transfer, or to prohibit any reduction of salary grade, transfer,
769 reassignment, suspension discharge layoff or abolition of position not prohibited before such
770 date.

771 (c) All petitions, requests, investigations and other proceedings appropriately and duly
772 brought before each transferor agency or duly begun by each transferor agency and pending
773 before it before the effective date of this act, shall continue unabated and remain in force, but
774 shall be assumed and completed by the department of transportation.

775 (d) All orders, rules and regulations duly made and all approvals duly granted by each
776 transferor agency, which are in force immediately before the effective date of this act, shall
777 continue in force and shall thereafter be enforced, until superseded, revised, rescinded or
778 canceled, in accordance with law, by the department of transportation.

779 (e) All books, papers, records, documents, equipment, buildings, facilities, cash and other
780 property, both personal and real, including all such property held in trust, which immediately
781 before the effective date of this act are in the custody of each transferor agency shall be
782 transferred to the department of transportation.

783 (f) All duly existing contracts, leases and obligations of each transferor agency shall
784 continue in effect but shall be assumed by the respective transferee agency. No existing right or
785 remedy of any character shall be lost, impaired or affected by this act.

786 SECTION 143. Notwithstanding any general or special law to the contrary, the secretary
787 of administration and finance shall establish an office of transition management for
788 transportation within the executive office for administration and finance to accomplish the
789 purposes of this act. Agencies from within that executive office including, but not limited to, the
790 human resources division and the division of capital asset management and maintenance, as well
791 as the executive office of transportation and public works and the department of labor shall staff
792 the office.

793 The office shall monitor compliance with this act, recommend to the secretary of
794 transportation rules and regulations not inconsistent with this act to facilitate the orderly,
795 expeditious transfer of assets and functions from the executive office of transportation and public
796 works, the Massachusetts Turnpike Authority, the Massachusetts Port Authority, the department
797 of conservation and recreation and the department of highways to the Massachusetts
798 Transportation and Infrastructure Authority, developing administrative processes to assure
799 continuity of employment and operations during the transitions, identifying opportunities for
800 potential efficiencies and cost savings and recommending legislation to realize such savings and
801 efficiencies, resolve issues or assist government agencies with the transition of transportation
802 agencies.

803 Ninety days after the effective date of this act and quarterly thereafter until such
804 transition period is complete, the secretary of transportation shall submit a report to the governor,
805 the secretary of administration and finance, the joint committee on transportation, the senate and
806 house committees on ways and means and the clerks of the senate and the house of
807 representatives, relative to the progression of the incorporation of the agencies and authorities
808 into the Massachusetts Transportation and Infrastructure Authority.

809 The report shall include, but shall not be limited to, plans for the assignment and
810 reassignment of resources including personal, equipment and supplies into the Massachusetts
811 Transportation and Infrastructure Authority. The reports shall also include the status of the
812 transition of roads, bridges, parkways and any other transportation assets of the Massachusetts
813 Turnpike Authority, the Massachusetts Port Authority, the department of conservation and
814 recreation and the department of highways and shall further include approximate schedules for
815 the completion of the transition.

816 SECTION 144. (a) Notwithstanding the provisions of chapter 30B of the General Laws
817 or any other general or special law to the contrary, the city of Worcester is hereby may, within 1
818 year of the effective date of this act, transfer to the Massachusetts port authority the Worcester
819 regional airport, subject to the following terms and conditions: (i) the Worcester regional airport
820 shall be transferred to the Massachusetts port authority for fair compensation which may be paid
821 in installments and which shall be reduced by the actual amount of any expenditures, subsidies,
822 and operational costs assumed or provided to date to or for the Worcester regional airport by said
823 Massachusetts port authority, in addition to any other federal and state funding and grant
824 assistance, and (ii) the right, title, and interest of said city in the Worcester regional airport shall
825 be conveyed within 1 year of the effective date of this act. If the parties fail to agree to the
826 amount of fair compensation within 6 months of the effective date of this act, the secretary of
827 transportation and the undersecretary of transportation for aeronautics shall establish such
828 compensation in consultation with the executive director of the port authority and the city
829 manager of the city of Worcester; provided, however, that the terms and conditions of any such
830 transfer, and the amount of any such compensation to be paid, shall be subject to the prior
831 approval of the board of the authority.

