

# HOUSE . . . . . No. 3029

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## The Commonwealth of Massachusetts

PRESENTED BY:

***Antonio F. D. Cabral***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

**An Act creating the Massachusetts rail transit fund.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	
<i>Alan Silvia</i>	<i>7th Bristol</i>	
<i>Marcos A. Devers</i>	<i>16th Essex</i>	
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	
<i>Aaron Vega</i>	<i>5th Hampden</i>	
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>	

# HOUSE . . . . . No. 3029

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By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 3029) of Antonio F. D. Cabral and others for legislation to create a rail transit fund from certain increased assessments and vehicle emissions classifications. Transportation.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2986 OF 2011-2012.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen  
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An Act creating the Massachusetts rail transit fund.

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

1           SECTION 1. Chapter 90 of the General Laws, as appearing in the 2010 Official Edition,  
2 is hereby amended by adding the following subsections:—

3           Section 7Z1/2. Station Reporting Requirement.

4           The registrar shall maintain a database containing the mileage of every motor vehicle  
5 registered pursuant to this chapter. Every facility licensed to conduct vehicle inspections  
6 pursuant to this chapter, shall, as part of said inspection, record the make, model, owner's name,  
7 license plate number and mileage of each vehicle inspected and shall report said information to  
8 the registrar and the commissioner. Said reports shall be made electronically and said facilities  
9 shall have electronic access to the database pursuant to procedures established by the registrar.

10          Section 34S. Vehicle Classification.

11          For purposes of sections 34T and 34U only, the registrar shall issue rules and regulations  
12 to classify all vehicles required to be registered by this chapter into the following categories: zero  
13 emission vehicle, motorcycle, automobile, hybrid automobile, light truck, heavy truck, hybrid  
14 truck, sports utility vehicle, hybrid sports utility vehicle, van, luxury vehicle, motor home, trailer,  
15 other emission producing vehicle and rental vehicle, which shall include all vehicles intended as  
16 of the date of registration to be used as a rental vehicle. Said categories shall be known

collectively as registration classes. When any such vehicle is first registered pursuant to this chapter, the registrar shall identify said vehicle as a member of one such registration class.

#### Section 34T. Green Fee.

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

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

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

(3) For every light truck, van, luxury vehicle and sports utility vehicle the fee shall be \$60 for a new or transfer registration and for two year renewals, \$30 for vehicles renewing annually.

(4) For every heavy truck, motor home and bus the fee shall be \$85 for a new or transfer registration and for two year renewals, \$42.50 for vehicles renewing annually.

(5) For every other emission producing vehicle the fee shall be \$60 for a new or transfer registration and for two year renewals, \$30 for vehicles renewing annually.

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

#### Section 34U. Emissions Fee.

(a) At the time of each inspection required by section 7V, the inspector shall collect and remit to the registrar the following fee, to be called an emissions fee. Said fee shall equal \$.0025 per mile for each mile driven by the vehicle since the vehicle's last inspection, calculated using the mileage reports recorded in the database maintained by the registrar pursuant to section 7Z1/1, or, if the vehicle has not yet had two required inspections, equal to the vehicle's mileage at the inspection.

#### Section 34V. Car Rental Fee.

There shall be a surcharge of 5 percent of the total cost of each vehicular rental transaction contract in the commonwealth, which shall be administered by the commissioner of revenue. Each vendor shall collect the surcharge and remit it to the department of revenue on a monthly basis. All provisions of chapter 62C of the general laws relative to assessment, collection, payment, abatement, verification and administration, including penalties and interest,

shall, so far as pertinent, apply to this surcharge as though it were a tax enumerated in section 2 of said chapter 62C.

