

**HOUSE . . . . . No. 4002**

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**The Commonwealth of Massachusetts**

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CHARLES D. BAKER  
GOVERNOR

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**COMMONWEALTH OF MASSACHUSETTS**  
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KARYN POLITO  
LIEUTENANT GOVERNOR

*July 25, 2019*

To the Honorable Senate and House of Representatives,

Lieutenant Governor Polito and I are pleased to submit for your consideration “An Act Authorizing and Accelerating Transportation Investment.” This bill authorizes \$18 billion in capital spending to invest in building and modernizing a transportation system that meets the needs of residents, businesses and municipalities statewide.

The bill makes available an innovative, ongoing source of future support by authorizing up to half of the revenue generated by regional market-based compliance programs in the transportation sector, including the Transportation and Climate Initiative (which is currently under development with other Northeast and Mid-Atlantic states and the District of Columbia), to be used to support public transit capital investments that reduce greenhouse gas emissions in the transportation sector. The implementation of this initiative will lead to additional future revenues for investments in transportation infrastructure beyond those authorized in the bill.

In addition, the legislation establishes a new Next Generation Bridge Financing Program, supported by a reauthorization of Grant Anticipation Notes, and responds to the needs of our municipal partners; supports our employer community by providing a new tax incentive; provides a series of initiatives to address congestion; and provides MassDOT and the MBTA with new management and procurement tools. Tackling the twin challenges of congestion and carbon emissions is at the heart of this bill. The legislation provides funding for the MBTA and authorizes \$330 million for capital support to the 15 Regional Transit Authorities to invest in fleet and facilities, including bus electrification. These investments will complement a new

emphasis on telework as a means to combat peak-hour vehicular congestion. In addition, the bill explicitly addresses our need to make our transportation infrastructure more resilient in the face of a changing climate.

Highlights of the bill include:

- A new Next Generation Bridge Financing program to ramp up annual bridge spending to \$600 million, for a total of approximately \$4 billion over the next eight years. This program will support a comprehensive portfolio of bridge projects, with a focus on preserving and strengthening our bridges for the future.
- Three new municipal funding programs: \$100 million to aid municipalities in caring for locally-owned ‘numbered routes,’ \$50 million to assist municipalities in their efforts to design and build infrastructure that will improve the operation of MBTA and RTA buses, such as dedicated bus lanes and transit signal priority equipment; and \$50 million to address local congestion ‘hot spots’ and bottlenecks.
- A new tax credit for companies that support employees who work from home or remote locations.
- Authorization for MassDOT and the MBTA to use a suite of new project delivery and procurement tools to expedite capital projects and allow MassDOT and the MBTA to leverage innovative financing and project delivery approaches.
- Clear approval for MassDOT and the MBTA to enter into public-private partnerships.

Taken together, the diverse elements of An Act Authorizing and Accelerating Transportation Investment will provide for faster and more cost-effective modernization of our roads, bridges, and public transit systems, while also supporting congestion management and carbon reduction goals. With new funding for public transit and bridges, new programs to support municipal transportation infrastructure, financial incentives for telecommuting, and new tools to allow MassDOT and the MBTA to work more efficiently and with greater management flexibility, this bill will make a meaningful difference in the acceleration in the improvement of MassDOT and the MBTA. Timely implementation of all of these provisions will help to accelerate the crucial process of rebuilding, modernizing and expanding the capacity of the Commonwealth’s transportation system.

Collaboration is key to addressing the challenges facing our transportation system, and I look forward to working with the members of the General Court to expeditiously and responsibly move An Act Authorizing and Accelerating Transportation Investment toward passage and implementation.

Respectfully submitted,

Charles D. Baker,  
*Governor*

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act authorizing and accelerating transportation investment.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to finance forthwith improvements to the commonwealth’s transportation system, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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 investments to make the commonwealth’s  
2 transportation system more reliable, address deferred maintenance, and modernize and expand  
3 the system, the sums set forth in sections 2 to 2H, inclusive, for the several purposes and subject  
4 to the conditions specified in this act, are hereby made available, subject to the laws regulating  
5 the disbursement of public funds; provided, however, that the amounts specified in an item or for  
6 a particular project may be adjusted in order to facilitate projects authorized in this act. The sums  
7 made available in this act shall be in addition to any amounts previously made available for these  
8 purposes.