832 (b) Upon the transfer of the airport by the city of Worcester to the Massachusetts port
833 authority pursuant to this section, the Massachusetts port authority shall be responsible for the
834 ownership, operation, and maintenance of the Worcester regional airport and, except as
835 otherwise agreed to by the parties, the city shall cease to be responsible for such ownership,
836 operation, and maintenance. All warranties and all contract and indemnification rights and
837 obligations arising out of the design, construction, operation, and maintenance of the airport shall
838 remain in full force and effect following such transfer. The provisions of this section shall not

839 limit or in any way impair the rights, remedies or defenses of the city of Worcester or the
840 Massachusetts port authority in or to any such action.

841 SECTION 145. The secretary of the department of transportation, in consultation with the
842 secretary of the executive office of labor and workforce development and director of workforce
843 development shall institute a workforce retraining initiative to mitigate potential impacts to
844 employees displaced by the organizational efficiencies and agency restructuring directed by this
845 act. The secretary of transportation and the secretary of labor and workforce development, or
846 their designees, shall establish a committee to coordinate the workforce retraining initiative and
847 adopt policies that identify and categorize displaced employees, while advancing workforce
848 development opportunities for said employees whose lack of skills may prevent or limit their
849 successful employment. Said committee shall include representatives from labor unions likely to
850 be affected by this act, representatives from the business industry, and representatives from the
851 human resources division of the executive office for administration and finance. The procedures
852 shall outline and recommend various retraining programs available to employees identified as
853 being displaced by this act, establish eligibility criteria and base skills requirements for the
854 administration of these programs, promote program accountability and job placement through the
855 division of career services and one stop career centers, identify available professional
856 development and technical assistance needs and resources, and encourage economic
857 diversification and industry growth through technology-focused training.

858 The director of workforce development together with agencies and other entities that
859 provide employment or training services in the Commonwealth, shall utilize existing state and
860 federal grant funding, including funding for workforce retraining programs at existing
861 institutions, community colleges, labor organizations, and administrative entities to implement

862 the workforce retraining initiative. Where applicable, the director may utilize any funds received
863 pursuant to the federal Workforce Investment Act of 1998, 112 Stat. 936, 29 U.S.C. § 2801, as
864 amended, to provide additional funding for the workforce retraining initiative.

865 In the event an employee displaced by the operation of this act does not have severance
866 or other termination benefits, the department of transportation shall pay, for a period not to
867 exceed two months following the date of termination of employment, the then current salary for
868 such employee.

869 This section shall expire eighteen months after the effective date of this act.

870 SECTION 146. Notwithstanding the provisions of sections 9, 9A, and 10 of chapter 161B
871 of the General Laws, or any other general or special law to the contrary, all regional transit
872 authorities established in said chapter 161B shall move to a forward funded budgeting system.
873 The secretary of the executive office for administration and finance is hereby directed to develop
874 a plan and timetable for accomplishing this conversion to forward funding and to seek the
875 necessary appropriations to implement the plan. The secretary is further authorized to
876 promulgate rules and regulations to effectuate the purposes of this section.

877 SECTION 147. Notwithstanding the provisions of any general or special law to the
878 contrary, the highway division of the department of transportation is hereby authorized and
879 directed to enter into an agreement with the Massachusetts bay transportation authority to
880 assume all bridge inspection responsibilities for any bridges owned and operated by said
881 authority over the roads of the commonwealth.

882 SECTION 148. Notwithstanding section 31 of chapter 15 of the acts of 1988 or the
883 provisions of any other general or special law to the contrary, the Massachusetts bay

884 transportation authority is hereby authorized to sell, convey, mortgage, pledge, lease, exchange,
885 abandon or otherwise dispose of the public parking garage constructed and operated by the
886 authority on the land acquired by the authority pursuant to such law.

887 SECTION 149. Notwithstanding any general or special law to the contrary, the bureau
888 for environmental health within the department of public health shall conduct a comprehensive
889 baseline study of the health effects of particulate air pollution from surface and air transportation
890 in Massachusetts. The study shall focus on understanding the health impacts from fine and
891 ultrafine particulate matter upon populations that are located within 500 feet of any roadway with
892 50,000 or more motor vehicle trips per day, or any rail line regularly used by diesel locomotives
893 or within 1 mile of any airport with more than 500 enplanements per week as reported between
894 January 1, 2007 and January 1, 2008; provided further, that said study may include, but shall not
895 be limited to, examining respiratory and cardiovascular disease and cancer incidence that may be
896 affected by exposure to traffic-related particles. The following departments and agencies of the
897 commonwealth shall provide information to the bureau relevant to this study: the department of
898 environmental protection, the Massachusetts Transportation and Infrastructure Authority, the
899 department of transportation, the division of aeronautics and the central transportation planning
900 staff of the Boston metropolitan planning organization. The bureau shall report its findings
901 together with legislation, if any, to the house and senate committees on ways and means not later
902 than June 30, 2010.