#### Section 34W. Parking Rental Fee.

There shall be a surcharge of 5 percent of the total cost charged to park a vehicle in the commonwealth, which shall be administered by the commissioner of revenue. Each vendor shall collect the surcharge and remit it to the department of revenue on a monthly basis. All provisions of chapter 62C of the general laws relative to assessment, collection, payment, abatement, verification and administration, including penalties and interest, shall, so far as pertinent, apply to this surcharge as though it were a tax enumerated in section 2 of said chapter 62C. Said surcharge shall not apply to parking owned by the commonwealth or a subdivision or authority thereof.

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

#### Chapter 161E. Massachusetts Rail Transit Fund

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

“Authority”, the Massachusetts Bay Transportation Authority, established by section 2 of chapter 161A, or its successor.

“Car Rental Fee,” the fee established pursuant to section 34V of chapter 90.

"Cost", as applied to a project and the site thereof, all costs, whenever incurred, of acquiring land and of acquiring, developing, constructing, improving, furnishing, equipping, finishing and carrying out a project and placing the same in operation, including without limiting the generality of the foregoing, the cost of all lands, property, rights, easements and interests acquired pursuant hereto and all labor, materials, machinery and equipment necessary to carry out a project and place the same in operation, financing charges, interest prior to and during construction and for a period not exceeding two years after completion of construction, the cost of environmental investigation, analyses and remediation, the cost of demolition and removal of any buildings or structures on lands acquired and removal or relocation of any public utilities and other facilities, relocation payments as defined in, and any other costs of relocation assistance required under chapter 79A of the General Laws and this act, the costs of architectural, engineering and legal services, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of the project, administrative, marketing and promotion expenses, reserves for debt service, and other capital and current expenses and such other expenses as may be necessary or incident to the construction of a project and the acquisition of land therefore.

84 “Emissions Fee,” the fee established pursuant to section 34U of chapter 90.

85 “Green Fee,” the fee established pursuant to section 34T of chapter 90.

86 “MassDOT,” the department of transportation, established pursuant to chapter 6A, or its  
87 successor.

88 “Fund,” the Massachusetts Rail Transit Fund created pursuant to section 2.

89 “Operating costs,” all direct costs, whenever incurred, of operating a rail project that  
90 received funding from the Fund pursuant to this chapter.

91 “Parking Rental Fee,” the fee established pursuant to section 34W of chapter 90.

92 "Rail Project", the planning, design, acquisition, development, construction, expansion,  
93 rehabilitation, improvement, furnishing, equipping and finishing or any combination of the  
94 foregoing, necessary to provide subway or commuter rail service to a municipality which does  
95 not have such service or to increase the frequency or speed of such service to a community that  
96 the secretary determines is underserved by its existing subway or commuter rail service, together  
97 with all necessary and related furnishings, machinery, equipment, facilities, approaches,  
98 driveways, walkways, parking facilities, roadways, public transportation and landscaping, and  
99 including without limitation the acquisition of lands or other property, or rights, easements, and  
100 interests acquired for or in respect of any such lands or property for a project, the demolition or  
101 removal of any buildings or structures on lands so acquired or in or with respect to which  
102 interests are so acquired, relocation payments and other assistance therefore, and site preparation  
103 and environmental remediation. Notwithstanding the foregoing, rail project may not include  
104 funds for routine maintenance to existing subway or commuter rail facilities or for capital  
105 projects to improve the accessibility of existing infrastructure for passengers with disabilities or  
106 to improve access to existing service, such as parking expansion, installation of bicycle racks or  
107 improvements to pedestrian approaches.

108 “Registrar”, the registrar of motor vehicles, established pursuant to chapter 90.

109 "Secretary", the secretary of MassDOT.

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

116 Section 3. Commencing on the first day of the first full calendar month following 30 days  
117 after the effective date of this act, the following receipts shall be credited to, and deposited by the

state treasurer in the Fund and used in accordance with this section: (i) the proceeds from two cents per gallon of the fee collected in the previous fiscal year pursuant to chapter 21J; (ii) the green fee; (iii) the emissions fee; (iv) the car rental fee; (iv) the parking rental fee . In addition, in accordance with section 7, the local project receipts shall be credited to, and deposited by the state treasurer in the Fund and shall be kept in segregated accounts for each rail project to be used in accordance with this chapter.

