

HOUSE No. 4051

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Text of the House amendment, as amended, 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) an amount appropriated by the legislature for reimbursements rendered pursuant to this
2 chapter shall be deposited into the General Fund; and (ii) the remainder of the receipts shall be
3 deposited into the Capital Employees Transition Fund, established pursuant to section 2AAAA
4 of chapter 29.

5 SECTION 18. Section 13A of chapter 22 of the General Laws, as so appearing, is hereby
6 amended by striking out, in line 198, the word ‘Turnpike’ and inserting in place thereof the
7 following words:- Transportation and Infrastructure.

8 SECTION 19. Section 29 of Chapter 22C of the General Laws, as appearing in the 2006
9 Official Edition, is hereby amended by striking, in lines 1 and 2, the words ‘Massachusetts
10 Turnpike Authority’ : and inserting in place thereof the words ‘Massachusetts Transportation and
11 Infrastructure Authority’.

12 Said chapter of said section is hereby further amended by inserting, in line 3, after the
13 word ‘authority’ the following words ‘on the Turnpike and the Metropolitan Highway System’.

Said chapter of said section is hereby further amended by striking, in line 28, the word ‘chairman’ and inserting in place thereof the word:- Secretary.

SECTION 19A. Section 61 of Chapter 22C of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking, in lines 1 and 2, the words ‘Massachusetts Turnpike Authority’ and inserting in place thereof the words:- Massachusetts Transportation and Infrastructure Authority.

SECTION 20. Section 61 of said chapter 22C is hereby repealed.

SECTION 21. Section 13C of chapter 23A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 44, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 22. Section 3I of said chapter 23A, as so appearing, is hereby amended by striking out, in line 5, the words ‘executive office’ and inserting in place thereof the following word:- department.

SECTION 23. Section 59 of said chapter 23A, is hereby further amended by striking out, in line 25, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

NO SECTION 24.

SECTION 25. Section 1 of chapter 29 of the General Laws, as so appearing, is hereby amended by striking out, in line 99, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 26. Section 2E of said chapter 29 is hereby repealed.

SECTION 27. Said chapter 29 is hereby amended by striking out section 2O, as amended by section 3 of chapter 233 of the acts of 2008, and inserting in place thereof the following section:-

Section 2O. When authorized by a vote, taken by the yeas and nays, of two-thirds of each house of the general court present and voting thereon, including any authorization in effect as of July 1, 2009, the state treasurer, upon the request of the governor, is hereby authorized to issue bonds of the commonwealth as hereinafter provided. Any such bonds shall be special obligations of the commonwealth payable solely from monies credited to the Commonwealth Transportation Fund established pursuant to section 2ZZZ of chapter 29; notwithstanding any general or special law to the contrary, including without limitation section 60A of chapter 29, such bonds shall not be general obligations of the commonwealth. Bonds may be issued in such manner and on such terms and conditions as the state treasurer may determine in accordance with the provisions of this paragraph and, to the extent not inconsistent with the provisions hereof, provisions of general law for the issuance of bonds of the commonwealth. Bonds may be secured by a trust agreement entered into by the state treasurer, with the concurrence of the secretary of administration and finance and the secretary of transportation, on behalf of the commonwealth, which trust agreement may pledge or assign all or any part of monies credited to the Commonwealth Transportation Fund and rights to receive the same, whether existing or coming into existence and whether held or thereafter acquired, and the proceeds thereof. The state treasurer is also authorized, with the concurrence of the secretary of administration and finance and the secretary of transportation, to enter into additional security, insurance or other forms of credit enhancement which may be secured on a parity or subordinate basis with the bonds. A pledge in any such trust agreement or credit enhancement agreement shall be valid and

binding from the time such pledge shall be made without any physical delivery or further act, and the lien of such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise, irrespective of whether such parties have notice thereof. Any such pledge shall be perfected by filing of the trust agreement or credit enhancement agreement in the records of the state treasurer, and no filing need be made under chapter 106. Any such trust agreement or credit enhancement agreement may establish provisions defining defaults and establishing remedies and other matters relating to the rights and security of the holders of the bonds or other secured parties as determined by the state treasurer, including provisions relating to the establishment of reserves, the issuance of additional or refunding bonds, whether or not secured on a parity basis, the application of receipts, monies or funds pledged pursuant to such agreement, hereinafter referred to as 'pledged funds', and other matters deemed necessary or desirable by the state treasurer for the security of such bonds, and may also regulate the custody, investment and application of monies. Any such bonds shall be deemed to be investment securities under chapter 106, shall be securities in which any public officer, fiduciary, insurance company, financial institution or investment company may properly invest funds and shall be securities which may be deposited with any public custodian for any purpose for which the deposit of bonds is authorized by law. Any such bonds, their transfer and the income therefrom, including profit on the sale thereof, shall at all times be exempt from taxation by and within the commonwealth.

The provisions hereof relating to bonds shall also be applicable to the issuance of notes insofar as such provisions may be appropriate therefore.

In order to increase the marketability of any such bonds or notes issued by the commonwealth, and in consideration of the acceptance of payment for any such bonds or notes,

the commonwealth covenants with the purchasers and all subsequent holders and transferees of any such bonds or notes that while any such bond or note shall remain outstanding, and so long as the principal of or interest on any such bond or note shall remain unpaid, (i) no pledged funds shall be diverted from the Commonwealth Transportation Fund, (ii) in any fiscal year of the commonwealth, unless and until an appropriation has been made which is sufficient to pay the principal, including sinking fund payments, of and interest on all such bonds and notes of the commonwealth and to provide for or maintain any reserves, additional security, insurance or other form of credit enhancement required or provided for in any trust agreement securing any such bonds or notes, no pledged funds shall be applied to any other use and (iii) so long as such revenues are necessary, as determined by the state treasurer in accordance with any applicable trust agreement or credit enhancement agreement, for the purposes for which they have been pledged, and notwithstanding the provisions of any general or special law to the contrary, the rates of the fees collected pursuant to section 33 and 34 of chapter 90 and of the excises imposed in chapters 64A, 64E, and 64F shall not be reduced below the amount in effect at the time of issuance of any such bond or note. The implementation by the commonwealth of a program of imposing roadway use fees in lieu of any tax on motor vehicle fuel imposed under chapter 64A shall be permitted and not constitute in any way a violation of the covenants contained in this paragraph or in any trust agreement or credit enhancement agreement pursuant to which special obligation bonds may be issued in accordance with this section, but only to the extent that an amount of roadway use fees equal to the amount of tax imposed under chapter 64A that is either refunded or not collected as a result of such program are applied under any applicable trust agreement or credit enhancement agreement in lieu of such taxes.

SECTION 28. Section 2DD of said chapter 29 is hereby repealed.

SECTION 29. Said chapter 29 is hereby further amended by inserting after section 2YYY the following section:-

Section 2ZZZ. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Commonwealth Transportation Fund, hereinafter called the fund, which shall be used exclusively for financing transportation-related purposes. There shall be credited to the fund all fees received by the registrar of motor vehicles pursuant to section 34 of chapter 90, all receipts paid into the treasury of the commonwealth and directed to be credited to the Commonwealth Transportation Fund pursuant to chapter 64A, 64E, 64F, or any other applicable general or special law, and all amounts appropriated into the fund by the general court. The fund shall be subject to appropriation and shall be used for transportation related expenses of the authority, including to pay or to reimburse the General Fund for payment of debt service on bonds issued by, or otherwise payable pursuant to a lease or other contract assistance agreement by, the commonwealth previously issued for transportation purposes.

Notwithstanding the foregoing, the crediting of receipts from the tax imposed pursuant to chapter 64A to the fund shall not affect in any way the obligations of the commonwealth relating to notes issued pursuant to sections 9 to 10D, inclusive, of chapter 11 of the acts of 1997 and the pledge of receipts from the portion of the tax per gallon imposed pursuant to said chapter 64A equal to 10 cents per gallon, to secure the payment of such bonds under the circumstances described in the trust agreements relating to such notes is hereby ratified and confirmed in all respects and shall remain in full force and effect as long as any such notes issued as of July 1, 2009 remain outstanding in accordance with their terms and secured by funds in the fund.

SECTION 29A. Chapter 29 of the General Laws, as so appearing, is hereby amended by inserting after section 2ZZZ the following section:-

Section 2AAAA. There shall be established and set upon the books of the commonwealth a separate fund to be known as the Capital Employees Transition Fund, hereinafter referred to as the fund, which shall be administered by the department of transportation. There shall be credited to the fund: (a) 60 percent of all receipts collected pursuant to section 2 of chapter 21J; and (b) any appropriations authorized by the general court. Amounts credited to the fund shall be expended by the department, in addition to any revenues appropriated by the general court from the Commonwealth Transportation Fund, for the purpose of paying for a portion of the department's operating costs that would have otherwise been paid by bond proceeds. Operating costs may include, but shall not be limited to, the full-time personnel expenses of the department, as well as any expenses incurred by the department as part of its normal operations. The comptroller shall certify payments, including payments during the accounts payable period, in anticipation of revenues from the fund for the purpose of making authorized expenditures; provided however, that no expenditure shall cause the fund to be in deficit at the end of a fiscal year.

SECTION 30. Section 23 of said chapter 29, as appearing in the 2006 Official Edition, is hereby amended by striking out, in lines 11 and 12, the word 'Turnpike' and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 31. Section 64 of said chapter 29, as so appearing, is hereby amended by striking out, in line 27, the word 'Turnpike' and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 32. Section 64A of said chapter 29, as so appearing, is hereby further amended by striking out, in line 47, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 33. Chapter 30 of the General Laws is hereby amended by inserting after section 39S the following section:-

Section 39T. Notwithstanding section 8 of chapter 268A, and in addition to any other existing statutory authorizations, the following agencies and authorities may, in their discretion, evaluate and implement competitively procured owner controlled insurance programs, and may permit the use of contractor controlled insurance programs, on projects having estimated construction costs equal to or greater than \$50,000,000: (a) the division of capital asset management and maintenance, (b) the department of transportation, (c) the department of conservation and recreation, (d) the Massachusetts Port Authority, (e) the Massachusetts Water Resources Authority, (f) the Massachusetts State Colleges Building Authority, and (g) the University of Massachusetts Building Authority; provided, however, that in the case of the department of transportation, the statewide road and bridge program shall be considered to be 1 project on which an owner controlled insurance program may be instituted.

SECTION 34. Section 1 of chapter 32 of the General Laws is hereby amended by striking out, in line 203, as so appearing, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 35. Said section 1 of said chapter 32 is hereby further amended by inserting after the word ‘connector’, in line 211, as appearing in the 2006 Official Edition, the following words:- , the Massachusetts Transportation and Infrastructure Authority.

169 SECTION 36. Section 2 of said chapter 32, as so appearing, is hereby further amended
170 by striking out, in lines 29 and 30, the word ‘Turnpike’ and inserting in place thereof, in each
171 instance, the following words:- Transportation and Infrastructure.

172 SECTION 37. Section 5 of said chapter 32, as so appearing, is hereby amended by
173 striking out, in line 40, the word ‘Turnpike’ and inserting in place thereof the following words:-
174 Transportation and Infrastructure.

175 SECTION 38. Section 7 of said chapter 32, as so appearing, is hereby amended by
176 striking out, in line 208, the word ‘Turnpike’ and inserting in place thereof the following words:-
177 Transportation and Infrastructure.