903 SECTION 150. Notwithstanding any general or special law to the contrary, any
904 employee who retires from the executive office of transportation, the highway department, the
905 registry of motor vehicles, the Massachusetts Turnpike Authority, the Massachusetts Port
906 Authority, the Massachusetts Bay Transportation Authority, the Massachusetts Aeronautics

907 Commission, or the Massachusetts Transportation and Infrastructure Authority shall not be
908 employed by the agency or authority from which the employee retired or any successor agency
909 or authority to the agency or authority from which the employee retired, within 1 year.

910 SECTION 151. The office of the state auditor shall perform a close out audit of each
911 agency or authority admitted to the Massachusetts Transportation Infrastructure Authority. Said
912 audit shall include a catalogue of any issues relating to the agency or authority's current and
913 future finances and operations, current and future revenues or debt structure, and internal policies
914 and procedures, that he believes are not within Financial Accounting Board Standards of practice
915 or may violate other laws, rules and procedures of the General Laws.

916

917 SECTION 152. Notwithstanding any other provision of this act or other law,
918 commencing on July 1, 2009, all amounts of any kind received by the commonwealth which are
919 derived from or related to the operation of the state highway system, as defined in chapter 81B,
920 shall be deemed to be held in trust for and shall be transferred and paid over to the Massachusetts
921 Transportation and Infrastructure Authority when received without further appropriation to be
922 applied to the purposes of the Authority. All amounts of any kind received by the Massachusetts
923 Turnpike Authority which are derived from the operation of the turnpike, as defined in chapter
924 81B, shall be deemed to be held in trust for and shall be transferred and paid over to the
925 Authority when received without further appropriation to be applied to the purposes of the
926 Authority.

927 SECTION 153. The secretary of transportation shall submit a report on the progress and
928 all expenditures related to state transportation infrastructure projects undertaken through use of

929 federal funds received under the American Recovery and Reinvestment Act of 2009 to the clerks
930 of the senate and house of representatives, the chairs of the senate and house committees on
931 ways and means, the senate and house chairs of the joint committee on transportation and the
932 chairs of the senate and house committees on bonding, capital expenditures and state assets. The
933 report shall include, but not be limited to: the total estimated cost of each project; the amount
934 expended for the planning and design of each project up to the time the report is filed; the
935 amount expended on construction of each project up to the time the report is filed; the timeline
936 from advertisement through contract award and from the start of actual design and construction
937 by the design build team to project completion; the time saved, if any, by employing the design
938 build procurement method; and the estimated lifetime maintenance schedule and cost of each
939 project, the original estimated completion date of each project and the current anticipated
940 completion date of each project. The report shall also include the total number of employees and
941 outside contractors and amount expended on the salaries and benefits for such employees and
942 outside contractors that are specifically working on projects to be carried out as part of projects
943 funded through said American Recovery and Reinvestment Act of 2009. The report shall be
944 submitted on December 31 of each year until the culmination of any project constructed with
945 funds authorized by said American Recovery and Reinvestment Act of 2009.

946 SECTION 154. Section 77E of this act shall expire on July 1, 2011.

947 SECTION 155. All uncommitted and unexpended funds and authorizations, which have
948 been appropriated from time to time to the executive office of transportation and public works,
949 including any agency and authority within said executive office, including but not limited to,
950 funds authorized in chapter 15 of the acts of 1988, chapter 33 of the acts of 1991, chapter 102 of
951 the acts of 1994, chapter 273 of the acts of 1994, chapter 28 of the acts of 1996, chapter 113 of

952 the acts of 1996, chapter 205 of the acts of 1996, chapter 11 of the acts of 1997, chapter 55 of the
953 acts of 1999, chapter 87 of the acts of 2000, chapter 235 of the acts of 2000, chapter 246 of the
954 acts of 2002, chapter 40 of the acts of 2003, chapter 291 of the acts of 2004, chapter 27 of the
955 acts of 2007, chapter 86 of the acts of 2008, chapter 233 of the acts of 2008, and chapter 303 of
956 the acts of 2008, shall be transferred to the department of transportation for use by the
957 department or any of its divisions for purposes consistent with such authorizations.

