

**HOUSE . . . . . No. 3167**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Joseph F. Wagner*

*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 relative to the Chapter 90 program.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Joseph F. Wagner</i>	<i>8th Hampden</i>	<i>1/18/2013</i>

**HOUSE . . . . . No. 3167**

By Mr. Wagner of Chicopee, a petition (accompanied by bill, House, No. 3167) of Joseph F. Wagner relative to further regulating expenditures made from the Highway Fund. Transportation.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3093 OF 2011-2012.]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act relative to the Chapter 90 program.

*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. Subsection (b) of section 4 of chapter 6C of the general laws is hereby  
2 amended by striking the entire subsection and inserting the following new subsection:

3 (b) for expenditure by the department for maintaining, repairing, improving and  
4 constructing municipal ways and bridges, sidewalks adjacent to such ways and bridges, bikeways  
5 and other projects eligible for funding as a transportation enhancement project as described in the  
6 Intermodal Surface Transportation Efficiency Act of 1991, P.L. 102-240, salt storage sheds,  
7 bikeways and public use off-street parking facilities related to mass transportation, for  
8 engineering services and expenses related to highway transportation enhancement and mass  
9 transportation purposes, for care, repair, storage, replacement, purchase and long-term leasing of  
10 road building machinery, equipment and tools, for the erection and maintenance of direction  
11 signs and warning signs and for necessary or beneficial improvements to unpaved municipal  
12 ways together with any money which any municipality may appropriate for such purposes to be  
13 used on the same ways, sheds, bikeways, bridges, machinery, equipment, tools and facilities.  
14 Such engineering services, including surveying services, shall only be performed by  
15 architectural, engineering or surveying firms prequalified by the department; provided, however,  
16 that a municipality may seek a waiver of this requirement from the department if the  
17 municipality demonstrates to the satisfaction of the department that it is cost prohibitive to use a

18 prequalified firm. Not less than 90 percent of the funds allocated to each municipality pursuant to  
19 this subsection shall be shall be used exclusively by said municipality for maintaining, repairing,  
20 improving and constructing municipal ways and bridges, sidewalks adjacent to the ways and  
21 bridges, bikeways and for design and engineering expenses. The remaining 10 per cent of funds  
22 allocated to each said municipality may be used for the purposes described in the previous  
23 sentence or for any use allowed pursuant to this subsection. A municipality with a population of  
24 less than 10,000 persons according to the most recent United States Census shall be allowed to  
25 petition said department for a waiver in the department's discretion from the percentage  
26 limitation. Such ways, sheds, bikeways, bridges, machinery, equipment, tools and facilities shall  
27 remain municipal ways, sheds, bikeways, bridges, machinery, equipment, tools and facilities.  
28 The department shall send written notification to each municipality advising of the funds  
29 apportioned to said municipality for eligible projects no later than April 1 of each year. Each  
30 municipality shall submit to the members of the general court a written plan outlining the  
31 projects for which such funds shall be applied no later than April 15 of each year, and further,  
32 each municipality shall submit to the members of the general court a written report explaining  
33 how funds authorized pursuant to this chapter were spent and advising as to the amount, if any,  
34 of any unexpended funds no later than December 15 of each year. No revenue credited to the  
35 Transportation Fund shall be transferred from said fund to any other fund for any other purpose;  
36 provided, however, that such revenue shall be transferred in order to cover fringe benefit costs  
37 pursuant to section 5D or subsection (f) of section 6B of chapter 29. The department shall  
38 withhold or withdraw the unexpended balance of any funds assigned by it under this clause if the  
39 municipality fails to comply with the official standards for traffic control established by the  
40 department or with any provision of a traffic control agreement negotiated between the  
41 department and the municipality, as required by the United States Secretary of Commerce under  
42 section 109 of Title 23 of the United States Code;