178 SECTION 39. Section 11 of said chapter 32, as so appearing, is hereby amended by
179 striking out, in lines 177 and 184, the word ‘Turnpike’ and inserting in place thereof, in each
180 instance, the following words:- Transportation and Infrastructure.

181 SECTION 40. Section 14 of said chapter 32, as so appearing, is hereby amended by
182 striking out, in line 9, the word ‘Turnpike’ and inserting in place thereof the following words:-
183 Transportation and Infrastructure.

184 SECTION 41. Section 15 of said chapter 32, as so appearing, is hereby amended by
185 striking out, in line 21, the word ‘Turnpike’ and inserting in place thereof the following words:-
186 Transportation and Infrastructure.

187 SECTION 42. Section 20 of said chapter 32, as so appearing, is hereby further amended
188 by striking out, in lines 334, 336, and in line 815, the word ‘Turnpike’ and inserting in place
189 thereof, in each instance, the following words:- Transportation and Infrastructure.

190 SECTION 43. Said section 20 of said chapter 32, as so appearing, is hereby amended by
191 striking out subsection (4 1/2).

192 SECTION 44. Subdivision (7) of section 22 of said chapter 32 is hereby amended by
193 striking out paragraph (e).

194 SECTION 45. Section 23 of said chapter 32, as so appearing, is hereby amended by
195 striking out, in lines 10 and 19, the word 'Turnpike' and inserting in place thereof the following
196 words:- Transportation and Infrastructure.

197 SECTION 46. Section 24 of said chapter 32, as so appearing, is hereby amended by
198 striking out, in line 9, the word 'Turnpike' and inserting in place thereof the following words:-
199 Transportation and Infrastructure.

200 SECTION 47. Section 25 of said chapter 32, as so appearing, is hereby amended by
201 striking out, in line 96, the word 'Turnpike' and inserting in place thereof the following words:-
202 Transportation and Infrastructure.

203 SECTION 48. Section 28 of said chapter 32, as so appearing, is hereby amended by
204 striking out, in line 233, the word 'Turnpike' and inserting in place thereof the following words:-
205 Transportation and Infrastructure.

206 SECTION 49. Said section 28 of said chapter 32, as so appearing, is hereby further
207 amended by striking out, in lines 234, 247, 250, 254 and 258, the word 'Turnpike' and inserting
208 in place thereof, in each instance, the following words:- Transportation and Infrastructure.

209 SECTION 50. Section 102 of said chapter 32, as so appearing, is hereby amended by
210 striking out, in lines 76 and 77, the word ‘Turnpike’ and inserting in place thereof the following
211 words:- Transportation and Infrastructure.

212 SECTION 51 Section 2 of chapter 32A of the General Laws is hereby amended by
213 inserting after the word ‘authority’, in line 12, as so appearing, the following words:- , the
214 Massachusetts Transportation and Infrastructure Authority, the Massachusetts Bay
215 Transportation Authority, the Massachusetts Turnpike.

216 SECTION 52. Section 24 of chapter 40B of the General Laws, as so appearing, is hereby
217 amended by striking out, in line 14, the word ‘Turnpike’ and inserting in place thereof the
218 following words:- Transportation and Infrastructure.

219 SECTION 53. Section 10 of chapter 63 of the General Laws is hereby repealed.

220 SECTION 54. Section 5 of chapter 59 of the General Laws is hereby amended by
221 striking out clause thirty-eighth, as so appearing, and inserting in place thereof the following
222 clause:-

223 Thirty-eighth, In determining the valuation, for city and town tax purposes, of any
224 privately owned airport, the value of any improvements on or to the landing area shall not be
225 included, so long as the owner grants free use of said landing area to the general public for the
226 landing, taking off and taxiing of aircraft; provided, however, that said airport meets the
227 minimum requirements set forth by the aeronautics division in rules and regulations issued
228 pursuant to section 39 of chapter 90, and is certified by the aeronautics division to be included
229 within the needs of civil aeronautics as established by the state airport plan prepared pursuant to

230 section 30A of said chapter 90, and is approved for commercial operation by the aeronautics
231 division.

232 SECTION 55. Section 7 of chapter 64A of the General Laws, as so appearing, is hereby
233 amended by striking out, in line 12, the word ‘Turnpike’ and inserting in place thereof the
234 following words:- Transportation and Infrastructure.

235 SECTION 56. Chapter 64A of the General Laws is hereby amended by striking out
236 section 13, as amended by section 4 of chapter 233 of the acts of 2008, and inserting in place
237 thereof the following section:-

238 Section 13. All sums received from the excise imposed on aviation fuel, and related
239 penalties, forfeitures, interest, costs of suits and fines, less all amounts for reimbursement under
240 sections 7 and 7A, shall be credited to the Commonwealth Transportation Fund and may be used
241 for airport development projects approved and carried out at airports and landing facilities under
242 49 U.S.C. App. s 2210; and all other sums received under the excise imposed in section 4, and
243 relative penalties, forfeitures, interest, costs of suits and fines, less all amounts for
244 reimbursement under said sections 7 and 7A, shall be credited as follows: (i) 99.85 percent shall
245 be credited to the Commonwealth Transportation Fund to be used for transportation-related
246 purposes; and (ii) 0.15 percent shall be credited to the Inland Fisheries and Game Fund,
247 established by section 2C of chapter 131.

248 SECTION 57. Section 5 of chapter 64E of the General Laws, as appearing in the 2006
249 Official Edition, is hereby amended by striking out, in line 8, the word ‘Turnpike’ and inserting
250 in place thereof the following words:- Transportation and Infrastructure.

251 SECTION 58. Said chapter 64E is hereby further amended by striking out section 13, as
252 so appearing, and inserting in place thereof the following section:-

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

256 SECTION 59. Section 3 of chapter 64F of the General Laws, as so appearing, is hereby
257 amended by striking out, in line 10, the word ‘Turnpike’ and inserting in place thereof the
258 following words:- Transportation and Infrastructure.

259 SECTION 60. Said chapter 64F is hereby further amended by striking out section 14, as
260 so appearing, and inserting in place thereof the following section:-

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

264 SECTION 61. Section 25A of chapter 64H of the General Laws, as so appearing, is
265 hereby amended by striking out, in line 3, the word ‘commission’ and inserting in place thereof
266 the following word:- division.

267 SECTION 62. Section 26A of chapter 64I of the General Laws, as so appearing, is
268 hereby amended by striking out, in line 3, the word ‘commission’ and inserting in place thereof
269 the following word:- division.

270 SECTION 63. Section 1 of chapter 81 of the General Laws, as so appearing, is hereby
271 amended by striking out, in line 1, the word ‘department’ and inserting in place thereof the
272 following word:- division.

273 SECTION 64. Chapter 81A of the General Laws is hereby repealed.

274 SECTION 65. Section 7A of chapter 85 of the General Laws, as appearing in the 2006
275 Official Edition, is hereby amended by striking out, in line 34, the word ‘Turnpike’ and inserting
276 in place thereof the following words:- Transportation and Infrastructure.

277 SECTION 66. Section 1 of chapter 90 of the General Laws, as so appearing, is hereby
278 amended by striking out the definition of ‘Department’ and inserting in place thereof the
279 following definition:-

280 ‘Department’, the division of highways.

281 SECTION 67. Section 1A of said chapter 90 is hereby amended by striking out the
282 words ‘or by the Massachusetts Turnpike Authority, the Massachusetts Bay Transportation
283 Authority or the Massachusetts Port Authority’, inserted by section 16 of chapter 303 of the acts
284 of 2008, and inserting in place thereof the following words:- or the Massachusetts Transportation
285 and Infrastructure Authority, the Massachusetts Bay Transportation Authority or the
286 Massachusetts Port Authority.

287 SECTION 68. Section 7A of said chapter 90, as so appearing, is hereby amended by
288 striking out, in line 94, the words ‘Highway Fund’ and inserting in place thereof the following
289 words:- Commonwealth Transportation Fund, established under section 2ZZZ of chapter 29.

SECTION 69. Section 20G of said chapter 90, is hereby amended by striking out, in line 2, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 70. Said chapter 90 is hereby amended by striking out section 34, as most recently amended by section 15 of chapter 302 of the acts of 2008, and inserting in place thereof the following section:-

Section 34. The fees received under the preceding sections, together with all other fees received by the registrar or any other person under the laws of the commonwealth relating to the use and operation of motor vehicles and trailers shall be disposed of as follows: (i) an amount equal to the costs associated with the administration and enforcement of laws relative to the use and operation of motor vehicles and trailers and the operation of the division of motor vehicles shall be deposited into the General Fund; (ii) \$2 from every motorcycle registration issued pursuant to section 2 shall be deposited into the General Fund and used solely for the purpose of promoting and advancing motorcycle safety; (iii) all fees from the issuance of veterans plates pursuant to section 2, in excess of the fees set for the registration of the motor vehicle, shall be deposited into the General Fund; and (iv) any amount remaining after compliance with clause (i), (ii) and (iii) shall be deposited into the Commonwealth Transportation Fund established pursuant to section 2ZZZ of chapter 29.

SECTION 71. Section 34½ of said chapter 90 is hereby repealed.

SECTION 72. Section 35 of said chapter 90, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 74, the word ‘commission’ and inserting in place thereof the word:- division.

312 SECTION 73. Said section 35 of said chapter 90, as so appearing, is hereby further
313 amended by striking out, in lines 75 and 76, the words ‘the director of aeronautics employed by
314 the commission’ and inserting in place thereof the following words:- the undersecretary for
315 aeronautics.

316 SECTION 74. Section 50 of said chapter 90, as so appearing, is hereby amended by
317 striking out, in line 5, the words ‘chairman of the commission’ and inserting in place thereof the
318 following words:- undersecretary for aeronautics.

319 SECTION 75. Section 1 of chapter 90C of the General Laws, as appearing in the 2006
320 Official Edition, is hereby amended by striking out, in line 59, the word ‘Turnpike’ and inserting
321 in place thereof the following words:- Transportation and Infrastructure.

322 SECTION 76. Section 1 of chapter 90E of the General Laws, as so appearing, is hereby
323 amended by striking out, in line 16, the word ‘department’ and inserting in place thereof the
324 following word:- division.

325 SECTION 77. Said section 1 of said chapter 90E, as so appearing, is hereby further
326 amended by striking out, in line 17, the words ‘commissioner of’ and inserting in place thereof
327 the following words:- undersecretary for.

328 SECTION 78. Section 1 of chapter 90H of the General Laws, as so appearing, is hereby
329 amended by striking out, in line 4, the word ‘department’ and inserting in place thereof the
330 following word:- division.

SECTION 79. Said section 1 of said chapter 90H, as so appearing, is hereby further amended by striking out, in line 5, the words ‘commissioner of’ and inserting in place thereof the following words:- undersecretary for.

SECTION 80. The first paragraph of section 35 of chapter 92 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- The commission shall submit its plans for any such connection to the secretary of transportation and the undersecretary for highways so that it may be included in their capital plans.

SECTION 81. Section 251 of chapter 112 of the General Laws, as appearing in section 2 of chapter 232 of the acts of 2008, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Such instrumentalities shall include, but not be limited to, the Massachusetts Transportation and Infrastructure Authority, the Massachusetts Bay Transportation and the Massachusetts Water Resources Authority, and all plans for sheet metal work in such buildings and shall be subject to the approval of the board.

SECTION 82. Section 1A of chapter 119A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 82, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 83. Section 40A of chapter 131 of the General Laws, as so appearing, is hereby amended by striking out, in line 95, the word ‘commission’ and inserting in place thereof the following words:- division.