958 SECTION 156. (a) When all payments due on account of the turnpike and the
959 metropolitan highway system, both as defined in chapter 81B, shall have been made, and when
960 all bonds issued under the provisions of chapter 81A and the interest thereon shall have been
961 paid or a sufficient amount of the payment of all such bonds and the interest thereon to the
962 maturity thereof shall have been set aside in trust for the benefit of the bondholders, and
963 contributions shall have been made to the several funds of the Massachusetts Turnpike Authority
964 employees' retirement system established under sections one to twenty-eight, inclusive, of
965 chapter thirty-two of the General Laws such as are sufficient, in the opinion of the actuary, as
966 defined in section one of said chapter thirty-two, to provide for the payment of all amounts
967 payable by the system after that date with respect to all persons then receiving allowances from
968 the Massachusetts Turnpike Authority employees' retirement system and with respect to all
969 persons who are then employees, as defined in said section one, of the Massachusetts Turnpike
970 Authority, whether or not any such amount is or becomes payable to any such person or the
971 spouse or other beneficiary of any such person, such opinion to be based upon the assumption,
972 among others, that such persons who are then employees are then or thereafter become entitled to
973 receive retirement allowances in the amounts then provided by sections five, six and seven of
974 said chapter thirty-two on the basis of the regular compensation received by, and the years of

975 creditable service of, such persons at such date, all projects then under the control of the
976 Massachusetts Turnpike Authority shall be operated and maintained by the division of roads and
977 bridges of the Massachusetts Transportation and Infrastructure Authority.

978 (b) Upon the transfer provided in subparagraph (a) the members of the Massachusetts
979 Turnpike Authority employees' retirement system on the effective date of the dissolution of the
980 authority who do not then transfer to or enter service in a governmental unit in which a
981 contributory retirement system established under the provisions of sections one to twenty-eight,
982 inclusive, of said chapter thirty-two, or under corresponding provisions of earlier laws or of any
983 special law, shall continue to be members of the Massachusetts Turnpike Authority employees'
984 retirement system and shall then be entitled to apply for and receive retirement allowances from
985 such system in the amounts, upon the terms, subject to the conditions and with all of the related
986 rights provided by and under sections six, seven, ten and twelve of said chapter thirty-two.

987 (c) Effective upon the date of dissolution of the Massachusetts Turnpike Authority (1) the
988 Massachusetts Turnpike Authority employees' retirement system shall continue under the
989 provisions of section 1 to 28, inclusive of said chapter 32; (2) the management of the
990 Massachusetts Turnpike Authority employees' retirement system shall be transferred to the state
991 board of retirement provided for in section eighteen of chapter ten of the General Laws which
992 board shall have with respect thereto the general powers and duties set forth in subdivision (5) of
993 section twenty of said chapter thirty-two; (3) all data, files, papers and records and other
994 materials of the retirement board provided for in paragraph (b) of subdivision (41/2) of said
995 section twenty shall be transferred to and held by the state board of retirement; (4) the funds of
996 the Massachusetts Turnpike Authority employees' retirement system in the custody of the
997 secretary-treasurer of the Authority shall be transferred to the state treasurer who shall thereafter

998 be and perform the duties of the treasurer-custodian of such funds which shall then be held by
999 him for the exclusive benefit and use of the members of the Massachusetts Turnpike Authority
1000 employees' retirement system and their beneficiaries; and (5) the retirement board provided for in
1001 said paragraph (b) of subdivision (41/2) shall be abolished; provided, however, that the members
1002 and officers thereof shall continue to be authorized to do all such things and take all such action
1003 as may be necessary or desirable to be done or taken by them to effectuate the transfers to be
1004 made pursuant to this section.

1005 (d) Effective upon the date of dissolution of the Massachusetts Turnpike Authority or a
1006 default in its obligations under chapter thirty-two of the General Laws, the payment of all
1007 annuities, pensions, retirement allowances and refunds of accumulated total deductions and of
1008 any other benefits granted under the provisions of sections one to twenty-eight, inclusive, of said
1009 chapter thirty-two are hereby made obligations of the commonwealth in the case of any such
1010 payments from funds of the Massachusetts Turnpike Authority employees' retirement system.

1011 SECTION 157. Notwithstanding any general or special law to the contrary, in making
1012 initial appointments to the board of the Massachusetts Transportation and Infrastructure Fund the
1013 governor shall appoint 4 additional members 1 of whom shall be appointed for a term of 1 year;
1014 1 of whom shall be appointed for a term of 2 years; and 2 of whom shall be appointed for a term
1015 of 3 years.