Section 4. Notwithstanding any general or special law to the contrary, the secretary shall annually rank all of the rail projects contained in MassDOT's capital investment program. The secretary shall group said rail projects into two groups. Group 1 shall include those of said rail projects that would provide new rail service to a city or town in the commonwealth that does not have a commuter rail or rapid transit stop within its borders or, if a rail project would establish new stations in more than one city or town, those rail projects that would provide new rail service to cities or towns in the commonwealth half or more of whom do not have a commuter rail or rapid transit stop within their borders. Group 2 shall include all rail projects contained in said capital investment program that are not included in group 1. The secretary shall rank the rail projects within each group based on each rail project's performance relative to the other rail projects in that group on the following evaluation criteria: the cost effectiveness of air quality improvements which the capital investment program predicts a rail project would achieve, the rail project's projected cost per rider and cost per new mass transit rider, whether a rail project constitutes a transit commitment made in connection to the central artery project or is otherwise required by law, the likely economic benefits of a rail project, the likelihood that a rail project will result in smart growth development, rather than sprawl, and whether a rail project would serve any environmental justice target, all as defined and described in the capital investment program. The secretary shall report said ranking of rail projects along with his reasons therefore to the clerk of the senate and the clerk of the house and the house and senate chairmen of the Joint Committee on Transportation no later than January 31 of each year.

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

described herein, that rail project shall be removed from the secretary's group rankings made pursuant to section 4.

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

(c) Determinations described in subsections (a) and (b), shall include: (1) project plans sufficiently complete to indicate the project's boundaries, such land acquisition, demolition and removal of structures, and such redevelopment and general public improvements, as may be proposed to be carried out and proposed land uses including preliminary project designs and a description of the project programs; (2) the proposed method for relocation of persons and organizations to be displaced by the project, if any; (3) cost estimates of the project, including acquisition, and identification of parcels to be acquired and the estimated cost thereof; (4) proposals for informing and communicating with the affected communities; and (5) a description of measures to mitigate environmental and neighborhood impacts of the project and such other planning and urban design issues as the authority shall determine are presented by the project.

(d) In connection with the preparation of the plans described in subsection (c) and the exercise by the authority of its powers under this act, the authority and its authorized agents and contractors are hereby authorized, whenever the authority deems it necessary or convenient, to enter onto any properties and the improvements thereon and to undertake appraisals, surveys, environmental analyses and investigations, including subsurface investigations, permitting analyses and investigations, and other investigations and analyses, for the purpose of determining the value and condition of such properties. The authority shall provide 20 days written notice by certified mail to the owners of properties, as such owners are recorded in the office of the city

assessor, prior to any such entry. Such entry, appraisals, surveys, analyses and investigations shall not be deemed a trespass, a taking by eminent domain or an entry under any eminent domain or condemnation proceedings. The authority shall make reimbursement for any actual injury or actual damage resulting to such properties and any improvements thereon from the entry, appraisals, surveys, analyses and investigations authorized hereunder, and the authority shall, as far as possible, restore such properties and the improvements thereon to their condition prior to such entry, appraisals, surveys, analyses and investigations. Without derogating from the foregoing, the authority is hereby authorized to exercise the power of eminent domain as provided in clause (d) of section 11 of chapter 121B of the General Laws in order to temporarily obtain access to properties and the improvements thereon for the authority and its agents and contractors for the purpose of conducting the appraisals, surveys, analyses and investigations authorized by this act. If the authority restores the properties and improvements as required hereunder, the damages for the temporary taking hereby authorized shall be nominal in the absence of extraordinary circumstances unique to particular properties.

