SECTION 1. To provide for a program of transportation development and improvements, the sums set forth in sections 2 to 2C, inclusive, for the several purposes and subject to the conditions specified in this act, are hereby made available, subject to the laws regulating the disbursement of public funds. The sums appropriated in this act shall be in addition to any amounts previously appropriated and made available for these purposes.

SECTION 2.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Highway Division

For projects on the interstate federal aid highway system; provided, that funds may be expended for the costs of these projects including, but not limited to, the nonparticipating portions of these projects and the costs of engineering and other services essential to these projects, rendered by Massachusetts Department of Transportation employees or by consultants; provided further, that amounts expended for department employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects; provided further, that notwithstanding this act or any other general or special law to the contrary, the department shall not enter into any obligations for projects which are eligible to
receive federal funds under this act unless state matching funds exist which have been
specifically authorized and are sufficient to fully fund the corresponding state portion of the
federal commitment to fund these obligations; and provided further, that the department shall
only enter into obligations for projects under this act based upon a prior or anticipated future
commitment of federal funds and the availability of corresponding state funding authorized and
appropriated for this use by the general court for the class and category of project for which this
obligation applies.................................................................$225,000,000

6121-1216 For federal aid projects on the non-interstate federal highway system;
provided, that funds may be expended for the costs of these projects including, but not limited to,
the nonparticipating portions of these projects and the costs of engineering and other services
essential to these projects rendered by Massachusetts Department of Transportation employees
or by consultants; provided further, that amounts expended for department employees may
include the salary and salary-related expenses of these employees to the extent that they work on
or in support of these projects; provided further, that notwithstanding this act or any other
general or special law to the contrary, the department shall not enter into any obligations for
projects which are eligible to receive federal funds under this act unless state matching funds
exist which have been specifically authorized and are sufficient to fully fund the corresponding
state portion of the federal commitment to fund these obligations; and provided further, that the
department shall only enter into obligations for projects under this act based upon a prior or
anticipated future commitment of federal funds and the availability of corresponding state
funding authorized and appropriated for this use by the general court for the class and category
of project for which this obligation applies.................................................................$525,000,000

SECTION 2A.
6121-1217 For the design, construction, and repair of, or improvements to, non-federally-aided roadway and bridge projects and for the nonparticipating portion of federally-aided projects; provided, that the costs of professional personnel directly and exclusively involved in the construction, planning, engineering and design of the projects funded herein may be charged to this item, and any other associated costs; provided further, that those costs shall not be classified as administrative costs............................$325,000,000

SECTION 2B.

6622-1205 For the purposes of chapter 161B of the General Laws, including the purchase and rehabilitation of rolling stock, related assets and support equipment necessary to safely serve transit passengers, construction and rehabilitation of regional transit authority operations and passenger facilities, and purchase of related appurtenances and tools........ ..............$11,000,000

SECTION 2C.

6622-1280 For the purpose of implementing rail improvements under chapter 161C of the General Laws; provided, that funds may also be used for transportation planning, design,
permitting, acquisition of interests in land, and engineering for heavy rail, light rail, bus, and
other transit projects, including the industrial rail access program; provided, however, the
department shall adopt regulations within 180 days of the effective date of this act implementing
the industrial rail access program, which shall increase access to rail freight service and preserve
or stimulate economic development through the generation of new or expanded rail service;
provided that, the secretary of transportation shall have the responsibility for evaluating and
selecting eligible projects, in consultation with the secretary of housing and economic
development, where the public benefit will be gained through improved use of the rail
transportation network or that will facilitate economic growth through access to the rail assets
within the commonwealth; provided that the program shall be available to any political
subdivision, railroad or shipper operating within the commonwealth.$300,000,000

SECTION 3. To meet the expenditures necessary in carrying out section 2, the state
treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
amount to be specified by the governor from time to time but not exceeding, in the
aggregate,$171,750,000. All bonds issued by the commonwealth shall be designated on their
face, Transportation Improvement Loan Act of 2012, and shall be issued for a maximum term of
years, not exceeding 30 years, as the governor may recommend to the general court under
section 3 of Article LXII of the Amendments to the Constitution. All bonds shall be payable not
later than June 30, 2047. All interest and payments on account of principal on these obligations
shall be payable from the Commonwealth Transportation Fund. Notwithstanding any other
provisions of this act, bonds and interest thereon issued under this section shall be general
obligations of the commonwealth.
SECTION 4. To meet the expenditures necessary in carrying out section 2A, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $325,000,000. All bonds issued by the commonwealth shall be designated on their face, Transportation Improvement Loan Act of 2012, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All bonds shall be payable not later than June 30, 2047. All interest and payments on account of principal on these obligations shall be payable from the Commonwealth Transportation Fund. Notwithstanding any other provisions of this act, bonds and interest thereon issued under this section shall be general obligations of the commonwealth.