SECTION 84. Section 45 of said chapter 131, as so appearing, is hereby amended by striking out, in line 36, the word ‘commission’ and inserting in place thereof the following words:- division.

SECTION 85. Section 21 of chapter 142 of the General Laws is hereby amended by striking out, in line 5, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 86. Section 3A of chapter 143 of the General Laws, as so appearing, is hereby amended by striking out in line 27, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 87. Section 94 of said chapter 143, as so appearing, is hereby amended by striking out, in line 10, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 88. Section 73 of said chapter 152, as so appearing, is hereby amended by striking out, in line 5, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 89. Said section 73 of said chapter 152, as so appearing, is hereby further amended by striking out, in line 9, the words ‘any police officer of’.

SECTION 90. Said section 73 of said chapter 152, as so appearing, is hereby further amended by inserting after the first sentence the following sentence:- Notwithstanding the provisions of any general or special law to the contrary, any present and former Massachusetts bay transportation authority employee or retiree entitled to compensation under section 31, 34, 34A, 35, 35A or 36 and who is also entitled to a pension by reason of the same injury shall elect whether he will receive such compensation or such pension, and shall not receive both, except in the manner and to the extent provided by section 14 of chapter 32; provided, further, that the requirement to make said election shall apply to all former Massachusetts bay transportation

375 authority employees or retirees presently receiving or entitled to receive benefits under section
376 31, 34, 34A, 35, 35A or 36 and who are also receiving or entitled to a pension by reason of the
377 same injury.

378 SECTION 91. Section 1 of chapter 159A of the General Laws, as so appearing, is hereby
379 amended by striking out, in line 12, the word ‘Turnpike’ and inserting in place thereof the
380 following words:- Transportation and Infrastructure.

381 SECTION 92. Section 1 of chapter 161A of the General Laws, as so appearing, is hereby
382 amended by striking out the definition of ‘Department’ and inserting in place thereof the
383 following definition:-

384 ‘Department’, the Massachusetts transit division within the department of transportation.

385 SECTION 93. Said section 1 of said chapter 161A, as so appearing, is hereby further
386 amended by striking out the definition of ‘Secretary’ and inserting in place thereof the following
387 definition:-

388 ‘Secretary’, the undersecretary of transportation for mass transit within the department of
389 transportation.

390 SECTION 94. Section 3 of said chapter 161A, as so appearing, is hereby amended by
391 striking out, in lines 12 to 16, inclusive, the words ‘; provided, however, the authority may bind
392 itself by contract to employ not more than five senior officers but no such contract shall be for a
393 period of more than five years’.

394 SECTION 94A. Section 3 of chapter 161A of the General Laws, as appearing in the
395 2006 Official Edition, is hereby amended by striking out, in line 83, the word ‘chapter’ and

inserting in place thereof the following words:- chapter; provided, however, that such facilities shall comply with local zoning ordinances and regulations with respect to any commercial, above ground sign advertising in or on such facilities and equipment, unless such sign (i) receives approval by the local governing body (ii) does not exceed the dimensions of the building or transit station or stop to which it is affixed (iii) is solely related to mass transportation services and operations or (iv) is affixed to a mobile transit vehicle.

SECTION 94B. Said section 3 of said chapter 161A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out subsection (n) and inserting in place thereof the following subsection:-

(n) To sell, lease or otherwise contract for advertising in or on the facilities of the authority; provided, however, that that such facilities shall comply with local zoning ordinances and regulations with respect to any commercial, above ground sign advertising in or on such facilities, unless such sign (i) receives approval by the local governing body (ii) does not exceed the dimensions of the building or transit station or stop to which it is affixed (iii) is solely related to mass transportation services and operations or (iv) is affixed to a mobile transit vehicle. No structure shall be constructed with the purpose of circumventing the intent of this paragraph.

SECTION 95. Said chapter 161A is hereby further amended by striking out section 7, as so appearing, and inserting in place thereof the following section:-

Section 7. The authority shall be governed and its corporate powers exercised by a board of directors. The authority shall consist of the governor, who shall serve as chairperson, and 4 additional members appointed by the governor for a term of 3 years, 2 of whom shall be experts in the field of public or private transportation finance; 1 of whom shall have practical experience

418 in transportation planning and policy; and 1 of whom shall be a registered civil engineer with at
419 least 10 years experience. Any person appointed to fill a vacancy in the office of a member of the
420 board shall be appointed in a like manner and shall serve for only the unexpired term of such
421 member. Any member shall be eligible for reappointment. Any member may be removed from
422 his appointment by the governor for cause. The governor may appoint a designee pursuant to
423 section 6A of chapter 30. A majority of the directors shall constitute a quorum, which shall be
424 required to take any particular action. The directors shall meet monthly; provided, however, that
425 said meeting shall occur no later than the fifteenth day of the month. Each meeting shall provide
426 a sufficient opportunity for public comment.

427 NO SECTION 96.

428 SECTION 97. Section 20 of said chapter 161A, as so appearing, is hereby amended by
429 striking out, in line 2, the word ‘March 1’ and inserting in place thereof the following word:-
430 March 15.

431 SECTION 98. Said section 20 of said chapter 161A, as so appearing, is hereby further
432 amended by striking out, in line 4, the word ‘March 15’ and inserting in place thereof the
433 following word:- April 15.

434 SECTION 99. Section 38 of said chapter 161A, as so appearing, is hereby amended by
435 striking out, in lines 4 and 5, the words ‘to the same extent as though the authority were a street
436 railway company’.

437 SECTION 100. Said section 38 of said chapter 161A, as so appearing, is hereby further
438 amended by striking out the second paragraph.

SECTION 101. Section 43 of said chapter 161A, as so appearing, is hereby amended by striking out, in line 7, the words ‘not less than’.

SECTION 102. Said section 43 of said chapter 161A, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

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

SECTION 103. Section 1 of chapter 161B of the General Laws, as so appearing, is hereby amended by striking out the definition of ‘Department’ and inserting in place thereof the following definition:-

‘Department’, the Massachusetts transit division within the department of transportation.

SECTION 104. Said section 1 of said chapter 161B, as so appearing, is hereby further amended by striking out the definition of ‘Secretary’ and inserting in place thereof the following definition:-

461 ‘Secretary’, the undersecretary of transportation for mass transit within the department of
462 transportation.

463 SECTION 105. Section 2 of chapter 161C of the General Laws, as so appearing, is
464 hereby amended by striking out the definition of ‘Executive office’ and inserting in place thereof
465 the following definition:-

466 ‘Executive office’, the Massachusetts transit division within the department of
467 transportation.

468 SECTION 106. Said section 1 of said chapter 161C, as so appearing, is hereby further
469 amended by striking out the definition of ‘Secretary’ and inserting in place thereof the following
470 definition:-

471 ‘Secretary’, the undersecretary of transportation for mass transit within the department of
472 transportation.

473 SECTION 107. Section 2 of chapter 161D of the General Laws, as so appearing, is
474 hereby amended by striking out the definition of ‘Executive office’ and inserting in place thereof
475 the following definition:-

476 ‘Executive office’, the Massachusetts transit division within the department of
477 transportation.

478 SECTION 108. Said section 2 of said chapter 161D, as so appearing, is hereby further
479 amended by striking out the definition of ‘Secretary’ and inserting in place thereof the following
480 definition:-

481 ‘Secretary’, the undersecretary of transportation for mass transit within the department of
482 transportation.

483 SECTION 109. Section 1 of chapter 218 of the General Laws, as so appearing, is hereby
484 amended by striking out, in line 243, the word ‘Turnpike’ and inserting in place thereof the
485 following words:- Transportation and Infrastructure.

486 SECTION 110. Section 1 of chapter 258 of the General Laws, as so appearing, is hereby
487 amended by inserting after the word ‘including’, in line 40, the following words:- the
488 Massachusetts Transportation and Infrastructure Authority, the Massachusetts Bay
489 Transportation Authority, any duly constituted regional transit authority, and the Massachusetts
490 Turnpike Authority.

491 SECTION 111. Said section 1 of chapter 258 of the General Laws, as so appearing, is
492 hereby amended by striking out, in lines 50 to 52, inclusive, the words ‘the Massachusetts Bay
493 Transportation Authority, the Massachusetts Port Authority, the Massachusetts Turnpike’ and
494 inserting in place thereof the following words:- the Massachusetts Port Authority, the
495 Massachusetts Transportation and Infrastructure.

496 SECTION 112. Said section 1 of said chapter 258, as so appearing, is hereby further
497 amended by adding the following definition:-

498 ‘Serious bodily injury’, bodily injury which results in a permanent disfigurement, or loss
499 or impairment of a bodily function, limb, or organ.

500 SECTION 113. The first paragraph of section 10 of said chapter 258, as so appearing, is
501 hereby amended by adding the following subsection:-

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

SECTION 114. Section 8 of chapter 268A of the General Laws, as so appearing, is hereby amended by inserting after the word ‘bonds’, in line 13, the following words:- ; provided, further, that this section shall not prohibit any state, county or municipal employee or any person acting on behalf of such employee, or any state, county or municipal agency, with respect to any public building or construction project, from evaluating and implementing an owner controlled insurance program, so called, where such evaluation has resulted in a determination that implementation of an owner controlled insurance program as a risk management tool associated with the public building or construction contract is in the best interests of the state, county, or municipality issuing and responsible for the public building or construction contract.

SECTION 115. Section 1 of chapter 465 of the acts of 1956 is hereby amended by inserting after subsection (a) the following new subsection:-

(a½) The words advisory board shall mean the advisory board established pursuant to section 36 of this act.

SECTION 116. Said chapter 465 is hereby further amended by adding the following section:-

Section 36. (a) There shall be an advisory board to the authority consisting of a voting representative of each of the following cities and towns: Braintree, Bedford, Brookline, Cambridge, Chelsea, Cohasset, Concord, Everett, Hingham, Hull, Lexington, Lincoln, Malden, Melrose, Medford, Milton, Nahant, Quincy, Revere, Somerville, Weymouth, and Winthrop, Worcester; provided, further, that the city of Boston shall have 7 voting representatives, 1 of

whom shall be a resident of the Beacon Hill or South End sections of the city of Boston, 1 of whom shall be a resident of the East Boston section of the city of Boston, 1 of whom shall be a resident of the Dorchester or Roxbury sections of the city of Boston, 1 of whom shall be a resident of the Charlestown section of Boston, 1 of whom shall be a resident of the South Boston section of the city of Boston, 1 of whom shall be a resident of the Roslindale or Hyde Park sections of the city of Boston, and 1 of whom shall be a resident of the West Roxbury or Jamaica Plain sections of the city of Boston. The members of the advisory board shall consist of the chief executive officer thereof; provided, however, that any chief executive officer, by writing filed with the authority, may appoint a permanent designee to serve in his stead as a member of said advisory board until the expiration of each term of office of the designating chief executive officer or the earlier vacancy of the office of the designating chief executive officer; provided, further, that if the chief executive officer of the city of Boston opts to serve as the representative for the city of Boston to the advisory board, he shall be deemed to represent the forgoing sections of the city of Boston; provided further that a permanent designee shall be versed in at least 1 of the following 3 disciplines: environmental affairs, community/airport relations or public health. For the purpose of this section, the term 'chief executive officer' shall mean the person designated as the chief executive officer under the provisions of a local charter or laws having the force of a charter, and otherwise the mayor in every city and the chairman of the board of selectmen or president of the town council, as the case may be, in every town.

