

HOUSE No. 3167

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>	

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 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;