Section 6. In order to provide for a portion of the costs of each rail project and the payment of the principal of and interest on special obligation bonds of the commonwealth issued pursuant hereto, there is hereby established on the first day of the first full calendar year following the receipt by the secretary of the determination of the authority described in section 5 district improvement financing districts in the city or town or any portion thereof that will receive one or more new stations or enhanced service as part of said rail project and any portion of any other city or town designated by the governor that is adjacent to a city or town that will receive one or more new stations or enhanced service as part of said rail project, which shall operate in accordance with the provisions of section 1 of chapter 40Q.

Section 7. Commencing on the first day of the first full calendar year following the receipt by the secretary of the determination of the authority described in section 5, the receipts collected pursuant to section 6, together with investment earnings thereon, shall be credited to, and deposited by the state treasurer in the segregated account within the Fund created by the state treasurer for each rail project pursuant to section 3. Notwithstanding anything in section 35J of chapter 10 of the general laws to the contrary, amounts described in this section shall not be included in the computation of the amount to be deposited in the Massachusetts Tourism Fund pursuant to said section 35J.

Section 8. For all rail projects constructed pursuant to this chapter all construction employees employed in the construction of said project shall be paid no less than the wage rate established for such work pursuant to a project labor agreement with the appropriate labor organization or labor organizations, which includes (1) a uniform grievance and arbitration procedure for the resolution of work-related disputes on job sites; (2) mutually agreeable uniform work rules and schedules for the project; and (3) an obligation for any such labor organization and its constituent members not to strike with respect to work on such project, provided that it shall not be a precondition to the award of a contract that a bidder have previously entered into a



collective bargaining agreement with a labor organization, but only that the bidder be willing to execute and comply with said project labor agreement for the project if it is awarded a contract.

Section 9. Expenditures from Fund funds not segregated pursuant to section 3 shall be made for the following purposes only if and when the amounts available in each rail project's segregated fund, created pursuant to section 3, are inadequate to meet the cost or operating costs of that rail project: (i) for the payment of the principal, including sinking fund payments and premium, if any, and interest on special obligation bonds of the commonwealth issued pursuant hereto and on notes issued in anticipation of such bonds for the relevant project; (ii) for the maintenance of, or provision for, any reserves for debt service and other capital and current expenses, including without limitation any capital reserve fund created for such purpose, and for any additional security, insurance or other form of credit enhancement required or provided for in any trust or other security agreement entered into pursuant to this chapter to secure such bonds; and (iii) for direct expenditure for any cost of a rail project funded pursuant to this chapter and for the operation, promotion and marketing thereof incurred by the authority.

Should the secretary determine that amounts contained in the Fund exceed those necessary to fund rail project costs, the state treasurer shall transfer at the direction of the secretary up to \$25,000,000 annually into the regional transit authorities forward funding trust fund, created by section 63A of chapter 10 of the general laws. After any such transfer, the secretary may direct some or all of the balance of the Fund to the authority to cover costs incurred by the authority for any purposes.

Section 10. (a) The authority is hereby authorized and directed to acquire all lands, properties, rights, air rights, sub-surface rights, easements and other interests necessary to complete the projects. To carry out and effectuate the foregoing purposes, the authority may take by eminent domain under chapter 79 or chapter 80A of the general laws, or acquire by purchase, lease, gift, bequest, grant or otherwise from any party, public or private, and hold, clear, repair, operate and, after having taken or acquired the same, convey as provided in this chapter, any lands and other property, real or personal, improved or unimproved, tangible or intangible, and any interest therein, including, to the extent not inconsistent with federal law, railroad properties, necessary to complete the projects, as stipulated in the reports to be produced pursuant to section 5, after a public hearing of which the land owners of record have been notified by certified mail and of which at least 20 days' notice has been given by publication in a newspaper having general circulation in the city in which the land is located; provided, however, that no such taking or acquisition shall be effected until 30 days after the authority has notified the land owner of record by certified mail and has caused a notice of such determination to be published in a newspaper having general circulation in the city in which the land is located. The value of any lands or real property acquired by the authority by eminent domain shall be reduced by the costs necessary to remediate the environment of said site. To the extent not inconsistent with federal law, the taking or other acquisition by the authority of railroad rights of way or related facilities from any department, authority, agency or political subdivision of the commonwealth, from any

273 railroad company, or from any other party, shall be exempt from the procedures, findings and  
274 requirements of section 7 of chapter 161C of the general laws.