(b) Except as otherwise prescribed in this section, each voting representative shall cast 1 vote on the advisory board. Each voting representative of the several sections of the city of Boston as listed in paragraph (a) shall cast 1 vote. Wherein the chief executive officer of the city

546 of Boston shall opt to serve as the representative to the advisory board for the city of Boston, he
547 shall cast 7 votes.

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

555 (d) Said advisory board shall annually elect a chairperson, a vice-chairperson, a secretary
556 and such officers as said advisory board might determine. Each officer may be removed by a
557 two-thirds vote of the advisory board without cause. In the event of a vacancy, said board shall
558 fill the vacancy for the unexpired term. Each member of said advisory board shall serve without
559 compensation but may be reimbursed, as an expense of said advisory board, for all reasonable
560 expenses incurred in the performance of his duties as approved by the advisory board.

561 (e) The advisory board shall without limitation: (i) make recommendations to the
562 authority on annual current expense expenditure budgets submitted to the advisory board under
563 paragraph (j); (ii) hold hearings, which may be held jointly with the authority at the discretion of
564 the advisory board and said authority, on matters relating to said authority; (iii) review the annual
565 report of the authority and to prepare comments thereon to the authority and the governor, and to
566 make such examinations of the reports on the authority's records and affairs as the advisory
567 board deems appropriate; and (iv) make recommendations to the governor and the general court

respecting the authority and its programs. The advisory board shall have all powers necessary or convenient to carry out and effectuate the foregoing purposes.

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

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

(h) The advisory board may incur annual expenses, not to exceed \$250,000 for expenses authorized under paragraph (c) and for personnel and office expenses. Said annual expenses shall be paid by the authority.

(i) The authority shall provide any information, including but not limited to, annual current expense expenditure budgets and capital expenditure reports, requested by the advisory

590 board which are necessary for the discharge of its duties; provided, however, that the advisory
591 board shall not be granted access to any information if it be determined by the executive director
592 of the authority and the director of security for the authority that the release of such information
593 would be detrimental to public safety; provided, further, that said determination shall be made in
594 writing and said writing shall be delivered to the advisory board within 2 days; and, provided,
595 further, that said writing shall be signed by the executive director and director of security of said
596 authority under pains and penalties of perjury.

597 SECTION 117. Section 2 of chapter 634 of the acts of 1971, as most recently amended
598 by section 1 of chapter 364 of the acts of 1990, is hereby further amended by striking out the
599 second paragraph and inserting in place thereof the following paragraph:-

600 Following acquisition of said bridges by the department, said department shall, in its sole
601 discretion, furnish or otherwise provide for the necessary flag protection on the railroad rights-
602 of-way of the Massachusetts Bay Transportation Authority, which may be required when the
603 department is performing inspection, maintenance and repair, reconstruction, or replacement of
604 any such bridges.

605 SECTION 118. Subsection (c) of section 83 of chapter 4 of the acts of 2003, as most
606 recently amended by section 8 of chapter 228 of the acts of 2007, is hereby amended by striking
607 out the words ‘Central Artery and Statewide Road and Bridge Infrastructure Fund established
608 under section 63 of chapter 10 of the General Laws’ and inserting in place thereof the following
609 words:- Massachusetts Transportation and Infrastructure Fund established pursuant to section 4
610 of chapter 6C of the General Laws.

SECTION 119. (a) Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts Transportation and Infrastructure Authority and the Massachusetts Turnpike Authority are hereby authorized and directed to develop and implement a transfer agreement providing for the orderly transfer and provisional appointment of personnel from the turnpike authority to the Massachusetts Transportation and Infrastructure Authority consistent with the provisions contained herein as well as the transfer of all assets, liabilities, obligations, and debt of said authority to Massachusetts Transportation and Infrastructure Authority not later than July 1, 2010; provided, further, that said transfer should be effectuated upon a vote by the Massachusetts Transportation and Infrastructure Authority to assume responsibility for the liabilities, obligations and debts of the former turnpike authority. Upon the assumption of the outstanding liabilities, obligations, and debt of the authority by the Massachusetts Transportation and Infrastructure Authority, said authority shall be dissolved and, without further conveyance or other act, all the assets, liabilities, obligations and debt as well as all rights, powers and duties of the authority shall be transferred to and assumed by Massachusetts Transportation and Infrastructure Authority. Unless specifically provided to the contrary, the terms ‘turnpike,’ ‘Ted Williams tunnel,’ ‘Sumner tunnel,’ and ‘metropolitan highway system’ as used in this section, and elsewhere in this act, shall have the meanings ascribed to them in chapter 81A of the General Laws.

(b) On the date the authority is dissolved, but not later than July 1, 2010: (i) ownership, possession, and control of all personal property, including, but without limitation, all equipment, books, maps, papers, plans, records and documents of whatever description pertaining to the design, construction, use, operation, and general affairs of the turnpike and metropolitan highway system which are in the possession of the Massachusetts Turnpike Authority or any division,

unit, officer or employee thereof shall pass to and be vested in the Massachusetts Transportation and Infrastructure Authority without consideration or further evidence of transfer and shall thereafter be in the possession and control of the highway division; (ii) ownership, possession, and control of all real property, including, without limitation, all land, buildings, highways, bridges, tunnels and other highway elements of whatever description that are owned by the Massachusetts Turnpike Authority or any division or unit thereof shall pass to and be vested in the Massachusetts Transportation and Infrastructure Authority without consideration or further evidence of transfer and shall thereafter be a part of the state highway system under the possession and control of the highway division; provided, however, that prior to such dissolution, the Massachusetts Turnpike Authority shall be authorized to transfer, for nominal consideration, to the Massachusetts Bay Transportation Authority, all of its right title and interest in the land, track and other property comprising the rail line and right of way extending from the South Bay section of the city of Boston to the city of Newton; provided, further, that the authority shall retain any portion of or interest in such rail line and right of way deemed by the authority or the highway division, with the approval of the Massachusetts Transportation and Infrastructure Authority, to be necessary for the operation of the turnpike or the metropolitan highway system; and (iii) all duly existing contracts, leases, or obligations of the Massachusetts Turnpike Authority with respect to the turnpike or metropolitan highway system which remain in force immediately prior to the effective date of the dissolution of the authority, shall be deemed to be the obligations of the Massachusetts Transportation and Infrastructure Authority. No existing right or remedy under this section shall be lost, impaired or affected by this act. The Massachusetts Transportation and Infrastructure Authority shall have authority to exercise all rights and enjoy all interests conferred upon the Massachusetts Turnpike Authority by said

657 contracts, leases, or obligations. In the case of collective bargaining agreements, any obligations
658 under said agreements shall expire on the stated date of expiration of such agreements.

659 (c) The transfer of the assets, liabilities, obligations, and debt of the Massachusetts
660 Turnpike Authority to the department under this act shall be effective upon dissolution of said
661 authority and shall bind all persons, with or without notice and without any further action or
662 documentation. Without derogating from the foregoing, the department of transportation may,
663 from time to time, execute and record and file for registration with any registry of deeds or the
664 land court or with the secretary of the commonwealth, as appropriate, a certificate confirming the
665 commonwealth's ownership of any interest in real or personal property formerly held by the
666 Massachusetts Turnpike Authority and transferred pursuant to the provisions of this act and
667 establishing and confirming the limits of state highway so transferred.

668 (d) This act shall not limit or impair the rights, remedies, or defenses of the
669 commonwealth, the department of transportation, or the Massachusetts Turnpike Authority in or
670 to any such action including, without limitation, the provisions of section 18 of chapter 81 and
671 chapter 258. All actions or proceedings shall be subject to the provisions of said section 18 of
672 chapter 81 and chapter 258. Except as expressly excepted by the previous sentence, actions and
673 proceedings against or on behalf of the Massachusetts Turnpike Authority shall continue
674 unabated and, from and after the date of dissolution of the authority, may be completed against
675 or by the department of transportation.

676 (e) Prior to any transfer of assets owned by the Massachusetts turnpike authority, the
677 undersecretary of the division of highways, in consultation with the Treasurer of the
678 commonwealth and the executive director of the pension reserves investment management board,

shall study and assess current market value of real property under the ownership, possession, and control of the Massachusetts turnpike authority, including but not limited to, any land or buildings, and determine whether such assets are surplus to the operation of the Turnpike or Metropolitan highway system, as defined by section 1 of chapter 6C, and whether such assets present the potential to meet the pension fund's assumed rate of return for investments. Any such assets deemed to be both surplus and as presenting the potential to meet the pension fund's assumed rate of return for investments, prior to being transferred to the division, may be purchased at the current market value by the pension fund, subject to the approval of the undersecretary of the division of highways and the pension reserves investment management board. Any proceeds generated from such a sale shall be deposited in the Massachusetts Transportation and Infrastructure Fund, established pursuant to section 4 of chapter 6C.

SECTION 120. Notwithstanding any general or special law to the contrary, any order, rule, or regulation duly promulgated, or any license, permit, certificate or approval duly granted, by or on behalf of the Massachusetts Turnpike Authority shall continue in effect from and after the date of dissolution of the authority and shall be enforced by the department of transportation until superseded, revised, rescinded or cancelled by the department of transportation.

SECTION 121. Notwithstanding any general or special law to the contrary, the department shall, in consultation with the Federal Highway Administration, inventory the requirements for, and assume the responsibilities of, rehabilitating and reconstructing the turnpike and metropolitan highway system in compliance with Title 23 of the United States Code. Said inventory shall include operational and safety considerations associated with direct access to the mainline roadway from (i) maintenance, administration, and state police facilities, (ii) emergency median crossovers, and (iii) adjacent local roadways and service plazas.

SECTION 122. (a) On July 1, 2009, each employee of the Massachusetts Turnpike Authority whose salary is paid out of revenue generated by the authority as defined in section 3 of chapter 81A of the General Laws, and whose salary is accounted for on the books of the Massachusetts Turnpike Authority as arising from revenue generated that authority shall become an employee of the Massachusetts Transportation and Infrastructure Authority, hereinafter referred to as the Authority.

(b) On July 1, 2010, all remaining employees of the Massachusetts Turnpike Authority shall become employees of the Massachusetts Transportation and Infrastructure Authority.

(c) All officers and employees of the Massachusetts Turnpike Authority transferred to the service of the Massachusetts Transportation and Infrastructure Authority shall be transferred without impairment of seniority, civil service status, retirement or other statutory rights of employees, without reduction in compensation or salary grade, notwithstanding any change in job titles or duties, without loss of accrued rights to holidays, sick leave, vacation and other benefits, and without change in union representation, except as otherwise provided in this act. Terms of service of employees of the Massachusetts Turnpike Authority shall not be deemed to be interrupted by virtue of transfer to the Massachusetts Transportation and Infrastructure Authority.

