

HOUSE No. 4557

Text of a further amendment (Mr. Straus of Mattapoisett) to the Senate amendment of the House Bill providing for the financing of certain improvements to municipal roads and bridges (House, No. 4424). July 28, 2016.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act providing for the financing of certain improvements to municipal roads and bridges.

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

6 SECTION 2.

7 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

8 Highway Division

9 6121-1714. For projects on the interstate and noninterstate federal highway system;
10 provided, that funds may be expended for the costs of these projects including, but not limited to,
11 the nonparticipating portions of these projects and the costs of engineering and other services

12 essential to these projects; provided further, that notwithstanding this act or any other general or
13 special law to the contrary, the department shall not enter into any obligations for projects that
14 are eligible to receive federal funds under this act unless state matching funds exist that have
15 been specifically authorized and are sufficient to fully fund the corresponding state portion of the
16 federal commitment to fund these obligations; and provided further, that the department shall
17 only enter into obligations for projects under this act based upon a prior or anticipated future
18 commitment of federal funds and the availability of corresponding state funding authorized and
19 appropriated for this use by the general court for the class and category of project for which this
20 obligation applies..... \$750,000,000

21 SECTION 2A.

22 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

23 Highway Division

24 6121-1718. For the design, construction, preservation, reconstruction and repair of or
25 improvements to nonfederally-aided bridges and approaches with span lengths of not more than
26 20 feet; provided, that expenditures from this item may include the costs of engineering, design,
27 permitting and other services essential to these projects; provided further, that a city or town
28 shall comply with the procedures established by the department with respect to the small bridge
29 program; provided further, that the department shall only enter into obligations for projects under
30 this item based upon a prior or anticipated future commitment of funds from cities and towns in
31 which a such project is located or which are otherwise served by such project and the availability
32 of corresponding municipal funding authorized provided for use in connection with the project
33 for which the obligation applies; provided further, that not more than 20 per cent of the funds

34 expended under this item, in the aggregate, shall be distributed to projects in 1 highway district;
35 provided further, that the department shall develop a plan for project selection that takes into
36 account need-based criteria and geographic distribution to be filed with the joint committee on
37 transportation and the clerks of the house and senate not later than September 1, 2016; and
38 provided further, that no amounts appropriated under this item shall be expended for bridges or
39 approaches owned by or under the control of the department or the Massachusetts Bay
40 Transportation Authority.....\$50,000,000

41 SECTION 3. The General Laws are hereby amended by striking out chapter 90I and
42 inserting in place thereof the following chapter:-

43 Chapter 90I

44 COMPLETE STREETS PROGRAM

45 Section 1. As used in this chapter, the following words shall, unless the context clearly
46 requires otherwise, have the following meanings:

47 “Complete streets”, streets that provide safe and accessible options for multiple travel
48 modes for people of all ages and abilities including, but not limited to, walking, cycling, public
49 transportation, automobiles and freight.

50 “Department”, the Massachusetts Department of Transportation.

51 “Program”, the complete streets program established in this chapter.

52 Section 2. There shall be within the department a complete streets program to provide
53 grants to municipalities to encourage them to regularly and routinely include complete streets

54 design elements and infrastructure during the construction on new or existing locally-funded
55 roads.

56 Section 3. To be eligible for funding under the program, a municipality shall: (i) apply to
57 the department in a form and manner prescribed by the department; (ii) adopt a complete streets
58 by-law, ordinance or administrative policy which shall be approved by the department and which
59 shall include at least 1 public meeting; provided, however, that the by-law, ordinance or
60 administrative policy shall identify the body, individual or entity responsible for implementing
61 the complete streets program; (iii) ensure that the municipal employees responsible for the
62 program participate in a training administered by the department; (iv) develop a complete streets
63 prioritization plan; and (v) comply with other requirements of the department relative to the
64 program.

65 Section 4. The department may adopt rules, regulations and guidelines for the
66 administration of this chapter including, but not limited to, criteria for awarding grants under the
67 program, application procedures and other requirements. The department shall consult with the
68 bicycle and pedestrian advisory board established in section 11A of chapter 21A and the healthy
69 transportation compact established in section 33 of chapter 6C on the development and
70 management of the program.

71 SECTION 4. Chapter 79 of the acts of 2014 is hereby amended by inserting after section
72 41 the following section:-

73 Section 41A. Notwithstanding any general or special law to the contrary, bonds or notes
74 issued under section 20 as special obligation bonds pursuant to section 20 of chapter 29 of the
75 General Laws shall not be included in the computation of outstanding bonds for purposes of the

76 limit imposed by the second paragraph of section 60A of said chapter 29 and no debt service
77 with respect to these bonds and notes shall be included in the computation of the limit imposed
78 by section 60B of said chapter 29.