275 It is hereby declared that, for purposes of any constitutional entitlement to damages in the  
276 event of a taking, all properties and interests taken by the authority by eminent domain by any  
277 subdivision of the commonwealth are being held by the authority in a governmental and not a  
278 proprietary capacity and it is not the intent of this act to confer on the authority any rights to  
279 damages for such taking. Any such taking of property shall be effective notwithstanding any  
280 inconsistent prior public use. The authority may make relocation payments to persons and  
281 businesses displaced as a result of carrying out a project and shall otherwise provide relocation  
282 assistance as provided in chapter 79A and chapter 121B of the general laws.

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

286 (b) The authority shall have all the powers necessary and convenient to carry out the  
287 purposes of this act. Without limiting the generality of the foregoing, the authority may exercise  
288 with respect to the projects and any property acquired in accordance with this section all powers,  
289 and shall have all immunities, consistent with this chapter, granted to operating agencies, as  
290 defined in chapter 121B of the general laws or otherwise granted to the authority under any  
291 general or special law.

292 (c) The authority is hereby authorized and directed to prepare or cause to be prepared a  
293 report in accordance with section 62B of chapter 30 of the general laws for those of the projects  
294 for which such a report has not yet been prepared or is no longer valid at the time required by  
295 law. Notwithstanding the provisions of sections 62 to 62H, inclusive, of said chapter 30, the  
296 authority may commence and undertake research, planning, design and other work necessary for  
297 the projects and may engage an owner's representative, architects and engineers and a  
298 construction manager therefore for each rail project individually, and the authority may take all  
299 actions necessary or appropriate or required for acquisition of lands, air rights, sub-surface rights  
300 or other property interests prior to the publication of a final environmental impact report pursuant  
301 to this section and section 62C of said chapter 30; provided, however, that the Authority shall not  
302 record a notice of taking with respect to any lands or other property by eminent domain as  
303 provided in this section until the secretary of energy and environmental affairs has issued a  
304 notice of availability of a report submitted to said secretary in accordance with said section 62C  
305 which demonstrates to the satisfaction of said secretary that a project may be carried out with  
306 appropriate mitigation measures as may be necessary to minimize and prevent damage to the  
307 environment.

308 (d) The authority shall be excluded from the definition of an owner or operator of a  
309 project with respect to releases of hazardous materials that occur before the authority acquires

ownership of any portion of a site pursuant to this act upon or from which such a release may occur as if the authority were a city or town that has purchased or taken such land for the nonpayment of taxes, in accordance with paragraph (d) of the definition of "Owner" or "Operator" of section 2 of chapter 21E of the general laws; provided, however, that the authority complies with all of the requirements set forth in subparagraphs (2) and (3) of said paragraph (d), except that the authority shall have no obligation to comply with clause (F) of subparagraph (3) of said subsection (d).

Section 11. (a) No person shall be precluded by chapter 7 or chapter 268A of the general laws from participating by contract or otherwise in the activities of the commonwealth or the authority with regard to the planning, acquisition, construction and operation of a rail project contained in this act solely by reason of a financial interest, direct or indirect, in any contract or extension thereof for services with respect to the project report or otherwise with respect to the development of the rail project executed by such person with the commonwealth or the authority prior to the effective date hereof. For purposes of the foregoing, the authority shall have all of the powers granted to it by general or special law not inconsistent with this chapter. Each rail project shall be exempt from compliance with applicable zoning codes and any regulations promulgated thereunder.