(d) Rights and obligations under collective bargaining agreements with respect to employees transferred from the Massachusetts Turnpike Authority, except to the extent expressly inconsistent with this act, shall be assumed by and imposed upon the Massachusetts Transportation and Infrastructure Authority. Except to the extent expressly inconsistent with this act, any collective bargaining agreement in effect for such transferred employees immediately

before the transfer date shall continue as if the employees had not been so transferred, until the expiration date of such collective bargaining agreement. The Massachusetts Transportation and Infrastructure Authority shall negotiate in good faith pursuant chapter 150E of the General Laws with respect to wages, hours and other terms and conditions of employment to become effective as of the expiration date of such collective bargaining agreement. Any expired collective bargaining agreement covering employees transferred to the Massachusetts Transportation and Infrastructure Authority for which successor contract negotiations are on-going as of March 1, 2009 shall be extended for 6 months after the effective date of the act, unless mutually agreed otherwise by the employees' exclusive bargaining representative and the Massachusetts Transportation and Infrastructure Authority, to permit the successful completion of successor negotiations. Nothing in this section shall be construed to confer upon any employee any right not held immediately prior to the date of the transfer or to prohibit any reduction of salary or grade, transfer, reassignment, suspension, discharge, layoff or abolition of position not prohibited before such date.

(e) Notwithstanding any general or special law to the contrary, an employee of the Massachusetts Turnpike Authority who is hired on or after the effective date of this act shall only be eligible for health care coverage under the group insurance commission, provided that the employee meets the eligibility requirements of the group insurance commission.

SECTION 123. Notwithstanding any general or special law to the contrary, upon the effective date of section 124, the Massachusetts Transportation and Infrastructure Authority established pursuant to chapter 6C shall be the successor to the financial obligations of the Massachusetts Turnpike Authority and shall be deemed to have assumed, without any further action, all rights, duties and obligations of the Massachusetts Turnpike Authority in effect as of

said date. Notwithstanding the foregoing, no existing rights of the holders of the bonds issued by the Massachusetts Turnpike Authority under chapter 81A of the General Laws shall be impaired hereby, and the authority, as successor in interest to the Massachusetts Turnpike Authority, shall maintain the covenants of the trust indentures pertaining to such bonds so long as such bonds shall remain outstanding.

SECTION 124. (a) Notwithstanding the provisions of any general or special law to the contrary, employees of the Massachusetts Turnpike Authority who become state employees under this act and who are eligible for group insurance coverage pursuant to chapter 32A of the General Laws shall receive the full extent of benefits provided to existing state employees. Said employees shall cease to be eligible or insured by the authority. The group insurance commission, hereinafter referred to as the commission, shall provide uninterrupted coverage for group life and accidental death and dismemberment insurance and group general or blanket insurance providing hospital, surgical, medical, dental, and other health insurance benefits pursuant to said chapter 32A.

(b) Notwithstanding the provisions of any general or special law to the contrary, retired employees of the Massachusetts Turnpike Authority and the surviving spouses of active or retired authority employees who are eligible for group insurance coverage pursuant to this section and said chapter 32A shall have said eligibility and coverage transferred to the commission and shall receive the full extent of benefits provided to existing state employees. Said persons shall cease to be eligible or insured by the authority. The commission shall provide uninterrupted coverage for group life and accidental death and dismemberment insurance and group general or blanket insurance providing hospital, surgical, medical, dental, and other health insurance benefits to the extent authorized under the provisions of said chapter 32A. All

770 questions relating to group insurance rights, obligations, costs and payments shall be determined
771 solely by the group insurance commission, and shall include the manner and method for the
772 payment of all required premiums applicable to all such coverage.

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

778 (d) Any monies in the Massachusetts turnpike authority's claims trust fund shall be
779 transferred to the commission. The Massachusetts turnpike authority's treasurer shall provide the
780 commission with an accounting of the claims trust fund which shall be for the 1 year period
781 immediately preceding the effective date and shall include a calculation of the employee, retiree
782 and surviving spouse contributions that are in excess of the claims costs and expenses of the
783 plans for which the contributions were made. Said treasurer shall routinely forward to the
784 commission any claims for health insurance claims made on behalf of the active employees and
785 retirees of the authority.

786 (e) Nothing in this section shall be construed to affect the eligibility and coverage of
787 retired Massachusetts Turnpike Authority employees and the surviving spouses of active or
788 retired Massachusetts Turnpike Authority employees who are eligible for group insurance
789 coverage under a plan offered by the Massachusetts Turnpike Authority or who are insured under
790 a plan offered by the Massachusetts Turnpike Authority.

791 SECTION 125. (a) Notwithstanding any general or special law to the contrary: (1) the
792 Massachusetts turnpike authority employees retirement system shall be abolished and transferred
793 to the state employee retirement system and shall be managed by the state board of retirement
794 pursuant to section 18 of chapter 10 of the General Laws, which board shall have with respect
795 thereto the general powers and duties set forth in subdivision (5) of section 20 of chapter 32 of
796 the General Laws; (2) the authority's employees who retired on or before the effective date of
797 this act shall be members of the state retirement system, which shall pay the cost of benefits
798 annually to such retired authority employees and their survivors; and (3) the assets, liabilities,
799 including all accrued pension and unfunded liabilities, and all data files, papers, records, and
800 other materials of the authority's retirement system shall be transferred from said authority
801 retirement system to the state retirement system, subject to paragraph (a) of subsection 8 of
802 section 3 of said chapter 32, and such other applicable provisions of law; provided, however, that
803 the members and officers thereof shall continue to be authorized to do all such things and take all
804 such action as may be necessary or desirable to be done or taken by them to effectuate the
805 transfers to be made pursuant to this section.

806 (b) Effective upon the date of dissolution of the Massachusetts Turnpike Authority or a
807 default in its obligations under said chapter 32, the payment of all annuities, pensions, retirement
808 allowances and refunds of accumulated total deductions and of any other benefits granted under
809 the provisions of sections 1 to 28, inclusive, of said chapter 32 are hereby made obligations of
810 the commonwealth in the case of any such payments from funds of the Massachusetts turnpike
811 authority employees retirement system.

812 SECTION 126. Notwithstanding the provisions of any general or special law to the
813 contrary, employees of the Massachusetts Turnpike Authority who are hired after the effective

814 date of this act shall become members of the state retirement system, and notwithstanding the
815 provisions of any general or special law to the contrary including, but not limited to, paragraph
816 (c) of subdivision (8) of section 3 of chapter 32 of the General Laws, said system shall be
817 responsible for all liability attributable to the service of such employees. The liabilities
818 attributable to the service of such employees shall be recoverable by the commonwealth pursuant
819 to the terms of section 8. Employees hired by said authorities after the effective date of this act
820 shall not be members of either authority's retirement system.

821 SECTION 127. Notwithstanding the provisions of any general or special law to the
822 contrary, on and after the effective date of this act, the Massachusetts Turnpike Authority shall
823 not enter into any contract to employ a person as an employee or officer beyond July 1, 2010.

824 SECTION 128. Notwithstanding the provisions of any general or special law to the
825 contrary, on and after the effective date of this act, the Massachusetts Turnpike Authority shall
826 not extend the term of any collective bargaining agreement to a date after July 1, 2010, and shall
827 not enter into any collective bargaining agreement with an expiration date after July 1, 2010.

828 SECTION 129. Notwithstanding any general or special law to the contrary, all
829 employees of the Massachusetts Bay Transportation Authority who are hired on or after the
830 effective date of this act shall be deemed 'employees' in accordance with subsection (b) of
831 section 2 of chapter 32A of the General Laws and shall be subject to all of said chapter 32A, and
832 shall not be eligible for coverage and shall not receive benefits under any other plan offered by
833 the Massachusetts Bay Transportation Authority. The authority's contribution to the cost of
834 health insurance coverage for Massachusetts Bay Transportation Authority employees hired after

835 the effective date of this act shall be the same as the provisions on the commonwealth's
836 contributions in said chapter 32A.

837 SECTION 130. Notwithstanding any general or special law to the contrary, an employee
838 of the Massachusetts Bay Transportation Authority who is employed by the Massachusetts Bay
839 Transportation Authority on the effective date of this act and who becomes and who is eligible
840 for group insurance coverage under insurance plans offered by the authority or who is insured
841 under such a plan, shall have his eligibility and coverage transferred to the jurisdiction of the
842 group insurance commission effective July 1, 2010 and such person shall cease to be eligible or
843 insured under the plans previously offered by the Massachusetts Bay Transportation Authority.

844 Upon transfer to the group insurance commission all employees of the Massachusetts Bay
845 Transportation Authority shall be deemed 'employees' in accordance with subsection (b) of
846 section 2 of chapter 32A of the General Laws and shall be subject to all of the provisions of said
847 chapter; provided, however, that a Massachusetts Bay Transportation Authority employee who
848 was covered by a collective bargaining agreement on the date of transfer shall continue to
849 receive the group insurance benefits required by his respective collective bargaining agreement
850 until the expiration date of such agreement. If the Massachusetts Bay Transportation Authority
851 has monies in an employee's group insurance trust fund related to the employees transferred to
852 the group insurance commission, these funds shall be transferred to the group insurance
853 commission trust fund established in section 9 of said chapter 32A.

854 SECTION 131. Notwithstanding any general or special law to the contrary, the
855 Massachusetts Bay Transportation Authority shall continue to provide the coverage, benefits,
856 premium contribution ratios, and other terms, in effect as of June 30, 2010, applicable to retired

employees of the Massachusetts Bay Transportation Authority and the surviving spouses of active or retired employees of the Massachusetts Bay Transportation Authority who are eligible for group insurance coverage under a plan offered by the Massachusetts Bay Transportation Authority and who have retired prior to July 1, 2010; provided, however, that employees retired prior to July 1, 2010 shall be entitled to noncontributory coverage under any health maintenance organization offered by the Massachusetts Bay Transportation Authority as of June 30, 2010.

SECTION 132. Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority or any successor, shall enter into an agreement to establish or amend existing retirement or pension benefits only if any employee hired after the effective date of the agreement or amendment may not receive a retirement or pension benefit prior to the completion of 25 years of credited pension service and attained 55 years of age. The Massachusetts Bay Transportation Authority is not prohibited by this section from permitting retirement prior to attaining age 55; provided, however, that either: (i) the employee is entitled to a disability pension under the Massachusetts Bay Transportation Authority retirement system; or (ii) the employee has earned the maximum percentage allowed under the retirement formula of the Massachusetts Bay Transportation Authority retirement system and that the employee waives the ability to collect a pension and retirement benefit due until attaining age 55.

SECTION 133. Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts Port Authority, and the Massachusetts Turnpike Authority, for so long as it shall exist, are hereby prohibited, upon the effective date of this act, from entering into any new or amended employment agreements, which fix the compensation and conditions of employment or otherwise bind said authorities to designated contract periods.

879 SECTION 134. (a) As used in sections 136 to 138 the following words shall, unless the
880 context clearly requires, have the following meanings:-

881 ‘Authority’, the Massachusetts Port Authority established pursuant to chapter 465 of the
882 acts of 1956.

883 ‘Bridge’, the Maurice J. Tobin Memorial Bridge, formerly known as the Mystic River
884 Bridge, constructed and owned by the Massachusetts Port Authority pursuant to chapter 465 of
885 the acts of 1956.

886 ‘Department’, the department of transportation.

887 ‘Fund’, the Massachusetts Turnpike Authority Revenue Enhancement Fund established
888 pursuant to section 4.

889 (b) Notwithstanding any general or special law to the contrary, not later than July 1,
890 2009, the authority shall transfer the bridge, owned and operated by the authority, to the
891 Massachusetts Transportation and Infrastructure Authority to be under the control of the
892 Massachusetts Transportation and Infrastructure Authority. Ownership, possession, and control
893 of the bridge, including, but not limited to, all equipment, books, maps, papers, plans, records
894 and documents of whatever description pertaining to the design, construction, use, operation, and
895 general affairs of the bridge which are in the possession of the authority or any division, unit,
896 officer or employee thereof shall pass to and be vested in the Massachusetts Transportation and
897 Infrastructure Authority to be under the control of the Massachusetts Transportation and
898 Infrastructure Authority without consideration or further evidence of transfer and shall thereafter
899 be in the ownership, possession and control of the Massachusetts Transportation and
900 Infrastructure Authority.

