HOUSE . . . . No. 3316

The Commonwealth of Massachusetts

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In the Year Two Thousand Twelve

_____

An Act providing for the municipal road and bridge maintenance needs 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   SECTION 1.

2   To provide for a capital outlay program of maintenance and improvements to municipal

3   road and bridge assets of the commonwealth, the sums set forth in sections 2 for the several

4   purposes and subject to the conditions specified in this act are hereby made available, subject to

5   the laws regulating the disbursement of public funds, which sums are in addition to any other

6   amounts previously appropriated for these purposes.

7   SECTION 2.

8   DEPARTMENT OF TRANSPORTATION

9   6122-1190 For the construction and reconstruction of town and county ways as described

10   in clause (b) of section 4 of chapter 6C of the General Laws; provided that a city or town shall

11   comply with the procedures established by the division of highways within the department of

12   transportation; provided further, that any such city or town may appropriate for these projects

13   amounts not in excess of the amount provided to the city or town under this item preliminary

14   notice of which shall be provided by the department to the city or town no later than April 1 of

15   each year; provided further, that the commonwealth shall reimburse any such city or town under

16   this item within 30 days after receipt by the department of a request for reimbursement from the

17   city or town, which request shall include certification by the city or town that actual expenses

18   have been incurred on projects eligible for reimbursement under this item, and that the work has

19   been completed to the satisfaction of the city or town according to the specifications of the

20   project and in compliance with applicable laws and procedures established by the department;

21   provided, that no less than $15,000,000 shall be expended for the purpose of planning,

22   engineering, design and construction of transportation infrastructure investments that comply

23   with Complete Streets design standards, as defined by Section 33 of Chapter 6C of the General

24   Laws and including multi-modal accommodation consistent with the most current edition of the

25   Project Development and Design Guide of the Massachusetts Department of Transportation;

26    $250,000,000

27   SECTION 3. To meet the expenditures necessary in carrying out section 2, the state

28   treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an

29   amount to be specified by the governor from time to time but not exceeding, in the aggregate,

30    $250,000,000. All these bonds issued by the commonwealth shall be designated on their face,

31   Maintenance and Improvement of Municipal Roads Act of 2011, and shall be issued for a

32   maximum term of years, not exceeding 30 years, as the governor may recommend to the general

33   court under section 3 of Article LXII of the Amendments to the Constitution. All these bonds

34   shall be payable not later than June 30, 2046. All interest and payments on account of principal

35   on these obligations shall be payable from the General Fund. Bonds and interest thereon issued

36   under this section shall, notwithstanding any other provisions of this act, be general obligations

37   of the commonwealth.

38   SECTION 4. Notwithstanding any general or special law to the contrary, all construction

39   contracts funded in whole or in part by the funds authorized by this act shall include a price

40   adjustment clause for each of the following: fuel, both diesel and gasoline, asphalt, concrete and

41   steel. A base price for each material shall be set by the awarding authority or agency and

42   included in the bid documents at the time a project is advertised. The awarding authority or

43   agency shall also identify in the bid documents the price index to be used for each material or

44   supply. The adjustment clause shall provide for a contract adjustment to be made on a monthly

45   basis when the monthly cost change exceeds +/- 5 per cent.