HOUSE DOCKET, NO. 3588 FILED ON: 1/20/2017

HOUSE . . . . . No. 3408

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 transportation and environment equity fund.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Antonio F. D. Cabral	*13th Bristol*	*1/20/2017*
Robert M. Koczera	*11th Bristol*	*1/20/2017*
Kenneth I. Gordon	*21st Middlesex*	*1/20/2017*
Chris Walsh	*6th Middlesex*	*1/20/2017*

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HOUSE . . . . . No. 3408

By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 3408) of Antonio F. D. Cabral and others for legislation to create the Massachusetts transportation and environment equity fund and the development of a comprehensive transportation and development program for the Commonwealth. Transportation.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act creating the Massachusetts transportation and environment equity fund.

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

SECTION 1. Chapter 90 of the General Laws is hereby amended by—

(a) inserting after section 7Z the following section:-

"Section 7Z1/2. Station Reporting Requirement. The registrar shall maintain a database containing the mileage of every motor vehicle registered pursuant to this chapter. Every facility licensed to conduct vehicle inspections pursuant to this chapter, shall, as part of said inspection, record the make, model, owner's name, license plate number and mileage of each vehicle inspected and shall report said information to the registrar and the commissioner. Said reports shall be made electronically and said facilities shall have electronic access to the database pursuant to procedures established by the registrar."; and

(b) inserting after section 34R the following sections:-

(1) “Section 34S. Vehicle Classification. For purposes of sections 34T and 34U only, the registrar shall issue rules and regulations to classify all vehicles required to be registered by this chapter into the following categories: zero emission vehicle, motorcycle, automobile, hybrid automobile, light truck, heavy truck, hybrid truck, sports utility vehicle, hybrid sports utility vehicle, van, luxury vehicle, motor home, trailer, other emission producing vehicle and rental vehicle, which shall include all vehicles intended as 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.”;

(2) “Section 34T. Green Fee. 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 2 year renewals, $15 for vehicles renewing annually.

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

(3) For every light truck, van, luxury vehicle and sports utility vehicle the fee shall be $40 for a new or transfer registration and for 2 year renewals, $20 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 2 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 2 year renewals, $30 for vehicles renewing annually.

(6) 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.";

(3) "Section 34U. Emissions Fee. 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 $0.001 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 2 required inspections, equal to the vehicle's mileage at the inspection.";

(4) "Section 34V. Car Rental Fee. There shall be a surcharge of 5 per cent 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."; and

(5) "Section 34W. Parking Rental Fee. There shall be a surcharge of 5 per cent 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. Section 13 of chapter 6C of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by adding the following subsection:

“(d) Tolls on Large Commercial Trucks Only.

(1) Notwithstanding subsection (c), the department may further charge and collect, and from time to time, fix and revise tolls paid by large commercial trucks, as defined pursuant to Federal Highway Administration (FHWA) vehicle classification schedule as any vehicle within Class 8—single trailer, 3 or 4 axles up to and including Class 13—7 or more axle multi-trailer trucks, as such classifications may be revised from time to time by the FHWA, for the privilege of traveling on Massachusetts roads, including—

(i) on Route 95 Rhode Island to Route 95 New Hampshire, or the reverse;

(ii) on Route 91 Connecticut to Route 91 New Hampshire, or the reverse;

(iii) on Route 93 Massachusetts to Route 93 New Hampshire, or the reverse; and

(iv) any other trip designated by the department.

(2) Such tolls shall be collected on large commercial trucks only and may not be collected on any other vehicle; provided, however, no vehicle shall be tolled other than a tractor or truck tractor as defined in 23 C.F.R. 658.5, pulling a trailer or trailers.

(3) All revenue collected pursuant to this subsection shall be deposited exclusively to the Massachusetts Transportation and Environment Regional Equity Fund, as established in section 2 of chapter 161E.”.

SECTION 3. The General Laws are hereby amended by inserting after chapter 161D the following chapter:-

CHAPTER 161E

TRANSPORTATION AND ENVIRONMENT EQUITY FUND

Section 1. Section 1. Definitions. In this chapter—

(a) the term “car rental fee” means the fee established pursuant to section 34V of chapter 90;

(b) the term “cost” as applied to a project and the site thereof, means 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

chapter, 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;

(c) the term "emissions fee" means the fee established pursuant to section 34U of chapter 90;

(d) the term "green fee" means the fee established pursuant to section 34T of chapter 90;

(e) the term "MassDOT" means the Massachusetts department of transportation, established pursuant to chapter 6A, or its successor;