901 (c) Notwithstanding any general or special law to the contrary, bridge personnel deemed
902 necessary by the authority for the operation, management, design, construction, reconstruction,
903 repair, maintenance, or improvement of the bridge, transferred under subsection (b), shall be
904 transferred to the Massachusetts Transportation and Infrastructure Authority. The terms and
905 conditions of any collective bargaining agreement covering bridge personnel that is in effect
906 upon the transfer of such personnel to the Massachusetts Transportation and Infrastructure
907 Authority shall remain in effect until the stated date of expiration of such agreement, at which
908 point the agreement shall expire; provided, however, that upon the effective date of this act, the
909 authority shall not engage in negotiations for future collective bargaining agreements covering
910 such employees.

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

918 Upon transfer to the group insurance commission all employees of the Massachusetts
919 Transportation and Infrastructure Authority shall be deemed 'employees' in accordance with
920 subsection (b) of section 2 of chapter 32A of the General Laws and shall be subject to all of the
921 provisions of said chapter 32A; provided, however, that a Maurice J. Tobin bridge employee
922 who was covered by a collective bargaining agreement on the date of the transfer to the
923 Massachusetts Transportation and Infrastructure Authority shall continue to receive the group

924 insurance benefits required by his respective collective bargaining agreement until the expiration
925 date of such agreement.

926 If the Massachusetts Port Authority has monies in an employee's group insurance trust
927 fund related to the bridge employees transferred to the Massachusetts Transportation and
928 Infrastructure Authority, these funds shall be transferred to the group insurance commission trust
929 fund established in section 9 of said chapter 32A.

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

934 (d) Notwithstanding any general or special law to the contrary, all duly existing contracts,
935 leases, and obligations of the authority regarding the bridge shall continue in effect and shall
936 remain the liability of the authority; provided, however, that all contracts and obligation related
937 to any collective bargaining agreement shall be assumed by the Massachusetts Transportation
938 and Infrastructure Authority; and provided, further, that in the case of collective bargaining
939 agreements, any obligations assumed by the Massachusetts Transportation and Infrastructure
940 Authority under said agreements shall expire on the stated date of expiration of such agreements.
941 No existing right or remedy of any character shall be lost, impaired, or affected by this act. On
942 and after the effected date of this act, the authority shall not amend existing or negotiate any new
943 payment in lieu of tax (PILOT) agreements. Any PILOT payments that exist as of the effective
944 date shall continue to be paid by the authority until the transfer of the bridge is completed. Upon
945 transfer of the bridge, the amount called for in the last payment of any PILOT still in effect as of

946 the effected date of this act, whether that final payment was subsequently paid or is still due,
947 shall be the basis for the conversion of PILOT payments into final, one-time payments calculated
948 upon the present day value of a twenty-five year schedule of PILOT payments, and paid by the
949 Massachusetts Transportation and Infrastructure Authority to the receiving parties of the PILOT
950 agreements. Once the final, one-time PILOT payments are made, the Massachusetts
951 Transportation and Infrastructure Authority shall not be required to enter into any new PILOT
952 agreements.

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

955 SECTION 135. Notwithstanding any general or special law to the contrary, the
956 department may, in accordance with section 3B of chapter 7 of the General Laws, fix and revise
957 by regulation from time to time and charge and collect tolls, rates, fees, rentals, and other charges
958 for transit over or through the Maurice J. Tobin Memorial Bridge.

959 The department shall convene at least 2 public hearings, to be within the metropolitan
960 Boston area for proposed changes in the toll structure on the bridge. Said public hearings shall be
961 at least 30 days prior to the effective date of any proposed change in toll structure and shall allow
962 for a 1 week comment period, after each such hearing, during which written testimony and
963 comments shall be accepted.

964 The department shall not charge or collect a toll for transit by official emergency vehicles
965 of the commonwealth or any municipality, political subdivision or instrumentality thereof over
966 or through the Maurice J. Tobin Memorial Bridge.

967 SECTION 136. Notwithstanding any general or special law to the contrary, all revenues
968 collected by the department from fares, fees, tolls, or any other revenue sources, including, but
969 not limited to, from federal sources from the operation of the Maurice J. Tobin Memorial Bridge
970 shall be deposited in the Massachusetts Transportation and Infrastructure Fund established
971 pursuant to section 4 of chapter 6C of the General Laws.

972 NO SECTION 137.

973 NO SECTION 138.

974 SECTION 139. (a) The secretary of transportation shall make such plans and
975 arrangements as may be necessary to ensure the efficient transfer of: (i) the Massachusetts
976 turnpike authority's functions, assets, liabilities, and obligations; (ii) the Maurice J. Tobin
977 Memorial Bridge owned and operated by the Massachusetts Port Authority; and (iii) the
978 vehicular bridges and appurtenances under the control of the department of conservation and
979 recreation, to the department pursuant to this act.

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

982 Any order, rule or regulation duly promulgated by or on behalf of the department of
983 highways, the Massachusetts aeronautics commission, the registry of motor vehicles, and the
984 Massachusetts Turnpike Authority, shall continue in full force and effect to the extent consistent
985 with this act and the laws of the commonwealth, and shall continue to be enforced, until
986 superseded, revised, rescinded or cancelled by the secretary of transportation.

SECTION 140. (a) Notwithstanding the provisions of any general or special law to the contrary, the department of transportation shall facilitate the orderly transfer of the employees, proceedings, rules and regulations, property, and legal obligations of the following functions of state government from the transferor agency to the transferee agency, defined as follows: (1) the functions of the department of highways, as the transferor agency, to the Massachusetts department of transportation, highway division, as the transferee agency; (2) the functions of the registry of motor vehicles, as the transferor agency, to the Massachusetts department of transportation, motor vehicles division, as the transferee agency; (3) the functions of the aeronautics commission, as the transferor agency, to the Massachusetts department of transportation, aeronautics division, as the transferee agency.

(b) The employees of each transferor agency, including those who immediately before the effective date of this act hold permanent appointment in positions classified under chapter 31 of the General Laws or have tenure in their positions as provided by section 9A of chapter 30 of the General Laws or do not hold such tenure, or hold confidential positions, are hereby transferred to the respective transferee agency, without interruption of service, without impairment of seniority, retirement or other rights of the employee, and without reduction in compensation or salary grade, notwithstanding any change in title or duties resulting from such reorganization, and without loss of accrued rights to holidays, sick leave, vacation and benefits, and without change in union representation or certified collective bargaining unit as certified by the state division of labor relations or in local union representation or affiliation. Any collective bargaining agreement in effect immediately before the transfer date shall continue in effect and the terms and conditions of employment therein shall continue as if the employees had not been so transferred. The reorganization shall not impair the civil service status of any such reassigned

1010 employee who immediately before the effective date of this act either holds a permanent
1011 appointment in a position classified under chapter 31 of the General Laws or has tenure in a
1012 position by reason of section 9A of chapter 30 of the General Laws.

1013 Notwithstanding the provisions of any general or special law to the contrary, all such
1014 employees shall continue to retain their right to collectively bargain pursuant to chapter 150E of
1015 the General Laws and shall be considered employees for the purposes of said chapter 150E.

1016 Nothing in this section shall be construed to confer upon any employee any right not held
1017 immediately before the date of said transfer, or to prohibit any reduction of salary grade, transfer,
1018 reassignment, suspension discharge layoff or abolition of position not prohibited before such
1019 date.

1020 (c) All petitions, requests, investigations and other proceedings appropriately and duly
1021 brought before each transferor agency or duly begun by each transferor agency and pending
1022 before it before the effective date of this act, shall continue unabated and remain in force, but
1023 shall be assumed and completed by the department of transportation.

1024 (d) All orders, rules and regulations duly made and all approvals duly granted by each
1025 transferor agency, which are in force immediately before the effective date of this act, shall
1026 continue in force and shall thereafter be enforced, until superseded, revised, rescinded or
1027 canceled, in accordance with law, by the department of transportation.

1028 (e) All books, papers, records, documents, equipment, buildings, facilities, cash and other
1029 property, both personal and real, including all such property held in trust, which immediately
1030 before the effective date of this act are in the custody of each transferor agency shall be
1031 transferred to the department of transportation.

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

SECTION 141. Notwithstanding any general or special law to the contrary, the secretary of administration and finance shall establish an office of transition management for transportation within the executive office for administration and finance to accomplish the purposes of this act. Agencies from within that executive office including, but not limited to, the human resources division and the division of capital asset management and maintenance, as well as the executive office of transportation and public works and the department of labor shall staff the office.

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

Ninety days after the effective date of this act and quarterly thereafter until such transition period is complete, the secretary of transportation shall submit a report to the governor,

1054 the secretary of administration and finance, the joint committee on transportation, the senate and
1055 house committees on ways and means and the clerks of the senate and the house of
1056 representatives, relative to the progression of the incorporation of the agencies and authorities
1057 into the Massachusetts Transportation and Infrastructure Authority.

1058 The report shall include, but shall not be limited to, plans for the assignment and
1059 reassignment of resources including personal, equipment and supplies into the Massachusetts
1060 Transportation and Infrastructure Authority. The reports shall also include the status of the
1061 transition of roads, bridges, parkways and any other transportation assets of the Massachusetts
1062 Turnpike Authority, the Massachusetts Port Authority, the department of conservation and
1063 recreation and the department of highways and shall further include approximate schedules for
1064 the completion of the transition.

1065 SECTION 142. (a) Notwithstanding the provisions of chapter 30B of the General Laws
1066 or any other general or special law to the contrary, the city of Worcester may, within 1 year of
1067 the effective date of this act, transfer to the Massachusetts Port Authority the Worcester regional
1068 airport, subject to the following terms and conditions: (i) the Worcester regional airport shall be
1069 transferred to the Massachusetts port authority for fair compensation which may be paid in
1070 installments and which shall be reduced by the actual amount of any expenditures, subsidies, and
1071 operational costs assumed or provided to date to or for the Worcester regional airport by said
1072 Massachusetts Port Authority, in addition to any other federal and state funding and grant
1073 assistance, and (ii) the right, title, and interest of said city in the Worcester regional airport shall
1074 be conveyed within 1 year of the effective date of this act. If the parties fail to agree to the
1075 amount of fair compensation within 6 months of the effective date of this act, the secretary of
1076 transportation and the undersecretary of transportation for aeronautics shall establish such

1077 compensation in consultation with the executive director of the Massachusetts Port Authority and
1078 the city manager of the city of Worcester; provided, however, that the terms and conditions of
1079 any such transfer, and the amount of any such compensation to be paid, shall be subject to the
1080 prior approval of the board of the authority.

1081 (b) Upon the transfer of the airport by the city of Worcester to the Massachusetts Port
1082 Authority pursuant to this section, the Massachusetts Port Authority shall be responsible for the
1083 ownership, operation, and maintenance of the Worcester regional airport and, except as
1084 otherwise agreed to by the parties, the city shall cease to be responsible for such ownership,
1085 operation, and maintenance. All warranties and all contract and indemnification rights and
1086 obligations arising out of the design, construction, operation, and maintenance of the airport shall
1087 remain in full force and effect following such transfer. The provisions of this section shall not
1088 limit or in any way impair the rights, remedies or defenses of the city of Worcester or the
1089 Massachusetts Port Authority in or to any such action.