9           SECTION 2.

10           MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

11 Highway Division

12 6121-2114 For projects on the interstate and non-interstate federal highway system;  
13 provided, that funds may be expended for the costs of these projects including, but not limited to  
14 the nonparticipating portions of these projects and the costs of engineering and other services  
15 essential to these projects; provided further, that funds may be expended for bicycle and  
16 pedestrian and other multi-modal facilities; provided further, that notwithstanding this act or any  
17 other general or special law to the contrary, the department shall not enter into any obligations  
18 for projects which are eligible to receive federal funds under this act unless state matching funds  
19 exist which have been specifically authorized and are sufficient to fully fund the corresponding  
20 state portion of the federal commitment to fund these obligations; and provided, further, that the  
21 department shall only enter into obligations for projects under this act based upon a prior or  
22 anticipated future commitment of federal funds and the availability of corresponding state  
23 funding authorized and appropriated for this use by the general court for the class and category  
24 of project for which this obligation  
25 applies.....\$5,600,000,000

26 SECTION 2A.

27 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

28 Highway Division

29 6121-2117 For the design, construction and repair of, or improvements to,  
30 nonfederally-aided roadway and bridge projects and for the nonparticipating portion of federally-  
31 aided projects; provided, that the department may use these funds for the purchase and  
32 rehabilitation of facilities, heavy equipment and other maintenance equipment; provided further,

33 that the department may use these funds for multi-modal facilities; provided further, that the  
34 amounts specified in this item for a particular project or use, if any, may be adjusted in order to  
35 facilitate other projects relating to the design, construction, repair or improvement to  
36 nonfederally-aided roadway and bridge  
37 projects.....\$2,750,000,000

38           6121-2147    For the planning, study, design, construction, reconstruction, resurfacing,  
39 repair, climate change adaptation, multi-modal access, and improvement of transportation  
40 infrastructure associated with the approaches to the Bourne Bridge and the Sagamore Bridge, and  
41 other transportation infrastructure improvements to enhance the traffic safety, traffic flow, and  
42 ease congestion at each of the Bourne Bridge and the Sagamore Bridge, respectively, and to  
43 prepare for and to leverage federal investments and improvements to each such bridge; including  
44 but not limited to highway, interchange, and non-highway improvements; elements that improve  
45 access for all modes, pavement, surface conditions, approaches, ramps, rotaries, exits,  
46 alignments, lane enhancements, signage, and safety features; provided that this item may also be  
47 expended for costs associated with the planning, study, design, construction, reconstruction,  
48 resurfacing, repair, multi-modal access, and improvement of transportation infrastructure in and  
49 around the Cape Cod Canal area including in Bourne and Sandwich; provided, further, that  
50 expenditures from this item may include the costs of engineering, design, permitting, climate  
51 change adaptation and resilience, and other services essential to projects under this  
52 item.....\$350,000,000

53           6121-2157    For the construction, reconstruction, resurfacing, repair, and improvement  
54 of pavement and surface conditions on nonfederally-aided roadways, including but not limited to  
55 state numbered routes and municipal roadways; provided that expenditures from this item may

56 include the costs of engineering, design, permitting, climate change adaptation and resilience,  
57 and other services essential to projects under this  
58 item.....\$150,000,000

59 SECTION 2B.

60 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

61 Highway Division

62 6121-2118 For the municipal small bridge program for the purposes of design,  
63 engineering, construction, preservation, reconstruction and repair of or improvements to  
64 nonfederally-aided bridges and approaches meeting the criteria of the municipal small bridge  
65 program as determined by the department; provided, that expenditures from this item may  
66 include the costs of engineering, design, permitting, climate change adaptation and resilience,  
67 and other services essential to projects under this item; provided further, that a city or town shall  
68 comply with the procedures established by the department with respect to the municipal small  
69 bridge program; and provided further, that no amounts appropriated under this item shall be  
70 expended for bridges or approaches owned by or under the control of the department or the  
71 Massachusetts Bay Transportation  
72 Authority.....\$70,000,000

73 6121-2127 For the purpose of implementing a program to address localized  
74 operationally-influenced bottlenecks that negatively impact traffic flow, including but not limited  
75 to redesign, re-striping, lane and shoulder width adjustments, addition of auxiliary, collector and  
76 distributor lanes, signal improvements, ramp adjustments, signage, and other infrastructure  
77 improvements to reduce congestion, improve traffic flow, address safety issues, and reduce

78 idling and greenhouse gas emissions; provided, further that funds may be used for the purpose of  
79 grants to municipalities

80 .....\$50,000,000

81           6121-2128   For the construction, reconstruction, resurfacing, repair, and improvement  
82 of pavement and surface conditions on municipal roadways; provided, that expenditures from  
83 this item may include the costs of engineering, design, permitting, climate change adaptation and  
84 resilience, and other services essential to projects under this item; provided further, that funds  
85 may be expended from this item for matching grants to municipalities; provided further, that the  
86 department may use these funds for improving the condition of bicycle and pedestrian  
87 accommodations related to such roadway projects consistent with principles of the complete  
88 streets program established pursuant to chapter 90I of the General Laws when feasible; provided  
89 further, that in connection with a grant under this item, a city or town shall comply with the  
90 procedures established by the department with respect to municipal roadways in the pavement  
91 improvement program.....\$100,000,000

92           6121-2138   For the complete streets program established pursuant to chapter 90I of the  
93 General Laws, as amended, for complete streets grants to  
94 municipalities.....\$20,000,000