SECTION 5. To meet the expenditures necessary in carrying out section 2B, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $11,000,000 which shall be in addition to those bonds previously authorized for projects and programs which are eligible to receive federal funding and which authorizations remain uncommitted or unobligated on the effective date of this act. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Transportation Improvement Loan Act of 2012, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all these bonds shall be payable not later than June 30, 2047. All interest and payments on account of principal on these obligations
shall be payable from the Commonwealth Transportation Fund. Bonds and interest thereon issued under this section shall be general obligations of the commonwealth.

SECTION 6. To meet the expenditures necessary in carrying out section 2C, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $177,500,000 which shall be in addition to those bonds previously authorized for projects and programs which are eligible to receive federal funding and which authorizations remain uncommitted or unobligated on the effective date of this act. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Transportation Improvement Loan Act of 2012, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all these bonds shall be payable not later than June 30, 2047. All interest and payments on account of principal on these obligations shall be payable from the Commonwealth Transportation Fund. Bonds and interest thereon issued under this section shall be general obligations of the commonwealth.

SECTION 7. Notwithstanding any general or special law to the contrary, in carrying out sections 2 to 2C, inclusive, and all other provisions of this act, the Massachusetts Department of Transportation may enter into contracts, agreements, or transactions that may be appropriate with other federal, state, local or regional public agencies or authorities. The contracts, agreements, or transactions may relate to such matters as the department shall determine including, without limitation, the research, design, layout, construction, reconstruction or management of construction of all or a portion of these projects. In relation to any such contracts, agreements, or transactions the department may advance monies to these agencies or authorities, without prior
expenditure by the agencies or authorities, and the agencies and authorities may accept monies
necessary to carry out these agreements; provided, however, that the department shall certify to
the comptroller the amounts so advanced; provided further, that these agreements shall contain
provisions satisfactory to the department for the accounting of monies expended by any other
agency or authority; and provided, further, that all monies not expended under any such
agreement shall be credited to the account of the department from which they were advanced.
The department shall report to the house and senate committees on ways and means on any
transfers completed under this section.

SECTION 8. (a) Notwithstanding any other general or special law to the contrary, the
Massachusetts Department of Transportation shall expend the sums authorized in section 2A for
the following purposes: projects for the laying out, construction, reconstruction, resurfacing,
relocation or necessary or beneficial improvement of highways, bridges, bicycle paths or
facilities, on- and off-street bicycle projects, sidewalks, telecommunications, parking facilities,
auto-restricted zones, scenic easements, grade crossing eliminations and alterations of other
crossings, traffic safety devices on state highways and on roads constructed under clause (b) of
the second paragraph of section 4 of chapter 6C of the General Laws, highway or mass
transportation studies, including, but not limited to, traffic, environmental or parking studies, the
establishment of school zones in accordance with section 2 of chapter 85 of the General Laws,
improvements on routes not designated as state highways without assumption of maintenance
responsibilities and, notwithstanding any general or special law to the contrary, projects to
alleviate contamination of public and private water supplies caused by the department’s storage
and use of snow removal chemicals which are necessary for the purposes of highway safety and
for the relocation of persons or businesses or for the replacement of dwellings or structures
including, but not limited to, providing last resort housing under federal law and such functional
replacement of structures in public ownership as may be necessary for the foregoing purposes
and for relocation benefits to the extent necessary to satisfy the requirements of the Uniform
seq., Pub. L. 97-646, 84 Stat. 1864 (1971), and to sell any structure the title to which has been
acquired for highway purposes. When dwellings or other structures are removed in furtherance
of any of the foregoing projects, the excavations or cellar holes remaining shall be filled in and
brought to grade within 1 month after the removal. In planning projects funded by said section
2A, consideration shall be made, to the extent feasible, to accommodate and incorporate
provisions to facilitate the use of bicycles and walking as a means of transportation; provided,
however, that nothing in this section shall be construed to give rise to enforceable legal rights in
any party or a cause of action or an enforceable entitlement as to the projects described in this
section.

(b) Funds authorized in section 2A shall, except as otherwise specifically provided in this
act, be subject to the first paragraph of section 6 and sections 7 and 9 of chapter 718 of the acts
of 1956, if applicable, and, notwithstanding any general or special law to the contrary, may be
used for the purposes stated in this act in conjunction with funds of cities, towns and political
subdivisions.

(c) In addition to the foregoing, the Massachusetts Department of Transportation may
expend funds made available by this act to acquire from a person by lease, purchase, eminent
domain under chapter 79 of the General Laws or otherwise, land or rights in land for parking
facilities adjacent to a public way to be operated by the department or under contract with an
individual; expend funds made available by this act for the acquisition of van-type vehicles used
for multi-passenger, commuter-driven carpools and high-occupancy vehicles including, but not
limited to, water shuttles and water taxis; and, in accordance with all applicable state and federal
laws and regulations, exercise all powers and do all things necessary and convenient to carry out
the purposes of this act.