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

Section 12. Upon the certification by the secretary of his receipt of a determination made pursuant to section 6, the state treasurer shall issue bonds in such amounts and at such time as he determines, after consultation with the secretary and the authority, necessary to meet the expenditures required for the rail project which is the subject of said determination. Any such bonds shall be special obligations of the commonwealth payable first from the project funds created pursuant to section 7 to the extent available and second from the unsegregated funds described in section 3.

Section 13 The administration of the fees imposed under section 6 is hereby vested in the commissioner of revenue. Said fees shall be collected by the municipal tax officials and remitted to the department of revenue on a quarterly basis. All provisions of this act relative to

assessment, collection, payment, abatement, verification and administration, including penalties and interest, shall, so far as pertinent, be applicable to the fees imposed by this act as though they were taxes enumerated in section 2 of chapter 62C.

Section 14. The authority or its successor is hereby authorized and directed to take whatever actions are necessary to pursue any federal funds for which the projects or any portions thereof are eligible and to seek or coordinate with partners where warranted.

Section 15. MassDOT shall choose a regional planning agency or agencies established pursuant to Chapter 40B to conduct corridor land use planning for the projects. Each regional planning agency or agencies shall work with municipalities, state agencies and other stakeholders to complete land use corridor plans.. Each land use corridor plan shall include the necessary actions to be taken by municipal or state government, including zoning and other bylaw changes, in order to maximize the long term benefit of the expansion, preserve capacity added by the project, promote sustainable economic and residential development, protect critical open space and other natural resources, and mitigate environmental and neighborhood impacts, including sprawl and gentrification.

The authority or its successor shall not begin construction on new rail stations to be completed pursuant to chapter 161E until the secretary finds that the municipality in which the station would be located has taken substantial actions to implement the applicable provisions and requirements of the corridor land use plan and have taken actions to reasonably ensure ongoing implementation of the plan after construction is complete.

One tenth of one percent of the cost of each rail project shall be used for corridor land use planning pursuant to this section, and shall be allocated from the Fund to the regional planning agencies identified by MassDOT for the purposes of corridor land use planning pursuant to this section. Each regional planning agency receiving funds shall file a report with MassDOT and the House and Senate Committees on Ways and Means detailing their activities.

Section 16. The provisions of this act shall be deemed to provide an exclusive, additional, alternative and complete method for the doing of the things authorized hereby and shall be deemed and construed to be supplemental and additional to, and not in derogation of, powers conferred upon the authority or its successor; provided, however, that insofar as the provisions of this act are inconsistent with the provisions of any general or special law, administrative order or regulation or any limitation imposed by a corporate or municipal charter, the provisions of this act shall be controlling.

SECTION 17. (a) To meet the expenditures necessary to carry out the provisions of section 2, the state treasurer may issue and sell bonds of the commonwealth in any amount. Any such bonds shall be special obligations of the commonwealth payable first from the project funds described in section 7 to the extent available and second from the receipts described in section 3 to the extent available.

(b) Bonds of the commonwealth may be issued under authority of this section in such manner and on such terms and conditions as the state treasurer, with the concurrence of the secretary of administration and finance, may determine in accordance with the provisions of this subsection 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 or other security agreement entered into by the state treasurer, with the concurrence of the secretary of administration and finance, on behalf of the commonwealth, which trust agreement or other security agreement may pledge or assign all or any part of the local project receipts credited to the fund pursuant to sections 3 and 6, and any other pledged funds as hereinafter provided, 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, 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 or other security 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 or other security agreement or credit enhancement agreement in the records of the state treasurer, and no filing need be made under chapter 106 of the general laws. Any such trust agreement, security 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 the moneys and funds pledged pursuant to such agreement, in this act 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 moneys.

