

SENATE No. 2447

The Commonwealth of Massachusetts

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In the Year Two Thousand Fourteen
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SENATE, July 19, 2016

The committee on Senate Committee on Bonding, Capital Expenditures and State Assets, to whom was referred the House Bill the House Bill financing improvements to municipal roads and bridges (House, No. 4424, amended),-- reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2447. [Bond issue: \$185,000,000]

For the committee,
John F. Keenan

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

1 SECTION 1. To provide for a program of transportation development and improvements,
2 the sums set forth in sections 2 to 2A, inclusive, for the several purposes and subject to the
3 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 non-interstate 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 which
14 are eligible to receive federal funds under this act unless state matching funds exist which 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 no greater than 20
26 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 Massachusetts Department of Transportation
29 with respect to the Small Bridge Program, so-called; provided, further, that the department shall
30 only enter into obligations for projects under this item based upon a prior or anticipated future
31 commitment of funds or equivalent services from one or more cities or towns in which such
32 project is located or which is or are otherwise served by such project, and the availability of
33 corresponding municipal funding authorized or equivalent services provided for use in
34 connection with such project for which the obligation applies; provided further, that the
35 Massachusetts Department of Transportation shall develop a plan for project selection that takes
36 into account need-based criteria and geographic distribution to be filed with the joint committee
37 on transportation on or before September 1, 2016; and, provided further, that no amounts
38 appropriated under this item shall be expended for bridges or approaches owned by or under the

39 control of the Massachusetts Department of Transportation or the Massachusetts Bay
40 Transportation Authority.....\$50,000,000

41 SECTION 3. The General Laws, as appearing in the 2014 Official Edition, are hereby
42 amended by striking out chapter 90I in its entirety and inserting in place thereof the following
43 chapter:-

44 Chapter 90I

45 Complete Streets Program

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

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

51 “Department”, the Massachusetts Department of Transportation.

52 “Program”, the complete streets program established pursuant to this chapter.

53 Section 2. There shall be within the department a complete streets program to provide
54 grants to municipalities in order to encourage them to regularly and routinely include complete
55 streets design elements and infrastructure during the construction on new or existing locally-
56 funded roads.

57 Section 3. In order to be eligible to receive funding under the program, a municipality
58 shall: (a) apply to the department in a form and manner prescribed by the department; (b) adopt a

59 complete streets by-law, ordinance or administrative policy in a manner which shall be approved
60 by the department and which shall include at least 1 public meeting; provided, however, that the
61 by-law, ordinance or administrative policy shall identify the body, individual or entity
62 responsible for implementing the complete streets program; (c) ensure that the municipal
63 employees responsible for the program participate in a training administered by the department;
64 (d) develop a complete streets prioritization plan; and (e) comply with other requirements of the
65 department relative to the program.

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

72 SECTION 4. Chapter 79 of the Acts of 2014 is hereby amended by inserting after section
73 41 the following new section:-

74 Section 41A. Notwithstanding any general or special law to the contrary, bonds or notes
75 issued under section 20 as special obligation bonds pursuant to section 20 of chapter 29 of the
76 General Laws shall not be included in the computation of outstanding bonds for purposes of the
77 limit imposed by the second paragraph of section 60A of chapter 29 of the General Laws, nor
78 shall debt service with respect to these bonds and notes be included in the computation of the
79 limit imposed by section 60B of said chapter 29.

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

82 (b) All interest and payments on account of principal of these obligations shall be payable
83 solely from the State Lottery and Gaming Fund. Bonds and interest thereon issued under this
84 section shall be general obligations of the commonwealth; provided, however, that any bonds
85 issued by the state treasurer under this section, upon the request of the governor, may be issued
86 as special obligation bonds pursuant to section 20 of chapter 29 of the General Laws; provided
87 further, that in deciding whether to request the issuance of particular bonds as special
88 obligations, the governor shall take into account: (1) generally prevailing financial market
89 conditions; (2) the impact of each approach on the overall capital financing plans and needs of
90 the commonwealth; (3) any ratings assigned to outstanding bonds of the commonwealth and any
91 ratings expected to be assigned by any nationally-recognized credit rating agency to the bonds
92 proposed to be issued; and (4) any applicable provisions of a trust agreement or credit
93 enhancement agreement entered into pursuant to section 20 of said chapter 29. Bonds issued
94 under the authority of this section shall be excluded from the debt limit established in section
95 60A of chapter 29 of the General Laws.

96 SECTION 6. Section 2 of chapter 286 of the Acts of 2014 is hereby amended by striking
97 out item 6720-1336.

98 SECTION 7. Said section 2 of said chapter 286 is hereby further amended by inserting
99 after the header "MASSACHUSETTS DEPARTMENT OF TRANSPORTATION, Office of the
100 Secretary" the following item:-

101 6720-1336 For purposes of protection of the ecological integrity of buffer zones along the
102 highway mitigating the negative impacts of sound, air pollution, storm water drainage and
103 flooding; provided, that not less than \$110,000 shall be expended by the Massachusetts
104 Department of Transportation to purchase certain parcels of land in the town of Needham
105 adjacent to the state highway route 128 on Greendale avenue between Brookline street and Broad
106 Meadow road..... \$110,000

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

118 SECTION 9. To meet the expenditures necessary in carrying out section 2A, the state
119 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
120 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
121 \$50,000,000. All bonds issued by the commonwealth as aforesaid shall be designated on their
122 face, Small Bridge Preservation and Improvement Act of 2016, and shall be issued for a
123 maximum term of years, not exceeding 30 years, as the governor herein recommends to the

124 general court under section 3 of Article LXII of the Amendments to the Constitution; provided,
125 however, that all such bonds shall be payable not later than June 30, 2051. All interest and
126 payments on account of principal on such obligations shall be payable from the Commonwealth
127 Transportation Fund. Bonds and interest thereon issued under this section shall be general
128 obligations of the commonwealth.

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

137 SECTION 11. Notwithstanding any general or special law to the contrary, the bonds that
138 the state treasurer may issue pursuant to sections 8 and 9 of this act shall be issued for a term not
139 to exceed 30 years, as recommended by the governor in a message to the general court dated
140 March 31, 2016 under Section 3 of Article LXII of the Amendments to the Constitution. All such
141 bonds shall be payable not later than June 30, 2051, pursuant to Section 3 of Article LXII of the
142 Amendments to the Constitution.

143 SECTION 12. Notwithstanding any general or special law to the contrary, in carrying out
144 this act, the Massachusetts Department of Transportation may enter into contracts, agreements or
145 transactions that may be appropriate with other federal, state, local or regional public agencies or

146 authorities. The contracts, agreements or transactions may relate to such matters as the
147 department shall determine including, without limitation, the research, design, layout,
148 construction, reconstruction or management of construction of all or a portion of these projects.
149 In relation to any such contracts, agreements or transactions, the department may advance
150 monies to such agencies or authorities, without prior expenditure by the agencies or authorities,
151 and the agencies and authorities may accept monies necessary to carry out these agreements;
152 provided, however, the department shall certify to the comptroller the amounts so advanced and
153 these agreements shall contain provisions satisfactory to the department for the accounting of
154 monies expended by any other agency or authority. All monies not expended under these
155 contracts, agreements or transactions shall be credited to the account of the department from
156 which they were advanced.