(d) In carrying out this section, the Massachusetts Department of Transportation may
enter into contracts or agreements with cities to mitigate the effects of projects undertaken under
this act and to undertake additional transportation measures within the city and may enter into
contracts, agreements, or transactions with other federal, state, local or regional public agencies,
authorities, nonprofit organizations or political subdivisions that may be necessary to implement
these contracts or agreements with cities. Cities and other state, local or regional public agencies,
authorities, nonprofit organizations or political subdivisions may enter into these contracts,
agreements, or transactions with the department. In relation to these agreements, the department
may advance to these agencies, organizations or authorities, without prior expenditure by the
agencies, organizations or authorities, monies necessary to carry out these agreements; provided,
however, that the department shall certify to the comptroller the amount so advanced; provided
further, that all monies not expended under these agreements shall be credited to the account of
the department from which they were advanced. The department shall report to the house and
senate committees on ways and means on any transfers completed under this subsection.

SECTION 9. Notwithstanding any other general or special law to the contrary, the
Massachusetts Department of Transportation shall take all necessary actions to secure federal
highway or transportation assistance which is or may become available to the department
including, but not limited to, actions authorized under or in compliance with Title 23 of the
United States Code, the Surface Transportation Act of 1987, Pub. L. 100-17, the Intermodal
Surface Transportation Efficiency Act of 1991, Pub. L. 102-240, the Transportation Equity Act for the 21st Century, Pub. L. 105-178, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Pub. L. 109-59, Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. Law 110-53 and any successor acts or reauthorizations of those acts, and actions such as filing applications for federal assistance, supervising the expenditure of funds under federal grants or other assistance agreements and making any determinations and certifications necessary or appropriate to the foregoing. If a federal law, administrative regulation or practice requires an action relating to federal assistance to be taken by a department, agency or other instrumentality of the commonwealth other than the Massachusetts Department of Transportation, the other department, agency or instrumentality shall take such action.

SECTION 10. Notwithstanding any other general or special law to the contrary, all construction contracts funded in whole or in part by the funds authorized by this act shall include a price adjustment clause for each of the following: fuel, both diesel and gasoline, asphalt, concrete and steel. A base price for each material shall be set by the awarding authority or agency and included in the bid documents at the time a project is advertised. The awarding authority or agency shall also identify in the bid documents the price index to be used for each material or supply. The adjustment clause shall provide for a contract adjustment to be made on a monthly basis when the monthly cost change exceeds +/- 5 per cent.

SECTION 11. Notwithstanding any other general or special law to the contrary, section 61 and sections 62A to 62I, inclusive, of chapter 30 of the General Laws, chapter 91 of the General Laws and section 40 of chapter 131 of the General Laws shall not apply to bridge projects of the Massachusetts Department of Transportation and the Massachusetts Bay Transportation Authority for the repair, reconstruction, replacement or demolition of existing
state highway, authority and municipally-owned bridges, including the immediate approaches
necessary to connect the bridges to the existing adjacent highway and rail system, in which the
design is substantially the functional equivalent of, and in similar alignment to, the structure to
be reconstructed or replaced; provided, however, that said section 61 and said sections 62A to
62I, inclusive, of said chapter 30 shall apply to the repair, reconstruction, replacement or
demolition project where the project requires a mandatory environmental impact report under
301 CMR 11.00; provided further, that all such work shall be subject to the requirements of the
then current edition of the Massachusetts Department of Transportation’s Stormwater Handbook
as approved by the department of environmental protection in accordance with applicable law,
that notice shall be published in the Environmental Monitor of any application to the department
of environmental protection for a water quality certification, and that the work shall be subject to
performance standards prescribed by the department of environmental protection under section
401 of the Federal Clean Water Act if applicable to the project; provided further, that
notwithstanding the foregoing, said section 61 and said sections 62A to 62I, inclusive, of said
chapter 30, said chapter 91, and said section 40 of said chapter 131 shall apply to any portions of
the bridge and roadway approaches to the crossing of the Charles river for the Central
Artery/Tunnel Project. If any state highway, authority, or municipal bridge crosses over a
railroad right-of-way or railroad tracks, the department or authority, as applicable, shall seek the
opinion of a railroad company, railway company or its assigns operating on the track of a
necessary clearance between the track and the bridge, but the department and the authority and
their agents or contractors may enter upon any right-of-way, land or premises of a railroad
company or railway company or its assigns for purposes that the department or authority may
consider necessary or convenient to carry out this section. If a flagman is needed to carry out the
section, the railroad company, railway company or its assigns shall provide the flagman, the cost which shall be borne by the bridge project except in the case of a bridge transferred pursuant to Chapter 634 of the Acts of 1971. For the purposes of this section, “bridge” shall include any structure spanning and providing passage over water, railroad right-of-way, public or private way, other vehicular facility or other area. Any project exempted from any provision of law under this section shall be subject to the public consultation process required by the then current version of the Massachusetts Department of Transportation’s Project Development and Design Guidebook.

SECTION 12. Notwithstanding any general or special law to the contrary, the unexpended balances of all capital accounts which otherwise would revert on June 30, 2012, but which are necessary to fund obligations during fiscal year 2013, are hereby re-authorized.