(f) the term "operating costs" means all direct costs, whenever incurred, of operating a project that received funding from the Fund pursuant to this chapter;

(g) the term "parking rental fee" means the fee established pursuant to section 34W of chapter 90;

(h) the term "project" means the planning, design, acquisition, development, construction, expansion, rehabilitation, improvement, furnishing, equipping and finishing or any combination of the foregoing, necessary to provide subway or commuter rail service to a municipality that does not have such service or to increase the frequency or speed of such service to a community that the secretary determines is underserved by its existing subway or commuter rail service or to expand access by road to a municipality or municipalities that the secretary

deems would not be well served by subway or commuter rail service, together with all necessary and related furnishings, machinery, equipment, facilities, approaches, driveways, walkways, parking facilities, roadways, public transportation and landscaping, and including without limitation the acquisition of lands or other property, or rights, easements, and interests acquired for or in respect of any such lands or property for a project, the demolition or removal of any buildings or structures on lands so acquired or in or with respect to which interests are so acquired, relocation payments and other assistance therefore, and site preparation and environmental remediation. Notwithstanding the foregoing, project may not include funds for routine maintenance to existing subway or commuter rail facilities or for capital projects to improve the accessibility of existing infrastructure for passengers with disabilities or to improve access to existing service, such as parking expansion, installation of bicycle racks or improvements to pedestrian approaches;

(i) the term "registrar" means the registrar of motor vehicles, established pursuant to chapter 90; and

(j) the term "secretary" means the secretary of MassDOT.

Section 2. Creation of the Massachusetts Transportation and Environment Equity Fund. There shall be established and set up on the books of the commonwealth a separate fund, to be known as the Massachusetts Transportation and Environment Equity Fund (in this chapter referred to as the "Fund"), consisting of amounts credited to the fund in accordance with section 3. The Fund shall be administered in accordance with the provisions of this chapter by the state treasurer and shall be held in trust exclusively for the purposes and the beneficiaries described

herein. The state treasurer shall be treasurer-custodian of the Fund and shall have the custody of its moneys and securities.

Section 3. The Massachusetts Transportation and Environment Equity Fund.

(a) The following receipts shall be credited to, and deposited by the state treasurer into the Fund and used in accordance with this section:

(1) The proceeds from $0.02 per gallon of the fee collected in the previous fiscal year, pursuant to chapter 21J of the General Laws.

(2) The green fee.

(3) The emissions fee.

(4) The car rental fee.

(5) The parking rental fee.

(6) The proceeds from the commercial truck toll, as described in section 13(d) of chapter 6C.

(b) In accordance with section 7 of this chapter, 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 project to be used in accordance with this chapter.

Section 4. Capital Investment Projects.

(a) In General. Notwithstanding any General Law or special law to the contrary, the secretary shall annually rank all projects contained in MassDOT's capital investment program. The secretary shall group said projects into 2 groups in accordance with subsection (b).

(b) Project Groupings.

(1) The first group of ranked projects, as defined in subsection (a), shall include those of said projects that would provide new rail service to a city or town in the commonwealth that does not have a commuter rail stop within its borders or, if a project would establish new stations in more than one city or town, those projects that would provide new subway or commuter rail service to cities or towns in the commonwealth half or more of whom do not have a subway or commuter rail stop within their borders.

(2) The second group of ranked projects, as defined in subsection (a), shall include all projects contained in said capital investment program that are not included in the first group, as defined in paragraph (1). The secretary shall rank the projects within each group based on each project's performance relative to the other projects in that group on the following evaluation criteria:

(i) The cost effectiveness of air quality improvements which the capital investment program predicts a project would achieve.

(ii) The project's projected cost per rider.

(iii) The likely economic benefits of a project.

(iv) The likelihood that a project will result in smart growth development, rather than sprawl.

(v) Whether a project would serve any environmental justice target, all as defined and described in the capital investment program.

(3) The secretary shall report said ranking of projects, described in paragraphs (1) and (2), along with the secretary's reasons therefore to the clerk of the senate and the clerk of the house and the joint committee on transportation and the house and senate committees on bonding, capital expenditures and state assets no later than January 31 of each year.

Section 5. Project Notification and Reports.

(a) The secretary shall notify the state treasurer and the clerks of the senate and of the house in writing when the secretary determines—

(1) that the Fund contains and is likely to continue to contain funds, less those funds already committed to other projects but including those local project revenues dedicated to a project pursuant to this chapter, necessary to cover—

(i) the cost of the project ranked first in the first group, as described in section 4(b)(1) by the secretary pursuant to section 4, less all other funds available to MassDOT 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 project; and

(ii) the amount of any projected annual operating deficit determined by MassDOT, calculated as the average of the projected operating deficits of the first 10 years of the project's operation; and

(2) that all plans, approvals, licenses and permits necessary to begin construction of said project are in MassDOT's possession. Upon the sale of bonds by the state treasurer for a project described herein, that project shall be removed from the secretary's group rankings made pursuant to section 4.