1090 SECTION 143. The secretary of the department of transportation, in consultation with
1091 the secretary of the executive office of labor and workforce development and director of
1092 workforce development shall institute a workforce retraining initiative to mitigate potential
1093 impacts to employees displaced by the organizational efficiencies and agency restructuring
1094 directed by this act. The secretary of transportation and the secretary of labor and workforce
1095 development, or their designees, shall establish a committee to coordinate the workforce
1096 retraining initiative and adopt policies that identify and categorize displaced employees, while
1097 advancing workforce development opportunities for said employees whose lack of skills may
1098 prevent or limit their successful employment. Said committee shall include representatives from
1099 labor unions likely to be affected by this act, representatives from the business industry, and

1100 representatives from the human resources division of the executive office for administration and
1101 finance. The procedures shall outline and recommend various retraining programs available to
1102 employees identified as being displaced by this act, establish eligibility criteria and base skills
1103 requirements for the administration of these programs, promote program accountability and job
1104 placement through the division of career services and one stop career centers, identify available
1105 professional development and technical assistance needs and resources, and encourage economic
1106 diversification and industry growth through technology-focused training.

1107 The director of workforce development together with agencies and other entities that
1108 provide employment or training services in the commonwealth, shall utilize existing state and
1109 federal grant funding, including funding for workforce retraining programs at existing
1110 institutions, community colleges, labor organizations, and administrative entities to implement
1111 the workforce retraining initiative. Where applicable, the director may utilize any funds received
1112 pursuant to the federal Workforce Investment Act of 1998, 112 Stat. 936, 29 U.S.C. § 2801, as
1113 amended, to provide additional funding for the workforce retraining initiative.

1114 In the event an employee displaced by the operation of this act does not have severance
1115 or other termination benefits, the department of transportation shall pay, for a period not to
1116 exceed 2 months following the date of termination of employment, the then current salary for
1117 such employee.

1118 SECTION 144. Notwithstanding the provisions of sections 9, 9A, and 10 of chapter
1119 161B of the General Laws, or any other general or special law to the contrary, all regional transit
1120 authorities established in said chapter 161B shall move to a forward funded budgeting system.
1121 The secretary of the executive office for administration and finance is hereby directed to develop

1122 a plan and timetable for accomplishing this conversion to forward funding and to seek the
1123 necessary appropriations to implement the plan. The secretary is further authorized to
1124 promulgate rules and regulations to effectuate the purposes of this section.

1125 SECTION 145. Notwithstanding any general or special law to the contrary, the highway
1126 division of the department of transportation shall enter into an agreement with the Massachusetts
1127 Bay Transportation Authority to assume all bridge inspection responsibilities for any bridges
1128 owned and operated by said authority over the roads of the commonwealth.

1129 SECTION 146. Notwithstanding section 31 of chapter 15 of the acts of 1988 or the
1130 provisions of any other general or special law to the contrary, the Massachusetts Bay
1131 Transportation Authority is hereby authorized and approved to sell, convey, mortgage, pledge,
1132 lease, exchange, abandon or otherwise dispose of the public parking garage constructed and
1133 operated by the authority and the land acquired by the authority pursuant to such law.

1134 SECTION 147. Notwithstanding any general or special law to the contrary, the bureau
1135 for environmental health within the department of public health shall conduct a comprehensive
1136 baseline study of the health effects of particulate air pollution from surface and air transportation
1137 in Massachusetts. The study shall focus on understanding the health impacts from fine and
1138 ultrafine particulate matter upon populations that are located within 500 feet of any roadway with
1139 50,000 or more motor vehicle trips per day, or any rail line regularly used by diesel locomotives
1140 or within 1 mile of any airport with more than 500 enplanements per week as reported between
1141 January 1, 2007 and January 1, 2008 or within one mile of the Port of Boston; provided, further,
1142 that said study may include, but shall not be limited to, examining respiratory and cardiovascular
1143 disease and cancer incidence that may be affected by exposure to traffic-related particles. The

1144 following departments and agencies of the commonwealth shall provide information to the
1145 bureau relevant to this study: the department of environmental protection, the Massachusetts
1146 Transportation and Infrastructure Authority, the department of transportation, the division of
1147 aeronautics and the central transportation planning staff of the Boston metropolitan planning
1148 organization. The bureau shall report its findings together with legislation, if any, to the house
1149 and senate committees on ways and means not later than June 30, 2010.

1150 SECTION 148. Notwithstanding any general or special law to the contrary, any
1151 employee who retires from the executive office of transportation, the highway department, the
1152 registry of motor vehicles, the Massachusetts Turnpike Authority, the Massachusetts Port
1153 Authority, the Massachusetts Bay Transportation Authority, the Massachusetts Aeronautics
1154 Commission, or the Massachusetts Transportation and Infrastructure Authority shall not be
1155 employed by the agency or authority from which the employee retired or any successor agency
1156 or authority to the agency or authority from which the employee retired, within 1 year.

1157 SECTION 149. The office of the state auditor shall perform a close out audit of each
1158 agency or authority admitted to the Massachusetts Transportation Infrastructure Authority. Said
1159 audit shall include a catalogue of any issues relating to the agency or authority's current and
1160 future finances and operations, current and future revenues or debt structure, and internal policies
1161 and procedures, that he believes are not within Financial Accounting Board Standards of practice
1162 or may violate other laws, rules and procedures of the General Laws.

1163 SECTION 150. Notwithstanding any other provision of this act or any other general or
1164 special law to the contrary, commencing on July 1, 2009, all amounts of any kind received by the
1165 commonwealth which are derived from or related to the operation of the state highway system,

1166 as defined in chapter 81B of the General Laws, shall be deemed to be held in trust for and shall
1167 be transferred and paid over to the Massachusetts Transportation and Infrastructure Authority
1168 when received without further appropriation to be applied to the purposes of the authority. All
1169 amounts of any kind received by the Massachusetts Turnpike Authority which are derived from
1170 the operation of the turnpike, as defined in said chapter 81B, shall be deemed to be held in trust
1171 for and shall be transferred and paid over to the authority when received without further
1172 appropriation to be applied to the purposes of the authority.

1173 SECTION 151. The secretary of transportation shall submit a report on the progress and
1174 all expenditures related to state transportation infrastructure projects undertaken through use of
1175 federal funds received under the American Recovery and Reinvestment Act of 2009 to the clerks
1176 of the senate and house of representatives, the chairs of the senate and house committees on
1177 ways and means, the senate and house chairs of the joint committee on transportation and the
1178 chairs of the senate and house committees on bonding, capital expenditures and state assets. The
1179 report shall include, but not be limited to: the total estimated cost of each project; the amount
1180 expended for the planning and design of each project up to the time the report is filed; the
1181 amount expended on construction of each project up to the time the report is filed; the timeline
1182 from advertisement through contract award and from the start of actual design and construction
1183 by the design build team to project completion; the time saved, if any, by employing the design
1184 build procurement method; and the estimated lifetime maintenance schedule and cost of each
1185 project, the original estimated completion date of each project and the current anticipated
1186 completion date of each project. The report shall also include the total number of employees and
1187 outside contractors and amount expended on the salaries and benefits for such employees and
1188 outside contractors that are specifically working on projects to be carried out as part of projects

funded through said American Recovery and Reinvestment Act of 2009. The report shall be submitted on December 31 of each year until the culmination of any project constructed with funds authorized by said American Recovery and Reinvestment Act of 2009.

SECTION 152. All uncommitted and unexpended funds and authorizations, which have been appropriated from time to time to the executive office of transportation and public works, including any agency and authority within said executive office, including but not limited to, funds authorized in chapter 15 of the acts of 1988, chapter 33 of the acts of 1991, chapter 102 of the acts of 1994, chapter 273 of the acts of 1994, chapter 28 of the acts of 1996, chapter 113 of the acts of 1996, chapter 205 of the acts of 1996, chapter 11 of the acts of 1997, chapter 55 of the acts of 1999, chapter 87 of the acts of 2000, chapter 235 of the acts of 2000, chapter 246 of the acts of 2002, chapter 40 of the acts of 2003, chapter 291 of the acts of 2004, chapter 27 of the acts of 2007, chapter 86 of the acts of 2008, chapter 233 of the acts of 2008, and chapter 303 of the acts of 2008, shall be transferred to the department of transportation for use by the department or any of its divisions for purposes consistent with such authorizations.

SECTION 153. (a) When all payments due on account of the turnpike and the metropolitan highway system, both as defined in chapter 81B of the General Laws, shall have been made, and when all bonds issued under chapter 81A of the General Laws and the interest thereon shall have been paid or a sufficient amount of the payment of all such bonds and the interest thereon to the maturity thereof shall have been set aside in trust for the benefit of the bondholders, and contributions shall have been made to the several funds of the Massachusetts Turnpike Authority employees' retirement system established under sections 1 to 28, inclusive, of chapter 32 of the General Laws such as are sufficient, in the opinion of the actuary, as defined in section 1 of said chapter 32, to provide for the payment of all amounts payable by the system

1212 after that date with respect to all persons then receiving allowances from the Massachusetts
1213 Turnpike Authority employees' retirement system and with respect to all persons who are then
1214 employees, as defined in said section 1, of the Massachusetts Turnpike Authority, whether or not
1215 any such amount is or becomes payable to any such person or the spouse or other beneficiary of
1216 any such person, such opinion to be based upon the assumption, among others, that such persons
1217 who are then employees are then or thereafter become entitled to receive retirement allowances
1218 in the amounts then provided by sections 5, 6 and 7 of said chapter 32 on the basis of the regular
1219 compensation received by, and the years of creditable service of, such persons at such date, all
1220 projects then under the control of the Massachusetts Turnpike Authority shall be operated and
1221 maintained by the division of roads and bridges of the Massachusetts Transportation and
1222 Infrastructure Authority.

1223 (b) Upon the transfer provided in subparagraph (a) the members of the Massachusetts
1224 Turnpike Authority employees' retirement system on the effective date of the dissolution of the
1225 authority who do not then transfer to or enter service in a governmental unit in which a
1226 contributory retirement system established under the provisions of sections 1 to 28, inclusive, of
1227 said chapter 32, or under corresponding provisions of earlier laws or any special law, shall
1228 continue to be members of the Massachusetts Turnpike Authority employees' retirement system
1229 and shall then be entitled to apply for and receive retirement allowances from such system in the
1230 amounts, upon the terms, subject to the conditions and with all of the related rights provided by
1231 and under sections 6, 7, 10 and 12 of said chapter 32.

1232 (c) Effective upon the date of dissolution of the Massachusetts Turnpike Authority (1) the
1233 Massachusetts Turnpike Authority employees' retirement system shall continue under the
1234 provisions of sections 1 to 28, inclusive of said chapter 32; (2) the management of the

1235 Massachusetts Turnpike Authority employees' retirement system shall be transferred to the state
1236 board of retirement provided for in section 18 of chapter 10 of the General Laws which board
1237 shall have with respect thereto the general powers and duties set forth in subdivision (5) of
1238 section 20 of said chapter 32; (3) all data, files, papers and records and other materials of the
1239 retirement board provided for in paragraph (b) of subdivision (41/2) of said section 20 shall be
1240 transferred to and held by the state board of retirement; (4) the funds of the Massachusetts
1241 turnpike authority employees' retirement system in the custody of the secretary-treasurer of the
1242 authority shall be transferred to the state treasurer who shall thereafter be and perform the duties
1243 of the treasurer-custodian of such funds which shall then be held by him for the exclusive benefit
1244 and use of the members of the Massachusetts turnpike authority employees' retirement system
1245 and their beneficiaries; and (5) the retirement board provided for in said paragraph (b) of
1246 subdivision (41/2) shall be abolished; provided, however, that the members and officers thereof
1247 shall continue to be authorized to do all such things and take all such action as may be necessary
1248 or desirable to be done or taken by them to effectuate the transfers to be made pursuant to this
1249 section.