79 SECTION 5. Section 6 of chapter 257 of the acts of 2014 is hereby amended by striking
80 out subsection (b) and inserting in place thereof the following subsection:-

81 (b) All interest and payments on account of principal of these obligations shall be payable
82 solely from the State Lottery and Gaming Fund. Bonds and interest thereon issued under this
83 section shall be general obligations of the commonwealth; provided, however, that any bonds
84 issued by the state treasurer under this section, upon the request of the governor, may be issued
85 as special obligation bonds pursuant to section 20 of chapter 29 of the General Laws; provided
86 further, that in deciding whether to request the issuance of particular bonds as special
87 obligations, the governor shall take into account: (i) generally prevailing financial market
88 conditions; (ii) the impact of each approach on the overall capital financing plans and needs of
89 the commonwealth; (iii) any ratings assigned to outstanding bonds of the commonwealth and any
90 ratings expected to be assigned by any nationally-recognized credit rating agency to the bonds
91 proposed to be issued; and (iv) any applicable provisions of a trust agreement or credit
92 enhancement agreement entered into pursuant to said section 20 of said chapter 29. Bonds
93 issued under the authority of this section shall be excluded from the debt limit established in
94 section 60A of said chapter 29.

95 SECTION 6. Item 1100-2511 of section 2A of section 286 of the acts of 2014 is hereby
96 amended by inserting after the word “provided”, in line 4, the following words:- , that \$330,000
97 shall be expended for port security projects eligible for financing through grants from the Federal

98 Emergency Management Agency when such projects are undertaken in collaboration with the
99 Massachusetts emergency management agency and when such projects are based upon prior or
100 anticipated future commitments of federal funds; provided further.

101 SECTION 7. The Massachusetts Department of Transportation shall submit an
102 application to the United States Department of Transportation for funding in federal fiscal year
103 2017 for the Surface Transportation System Funding Alternatives Program established in the
104 Fixing America's Surface Transportation Act, or FAST Act, to be used for a vehicle miles
105 traveled pilot program that shall be made available to not more than 500 volunteer participants. If
106 the application is not successful, the Massachusetts Department of Transportation shall thereafter
107 apply in each federal fiscal year until 2020 or until the application results in funding for a vehicle
108 miles traveled pilot program, whichever first occurs.

109 SECTION 8. To meet a portion of the expenditures necessary in carrying out section 2,
110 the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth
111 in an amount to be specified by the governor from time to time but not exceeding, in the
112 aggregate, \$135,000,000. All bonds issued by the commonwealth as aforesaid shall be
113 designated on their face, Transportation Improvement Loan Act of 2016, and shall be issued for
114 a maximum term of years not exceeding 30 years as the governor may recommend to the general
115 court pursuant to section 3 of Article LXII of the Amendments to the Constitution; provided,
116 however, that all such bonds shall be payable not later than June 30, 2051. All interest and
117 payments on account of principal on such obligations shall be payable from the Commonwealth
118 Transportation Fund. Bonds and interest thereon issued under this section shall be general
119 obligations of the commonwealth.

120 SECTION 9. To meet the expenditures necessary in carrying out section 2A, the state
121 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
122 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
123 \$50,000,000. All bonds issued by the commonwealth as aforesaid shall be designated on their
124 face, Small Bridge Preservation and Improvement Act of 2016, and shall be issued for a
125 maximum term of years not exceeding 30 years as the governor may recommend to the general
126 court pursuant to section 3 of Article LXII of the Amendments to the Constitution; provided,
127 however, that all such bonds shall be payable not later than June 30, 2051. All interest and
128 payments on account of principal on such obligations shall be payable from the Commonwealth
129 Transportation Fund. Bonds and interest thereon issued under this section shall be general
130 obligations of the commonwealth.

131 SECTION 10. Notwithstanding any general or special law to the contrary, all
132 construction contracts funded in whole or in part by the funds authorized in item 6121-1714 of
133 section 2 shall include a price adjustment clause for each of the following: (i) fuel, including
134 both diesel and gasoline; (ii) asphalt; (iii) concrete; and (iv) steel. A base price for each material
135 shall be set by the awarding authority or agency and included in the bid documents at the time a
136 project is advertised. The awarding authority or agency shall also identify in the bid documents
137 the price index to be used for each material and supply. The adjustment clause shall provide for a
138 contract adjustment to be made on a monthly basis when the monthly cost change exceeds plus
139 or minus 5 per cent.

140 SECTION 11. Notwithstanding any general or special law to the contrary, the bonds that
141 the state treasurer may issue pursuant to sections 8 and 9 shall be issued for a term not to exceed
142 30 years. All such bonds shall be payable not later than June 30, 2051 as recommended by the

143 governor in a message to the general court filed March 31, 2016 under section 3 of Article LXII
144 of the Amendments to the Constitution.

145 SECTION 12. Notwithstanding any general or special law to the contrary, in carrying out
146 this act, the Massachusetts Department of Transportation may enter into contracts, agreements or
147 transactions that may be appropriate with other federal, state, local or regional public agencies or
148 authorities. The contracts, agreements or transactions may relate to such matters as the
149 department shall determine including, without limitation, the research, design, layout,
150 construction, reconstruction or management of construction of all or a portion of these projects.
151 In relation to any such contracts, agreements or transactions, the department may advance
152 monies to such agencies or authorities, without prior expenditure by the agencies or authorities,
153 and the agencies and authorities may accept monies necessary to carry out these contracts,
154 agreements or transactions; provided, however, that the department shall certify to the
155 comptroller the amounts so advanced and any such contract, agreement or transaction shall
156 contain provisions satisfactory to the department for the accounting of money expended by any
157 other agency or authority. Any money not expended under these contracts, agreements or
158 transactions shall be credited to the account of the department from which they were advanced.”