(b) Subsequent to the first project having been removed from the secretary's group rankings pursuant to subsection (a), the secretary shall notify the state treasurer and the clerks of the senate and of the house in writing when the secretary determines—

(1) that the Fund contains and is likely to continue to contain funds, minus those funds already committed to other projects but including those local project revenues dedicated to a project pursuant to this chapter, necessary to cover—

(i) the cost of either or both, if available funds exist, of the projects ranked first in grouped projects, as described in section 4(b), by the secretary pursuant to section 4 less all other funds available to MassDOT 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 project; and

(ii) the amount of any projected annual operating deficit determined by MassDOT, calculated as the average of the projected operating deficits of the first 10 years of the project's operation; and

(2) that all plans, approvals, licenses and permits necessary to begin construction of said project are in MassDOT's possession. Upon the sale of bonds by the state treasurer for a project pursuant hereto, that the project shall be removed from the secretary's group rankings, as described in section 4(b).

(c) No later than 90 days after receiving said determination, the secretary shall certify to the state treasurer that the secretary 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 this choice, the secretary shall continue to give preference, in the secretary's discretion, to the first group projects, as described in section 4(b)(1).

(d) 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 MassDOT shall determine are presented by the project.

(e) MassDOT's Right of Entry with Respect to Report Filings.

(1) In connection with the preparation of the plans described in subsection (d) and MassDOT's exercise of its powers under this chapter, MassDOT and its authorized agents and

contractors may enter onto any properties and the improvements thereon and 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.

(2) Prior to any such entry pursuant to this subsection, MassDOT 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.

(3) 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.

(4) MassDOT 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 MassDOT shall, as far as possible, restore such properties and the improvements thereon to their condition prior to such entry, appraisals, surveys, analyses and investigations.

(5) Without derogating from the foregoing, MassDOT is hereby authorized to exercise the power of eminent domain as provided in section 11(d) of chapter 121B of the General Laws in order to temporarily obtain access to properties and the improvements thereon for MassDOT and its agents and contractors for the purpose of conducting the appraisals, surveys, analyses and investigations authorized by this chapter. If MassDOT 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 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 notifications made by the secretary 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 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 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 notifications by the secretary 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 project pursuant to section 3. Notwithstanding section 35J of chapter 10, 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 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—

(a) a uniform grievance and arbitration procedure for the resolution of work-related disputes on job sites;

(b) mutually agreeable uniform work rules and schedules for the project; and

(c) 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 of Fund Funds.

(a) 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 project's segregated fund, created pursuant to section 3, are inadequate to the meet the cost or operating costs of that Project:

(1) 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.

(2) 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.

(3) For direct expenditure for any cost of a project funded pursuant to this chapter and for the operation, promotion and marketing thereof incurred by MassDOT.

(b) Should the secretary determine that amounts contained in the Fund exceed those necessary to fund 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 MassDOT to cover costs incurred by MassDOT for any purposes.

Section 10. MassDOT Acquisition of Property.

(a) MassDOT shall acquire all lands, properties, rights, air rights, sub-surface rights, easements and other interests necessary to complete the projects.

(b) Acquisition Authority.

(1) For purposes of this section, MassDOT 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 MassDOT 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.

(2) The value of any lands or real property acquired by MassDOT by eminent domain shall be reduced by the costs necessary to remediate the environment of said site.

(3) To the extent not inconsistent with Federal law, the taking or other acquisition by MassDOT of railroad rights of way or related facilities from any department, authority, agency or political subdivision of the commonwealth, from any railroad company, or from any other party, shall be exempt from the procedures, findings and requirements of section 7 of chapter 161C of the General Laws.

(c) For purposes of any constitutional entitlement to damages in the event of a taking, all properties and interests taken by MassDOT by eminent domain by any subdivision of the commonwealth are being held by MassDOT in a governmental and not a proprietary capacity and it is not the intent of this chapter to confer on MassDOT any rights to damages for such taking. Any such taking of property shall be effective notwithstanding any inconsistent prior public use. MassDOT may make relocation payments to persons and businesses displaced as a result of carrying out a project and shall otherwise provide relocation assistance as provided in chapter 79A and chapter 121B of the General Laws. To the extent not inconsistent with federal law, if there is a taking or other acquisition of railroad lines, rights of way, easements or related facilities from any party, MassDOT shall relocate such railroad lines.