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

(d) All moneys held in the Capital Reserve Funds, except as hereinafter provided, shall be used solely for the payment of the principal of bonds of the commonwealth issued under authority of this section as the same mature, the purchase of such bonds, the payment of interest on such bonds or the payment of any redemption premium required to be paid when such bonds are redeemed prior to maturity; provided, however, that, moneys in the capital reserve funds shall not be withdrawn therefrom at any time in such amount as would reduce the amount of any such fund to less than the maximum amount of principal and interest maturing and becoming due in any succeeding fiscal year on all such bonds outstanding or such lesser amount as shall be established by the state treasurer, with the concurrence of the secretary of administration and finance, as necessary or appropriate to secure such bonds, in this act referred to as the capital reserve fund requirements, except for the purpose of paying the principal of and interest on such bonds maturing and becoming due and for the payment of which other receipts held in the funds are not available.

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

(f) If on the last day of any fiscal year during which any bonds of the commonwealth issued under authority of this section are outstanding, the balance on deposit in the Capital Reserve Funds shall be less than the capital reserve fund requirements as then calculated, after deposit therein of all amounts available therefore in the funds or otherwise under the trust or other security agreement securing such bonds, the motor fuel excise tax shall be increased and all newly created revenue directed into the Fund until the balance of said capital reserve fund shall again equal the capital reserve fund requirement as so certified by the secretary of administration and finance but in no event shall the total amount of the excise imposed pursuant to sections 3 and 3A of chapter 64G of the general laws and section 22 of chapter 546 of the acts of 1969 exceed 14 per cent.

(g) In order to increase the marketability of any bonds issued by the commonwealth under authority of this section, and in consideration of the acceptance of payment for any such bonds, the commonwealth covenants with the purchasers and all subsequent holders and transferees of any such bonds that until all such bonds, including all bonds issued to refund such bonds, and the interest thereon, shall be paid or, if earlier, shall be deemed paid within the meaning of any trust or other security agreement or credit enhancement agreement securing the same, (i) receipts shall not be diverted from the purposes identified in this act; (ii) no pledged funds shall be diverted from the funds established by section 3 or the capital reserve funds except as provided in this act; (iii) 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 to provide for or maintain any reserves, additional security, insurance or other form of credit enhancement required or provided for in

any trust or other security agreement or credit enhancement agreement securing any such bonds or notes, no pledged funds shall be applied to any other use; and (iv) so long as such revenues are necessary, as determined by the state treasurer in accordance with any applicable trust or other security agreement or credit enhancement agreement, for the purposes for which they have been pledged, the rate of any fees imposed by this chapter or which may constitute pledged funds under this section shall not be reduced below the amount in effect at the time of issuance of any such bond.

(h) Any bonds issued under authority of this section, and any notes of the commonwealth issued in anticipation thereof as hereinafter provided, shall be deemed to be investment securities under chapter 106 of the General Laws, 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 and notes, 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.

SECTION 18. The state treasurer may borrow, from time to time, on the credit of the commonwealth such sums of money as may be necessary for the purposes of meeting payments as authorized by chapter 161E in anticipation of the receipt of proceeds of special obligation bonds of the commonwealth issued under authority of section 17, and may issue and renew, from time to time, notes of the commonwealth therefore, bearing interest payable at such time and at such rate as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such maximum term of years, not exceeding seven years, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such notes shall be payable no later than seven years after issuance. Notes and the interest thereon issued under the authority of this section, notwithstanding any other provisions of this act, shall be general obligations of the commonwealth.

SECTION 19. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

SECTION 20. Section 1 of chapter 161C of the General Laws is hereby amended by adding after the last sentence the following sentence:—

Furthermore, to carry out the purposes of this section, the Commonwealth of Massachusetts shall preserve intact the right of way for the proposed North South Rail Link. This right of way is extremely vulnerable to the impact of development and redevelopment around the existing rail tracks and terminals. In addition, rail projects already in planning and construction

500 phases will exceed the capacity of the South Station terminal. Preservation of the right of way for  
501 the North South Rail Link will assure that rail transportation can be enhanced or expanded in our  
502 region.

503 SECTION 21. Chapter 161C of the General Laws is hereby amended by inserting after  
504 section 7 the following section:—

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