1016 SECTION 158. Notwithstanding any general or special law to the contrary, the secretary
1017 of administration and finance may enter into such contracts or agreements with the
1018 Massachusetts Transportation and Infrastructure Authority and may transfer proceeds of the
1019 bonds and notes of the commonwealth issued for transportation purposes to the Massachusetts

1020 Transportation and Infrastructure Authority as it deems necessary to carry out the purposes of the
1021 statutory provisions authorizing such bonds or notes.

1022 SECTION 159. Notwithstanding any general or special law to the contrary, any existing
1023 or future balance in the Infrastructure Fund, established pursuant to said section 2O, shall be
1024 credited to the Transportation Fund established pursuant to section 2ZZZ of chapter 29, provided
1025 that such crediting shall not affect in any way the obligations of the commonwealth relating to
1026 special obligation bonds issued pursuant to said section 2O, and the pledge of pledged funds, as
1027 defined in said section 2O, to secure the payment of such bonds is hereby ratified and confirmed
1028 in all respects and shall remain in full force and effect as long as any such special obligation
1029 bonds issued as of July 1, 2009 remain outstanding in accordance with their terms and secured
1030 by funds in the fund.

1031 SECTION 160 . Notwithstanding any general or special law to the contrary, the
1032 comptroller shall transfer the balance of the Highway Fund established pursuant to section 34 of
1033 chapter 90 of the General Laws to the Commonwealth Transportation Fund established pursuant
1034 to section 2ZZZ of chapter 29 of the General Laws.

1035 SECTION 161. Notwithstanding any general or special law to the contrary, any project or
1036 phase thereof that has received an opinion of the secretary of the executive office of energy and
1037 environmental affairs that it is not subject to the jurisdiction of the secretary pursuant chapter 30
1038 of the General Laws shall be governed by the regulations and procedures in effect prior to the
1039 effective date of this act; and any project or phase thereof that has received prior to the effective
1040 date of this regulation any one or more of a variance, special permit, comprehensive permit,
1041 certificate of occupancy, or building permit followed within 5 years thereafter by a certificate of

1042 occupancy, or the developer of which has entered into an agreement with any of the Department
1043 of Conservation and Recreation or the applicable executive office secretary to fund traffic
1044 improvements or traffic mitigation, shall in any such case be governed by the regulations and
1045 procedures in effect prior to the effective date of these regulations so long as the applicable
1046 variance, permit or certificate continues in force and effect or, if applicable, so long as such
1047 agreement has not been duly terminated on account of the failure of the project developer to meet
1048 its obligations under such agreement; in any case unless the applicant elects, in writing, to be
1049 governed by this regulation and the procedures hereunder.

1050 SECTION 162. The provisions of this act shall not be deemed in derogation of any
1051 powers conferred upon the department and its constituent divisions and authorities by existing
1052 laws; provided, however, that insofar as the provisions of this act are inconsistent with the
1053 provisions of any general or special law, administrative order or regulation, the provisions of this
1054 act shall be controlling.

1055 SECTION 163. Section 4 of chapter 6C of the General Laws, as inserted by section 7 of
1056 this act, shall take effect on July 1, 2009.

1057 SECTION 164. Section 14 of chapter 6C of the General Laws, as inserted by section 7 of
1058 this act, shall take effect on July 1, 2010, or upon agreement of the Massachusetts Turnpike
1059 Authority and the Massachusetts Transportation and Infrastructure Authority.

1060 SECTION 165. Section 30 of chapter 6C of the General Laws, as inserted by section 7 of
1061 this act, shall take effect on July 1, 2011.

1062 SECTION 166. Section 42 of chapter 6C of the General Laws, as inserted by section 7 of
1063 this act, shall take effect on July 1, 2009.

1064 SECTION 167. Section 43 of chapter 6C of the General Laws, as inserted by section 7 of
1065 this act, shall take effect on July 1, 2009 and shall expire on July 1, 2010.

1066 SECTION 168. Section 44 of chapter 6C of the General Laws, as inserted by section 7 of
1067 this act, shall take effect on July 1, 2010.

1068 SECTION 169. Sections 14, 16, 31, 52, 71, 126, 127, 139 and 160 shall take effect on
1069 July 1, 2009

1070 SECTION 170. Sections 7, 8, 22, 65, 132 and 133 shall take effect in July 1, 2010.

1071 SECTION 171. Sections 46 and 46 of this act shall take effect on January 1, 2013.