(d) MassDOT shall have all the powers necessary and convenient to carry out the purposes of this chapter. Without limiting the generality of the foregoing, MassDOT may

exercise with respect to the projects and any property acquired in accordance with this section all powers, and shall have all immunities, consistent with this chapter, granted to operating agencies, as defined in chapter 121B of the General Laws or otherwise granted to MassDOT under any General Law or special law.

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

(f) MassDOT shall be excluded from the definition of an owner or operator of a project with respect to releases of hazardous materials that occur before MassDOT acquires ownership of any portion of a site pursuant to this chapter upon or from which such a release

may occur as if MassDOT were a city or town that has purchased or taken such land for the nonpayment of taxes, in accordance with the definition of "owner" or "operator" contained in paragraph (d) of section 2 of chapter 21E of the General Laws; provided, however, that MassDOT complies with all of the requirements set forth in paragraphs (d)(2) and (d)(3) of said section 2 of said chapter 21E, except that MassDOT shall have no obligation to comply with subsection (d)(3)(F) of said section 2 of said chapter 21E.

Section 11. MassDOT Requirements.

(a) No person shall be precluded by chapters 7 or 268A of the General Laws from participating by contract or otherwise in the activities of the commonwealth or MassDOT with regard to the planning, acquisition, construction and operation of a project contained in this chapter 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 project executed by such person with the commonwealth or MassDOT prior to the effective date hereof. For purposes of the foregoing, MassDOT shall have all of the powers granted to it by General Law or special law not inconsistent with this chapter. Each project shall be exempt from compliance with applicable zoning codes and any regulations promulgated thereunder.

(b) MassDOT shall prepare quarterly reports for each project described by this chapter. 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 and shall include—

(1) the total dollars expended on the project to date,

(2) the number of contracts entered into to date;

(3) the number of contracts entered into with minority businesses;

(4) the number of contracts entered into with women-owned businesses;

(5) the dollar value of contracts entered into with minority businesses;

(6) the dollar value of contracts entered into with women-owned businesses;

(7) the total number of employees working on the project; and

(8) the total number of employees working on the project, broken down by race, ethnicity and gender.

Section 12. Upon the secretary's certification of receipt of a determination made pursuant to section 6, the state treasurer shall issue bonds in such amounts and at such time as the state treasurer determines, after consultation with the secretary and MassDOT, necessary to meet the expenditures required for the 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 chapter 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 chapter as though they were taxes enumerated in section 2 of chapter 62C.

Section 14. MassDOT or its successor shall 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. Regional Planning Agencies.

(a) 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.

(b) MassDOT 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.

(c) One-tenth of one per cent of the cost of each 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 chapter 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 MassDOT or its successor; provided, however, that insofar as the provisions of this chapter are inconsistent with the provisions of any General Law or special law, administrative order or regulation or any limitation imposed by a corporate or municipal charter, the provisions of this chapter shall be controlling.

Section 17. Bonding Authority.

(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 further 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 chapter 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 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 chapter.

(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 chapter 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 chapter, the state treasurer may 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; provided, however, that 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 shall not 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, that—

(1) the receipts shall not be diverted from the purposes identified in this chapter;

(2) no pledged funds shall be diverted from the funds established by section 3 or the Capital Reserve Funds, except as provided in this chapter;

(3) 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

(4) 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 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 the authority of section 17, and may issue and renew 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 7 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 7 years after issuance. Notes and the interest thereon issued under MassDOT of this section, notwithstanding any other provisions of this chapter, shall be general obligations of the commonwealth.

Section 19. This chapter 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 4. Effective Date for Section 3. The provisions of section 3 shall take effect on the first day of the first full calendar month following 30 days after the enactment this Act.

SECTION 5. North South Rail Link.

(a) Section 1 of chapter 161C of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by adding 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 phases will exceed the capacity of the South Station terminal. Preservation of the right-of-way for the North South Rail Link will assure that rail transportation can be enhanced or expanded in our region.".

(b) Chapter 161C of the General Laws is hereby amended by inserting after section 7 the following section:–

"Section 8. The Massachusetts department of transportation, or its successor, shall perform a study to specifically identify and map the necessary right-of-way to allow for the construction of the proposed North South Rail Link connecting North Station to South Station. This study must include particular reference to the Major Investment Study/Draft Environmental Impact Report (EOEA#10270), prepared under the aegis of the executive office of environmental affairs, which was concluded on March 31, 2003. A plan to preserve said right-of-way, once identified, shall be determined and implemented immediately.".