1250 (d) Effective upon the date of dissolution of the Massachusetts Turnpike Authority or a
1251 default in its obligations under chapter 32 of the General Laws, the payment of all annuities,
1252 pensions, retirement allowances and refunds of accumulated total deductions and of any other
1253 benefits granted under the provisions of sections 1 to 28, inclusive, of said chapter 32 are hereby
1254 made obligations of the commonwealth in the case of any such payments from funds of the
1255 Massachusetts turnpike authority employees' retirement system.

1256 SECTION 154. Notwithstanding any general or special law to the contrary, in making
1257 initial appointments to the board of the Massachusetts Transportation and Infrastructure Fund,

1258 the governor shall appoint 4 additional members 1 of whom shall be appointed for a term of 1
1259 year; 1 of whom shall be appointed for a term of 2 years; and 2 of whom shall be appointed for a
1260 term of 3 years.

1261 SECTION 155. Notwithstanding any general or special law to the contrary, the secretary
1262 of administration and finance may enter into such contracts or agreements with the
1263 Massachusetts Transportation and Infrastructure Authority and may transfer proceeds of the
1264 bonds and notes of the commonwealth issued for transportation purposes to the Massachusetts
1265 Transportation and Infrastructure Authority as it deems necessary to carry out the purposes of the
1266 statutory provisions authorizing such bonds or notes.

1267 SECTION 156. Notwithstanding any general or special law to the contrary, any existing
1268 or future balance in the Infrastructure Fund, established pursuant to said section 2O, shall be
1269 credited to the Transportation Fund established pursuant to section 2ZZZ of chapter 29 of the
1270 General Laws, provided that such crediting shall not affect in any way the obligations of the
1271 commonwealth relating to special obligation bonds issued pursuant to said section 2O, and the
1272 pledge of pledged funds, as defined in said section 2O, to secure the payment of such bonds is
1273 hereby ratified and confirmed in all respects and shall remain in full force and effect as long as
1274 any such special obligation bonds issued as of July 1, 2009 remain outstanding in accordance
1275 with their terms and secured by funds in the fund.

1276 SECTION 157. Notwithstanding any general or special law to the contrary, the
1277 comptroller shall transfer the balance of the Highway Fund established pursuant to section 34 of
1278 chapter 90 of the General Laws to the Commonwealth Transportation Fund established pursuant
1279 to section 2ZZZ of chapter 29 of the General Laws.

1280 SECTION 158. Notwithstanding any general or special law to the contrary, the
1281 comptroller shall transfer the balance of the fund to the Commonwealth Transportation Fund
1282 established under section 2ZZZ of chapter 29 of the General Laws; provided, further, that any
1283 monies owed to the fund, including any monies to be paid in connection with the settlement of
1284 any claims involving the Central Artery/Tunnel project, shall be deposited in the Commonwealth
1285 Transportation Fund.

1286 SECTION 159. Notwithstanding any general or special law to the contrary, the
1287 comptroller shall transfer the balance of the Transferred Deferred Maintenance Trust Fund to the
1288 Commonwealth Transportation Fund established pursuant to section 2ZZZ of chapter 29 of the
1289 General Laws.

1290 SECTION 160. Notwithstanding any general or special law to the contrary, any project
1291 or phase thereof that has received an opinion of the secretary of the executive office of energy
1292 and environmental affairs that it is not subject to the jurisdiction of the secretary pursuant chapter
1293 30 of the General Laws shall be governed by the regulations and procedures in effect prior to the
1294 effective date of this act; and any project or phase thereof that has received prior to the effective
1295 date of this regulation any one or more of a variance, special permit, comprehensive permit,
1296 certificate of occupancy, or building permit followed within 5 years thereafter by a certificate of
1297 occupancy, or the developer of which has entered into an agreement with any of the department
1298 of conservation and recreation or the applicable executive office secretary to fund traffic
1299 improvements or traffic mitigation, shall in any such case be governed by the regulations and
1300 procedures in effect prior to the effective date of these regulations so long as the applicable
1301 variance, permit or certificate continues in force and effect or, if applicable, so long as such
1302 agreement has not been duly terminated on account of the failure of the project developer to meet

1303 its obligations under such agreement; in any case unless the applicant elects, in writing, to be
1304 governed by this regulation and the procedures hereunder.

1305 SECTION 160A. Notwithstanding any general or special law to the contrary, the
1306 comptroller shall transfer the balance of the Central Artery and Statewide Road and Bridge
1307 Infrastructure Fund to the Commonwealth Transportation Fund established pursuant to section
1308 2ZZZ of chapter 29 of the General Laws.

1309 SECTION 161. The provisions of this act shall not be deemed in derogation of any
1310 powers conferred upon the department and its constituent divisions and authorities by existing
1311 laws; provided, however, that insofar as the provisions of this act are inconsistent with the
1312 provisions of any general or special law, administrative order or regulation, the provisions of this
1313 act shall be controlling.

1314 SECTION 161A. Notwithstanding any general or special law to the contrary, the
1315 Massachusetts Turnpike Authority, or any successor authority or agency, shall conduct an audit
1316 of its records of the electronic toll collection system and repay an account holder who has been
1317 overcharged during the period commencing as far back as records are kept whether the holder
1318 has requested payment. Pending said audit, the Massachusetts Turnpike Authority, or any
1319 successor authority or agency shall extend the time permissible for an account holder to dispute
1320 an overcharge of the electronic toll collection system to a period of 3 years from the time of the
1321 overcharge unless the Turnpike authority, or any successor authority or agency, chooses to
1322 extend the disputing time frame longer than 3 years.

1323 SECTION 162. Section 4 of chapter 6C of the General Laws, inserted by section 6 shall
1324 take effect on July 1, 2009.

1325 SECTION 163. Section 14 of chapter 6C of the General Laws, inserted by section 6 shall
1326 take effect on July 1, 2010, or upon agreement of the Massachusetts Turnpike Authority and the
1327 Massachusetts Transportation and Infrastructure Authority.

1328 SECTION 164. Section 30 of chapter 6C of the General Laws, inserted by section 6 shall
1329 take effect on July 1, 2011.

1330 SECTION 165. Section 42 of chapter 6C of the General Laws, inserted by section 6 shall
1331 take effect on July 1, 2009.

1332 SECTION 166. Section 43 of chapter 6C of the General Laws, inserted by section 6 shall
1333 take effect on July 1, 2009 and shall expire on July 1, 2010.

1334 SECTION 167. Section 143 shall expire on November 1, 2110.

1335 SECTION 168. Section 44 of chapter 6C of the General Laws, inserted by section 6 shall
1336 take effect on July 1, 2010.

1337 SECTION 169. Sections 12, 14, 29, 51, 70, 124, 125, 137 and 159 shall take effect on
1338 July 1, 2009.

1339 SECTION 170. Sections 1A, 7, 19, 64, 130 and 131 shall take effect in July 1, 2010.

1340 SECTION 171. Sections 43 and 44 shall take effect on January 1, 2013.

1341 SECTION 172. Section 182, Chapter 149 of the General Laws as so appearing, is hereby
1342 amended by inserting the following paragraph at the end thereof:-

1343 A special commission, to consist of 3 members of the senate, 3 members of the house of
1344 representatives, the secretary of state or his designee, the state auditor or his designee, the

1345 inspector general or his designee, the secretary of the executive off for administration and
1346 finance or her designee and the attorney general or her designee, is hereby established for the
1347 purpose of making an investigation and study of quasi-public agencies in the commonwealth,
1348 including but not limited to, the Massachusetts Turnpike Authority, Massachusetts Bay Transit
1349 Authority, Massachusetts Port Authority and the Massachusetts Transportation and Infrastructure
1350 Authority. Said commission shall examine the administrative, managerial and fiscal systems and
1351 the accountability of such agencies. Said commission shall consider issues of quasi-public
1352 agency governance, financial management practices, accounting, controls, and whether policies
1353 and procedures are in place to assure the integrity of quasi-public agency operations,
1354 expectations in law and general accepted accounting and management standards applicable to
1355 quasi-public agencies in the commonwealth. Said commission shall consider issues of
1356 accountability of quasi-public agencies to the commonwealth, including the executive and
1357 legislative branches and to the public. Said commission shall report to the general court the
1358 results of its investigation and study and its recommendations, if any, together with drafts of
1359 legislation necessary to carry such recommendations into effect by filing the same with the clerk
1360 of the senate on or before July 31, 2009.

1361 SECTION 173. Chapter 90 Section 8 is hereby amended by adding after the words
1362 ‘expire on March first’ in line 197 the following sentence:- The Registrar shall notify the license
1363 holder of the expiration date 30-60 days prior to the expiration of said license. The Registrar will
1364 send notice by United States mail to the last known mailing address of said individual.

1365 SECTION 174. The Massachusetts Transportation and Infrastructure Authority shall
1366 annually, not later than September 1, report to the chairs of the house and senate committees on
1367 ways and means on the efficiencies realized as a result of the implementation of this act,

1368 including without limitation, efficiencies realized pursuant to the provision of core services by
1369 the authority.

1370 SECTION 175. Sections 110, 111, 112 and 113 shall apply only to causes of action
1371 arising on or after July 1, 2009.

1372 SECTION 176. Chapter 6C of the General Laws is hereby amended by inserting the
1373 following new section at the end of the Chapter:-

1374 Real property of the authority if leased, used, or occupied in connection with a business
1375 conducted for profit, shall, at the discretion of the municipality for the privilege of such lease,
1376 use or occupancy, be valued, classified, assessed and taxed annually as of January first to the
1377 lessee, user or occupant in the same manner and to the extent as if such lessee, user or occupant
1378 were the owner thereof in fee. No tax assessed under this section shall be a lien upon the real
1379 estate to which it is assessed nor shall any tax be enforced by any sale or taking of such real
1380 estate but the interest of any lessee therein may be sold or taken by the collector of the city or
1381 town in which the real estate lies for the nonpayment of such taxes in the manner provided by
1382 law for the sale or taking of real estate for nonpayment of annual taxes. Such collector shall have
1383 for the collection of taxes under this section all other remedies provided by chapter sixty for the
1384 collection of annual taxes upon real estate.

1385 SECTION 177. Section 17A and 29A of this act shall take effect on July 1, 2010.

1386 SECTION 178. Notwithstanding any general or special law to the contrary, when all
1387 notes and bonds issued by the Massachusetts turnpike authority relating to the turnpike and
1388 payable from turnpike revenues, as defined by section 1 of chapter 6C, have been paid or a
1389 sufficient amount for the payment of all such notes or bonds and the interest thereon, to the

1390 maturity thereof, shall have been set aside in trust for the benefit of the holders of such notes or
1391 bonds and the turnpike is deemed to be in good condition and repair to the satisfaction of the
1392 division of highways and upon a 2/3 vote of the General Court, the turnpike shall thereafter be
1393 operated and maintained by the highway department free of tolls.”.