95           6122-2124   For the construction and reconstruction of municipal ways as described in  
96 clause (b) of the second paragraph of section 4 of chapter 6C of the General Laws; provided, that  
97 a city or town shall comply with the procedures established by the Massachusetts Department of  
98 Transportation; provided further, that a city or town may expend, without further appropriation,  
99 for these projects amounts not in excess of the amount provided to the city or town under this



100 item upon preliminary notice of such amount, which shall be provided by the department to the  
101 city or town not later than March 1 of each year; and provided further, that the commonwealth  
102 shall reimburse a city or town under this item, subject to the availability of funds as provided in  
103 section 9G of chapter 29 of the General Laws, within 30 days after receipt by the department of a  
104 request for reimbursement from the city or town, which request shall include certification by the  
105 city or town that actual expenses have been incurred on projects eligible for reimbursement  
106 under this item and that the work has been completed to the satisfaction of the city or town  
107 according to the specifications of the project and in compliance with applicable laws and  
108 procedures established by the department.....\$200,000,000

109           6622-2187    For the purpose of implementing a program for transit-supportive  
110 infrastructure, including, but not limited to, dedicated bus lanes, signal prioritization, shelters,  
111 lighting, signage, repairs and other improvements, technology and accessibility features, and  
112 other infrastructure elements; provided, that projects may be used to improve and facilitate more  
113 efficient delivery of transit operations, encourage municipal investment and support of transit  
114 facilities, benefit passenger experience, and to enhance transit rider and pedestrian service and  
115 safety; provided, further that funds may be used for the purpose of grants to  
116 municipalities.....\$50,000,000

117           SECTION 2C.

118           MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

119           Highway Division

120           6121-2137    For the construction, reconstruction, resurfacing, repair, and improvement  
121 of bridges, approaches and related infrastructure, including elements that improve access for all

122 modes; provided, that expenditures from this item may include the costs of engineering, design,  
123 permitting, climate change adaptation and resilience, and other services essential to projects  
124 under this  
125 item.....\$1,250,000,000

126 SECTION 2D.

127 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

128 Rail and Transit Division

129 6621-2117 For the purpose of implementing rail improvements pursuant to chapter  
130 161C of the General Laws; provided, that funds may also be used for transportation planning,  
131 design, permitting, acquisition of interests in land and engineering for rail projects, including the  
132 industrial rail access program; provided further, that the department may use funds from this  
133 item for the costs of engineering and other services essential to these projects; provided, further,  
134 that the department may use these funds for a particular project or use may be adjusted in order  
135 to facilitate other projects, if  
136 any.....\$400,000,000

137 6622-2117 For the purposes of chapter 161B of the General Laws, including, but not  
138 limited to, projects that may maintain and improve the overall condition, reliability and  
139 resiliency of regional transit networks and facilities, including the purchase and rehabilitation of  
140 rolling stock, low or no emission vehicles, and other infrastructure and equipment required to  
141 support such rolling stock, related assets and support equipment, rehabilitation of regional transit  
142 authority facilities, including maintenance, and passenger facilities, and purchase of related

143 appurtenances, equipment, technology, and  
144 tools.....\$330,000,000

145         6622-2127     For the purposes of implementing the mobility assistance program  
146 pursuant to section 13 of chapter 637 of the acts of 1983 and regional intercity bus and  
147 intermodal service; provided, that funds may also be used for transportation planning, design,  
148 permitting, acquisition of interests in land and engineering for bus and other transit  
149 projects.....\$60,000,000

150         SECTION 2E.

151         MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

152         Office of the Secretary

153         6621-2108     For the purpose of implementing sustainable transit system modernization  
154 investments and rail improvements pursuant to chapter 161A of the General Laws; provided, that  
155 funds may be used for transportation planning, design, permitting and engineering, right-of-way  
156 acquisition, acquisition of interests in land, vehicle procurement, construction, and climate  
157 change adaptation and resilience improvements, including, without limitation, construction,  
158 reconstruction, retrofitting, resilience, efficiency improvements, and modernization of stations,  
159 signals, tracks, power and electrical systems; planning, design, permitting and engineering,  
160 acquisition of interests in and rights to land, construction and reconstruction, improvement,  
161 expansion, renovation, repair, relocation, and equipping of maintenance and storage facilities,  
162 including, but not limited to, technology to support and service battery electric, hybrid and other  
163 low emission transit vehicles; and for heavy rail, light rail and bus projects which projects shall  
164 include, but shall not be limited to, the red line, orange line, green line, silver line and blue line,

165 including feasibility and planning studies and capital support for pilot services; provided, further,  
166 that funds may be used for modernizing the bus fleet and associated infrastructure of the  
167 Massachusetts Bay Transportation Authority system, including, but not limited to,  
168 implementation of the so-called Better Bus Project; provided, further, that funds may be used for  
169 the purpose of implementing the green line transformation program including, but not limited to,  
170 planning, design, and procurement of rolling stock to improve service, reliability, enhance rider  
171 accessibility, and increase capacity; provided, further, that funds may be used for the purchase  
172 and rehabilitation of heavy equipment and other maintenance equipment; provided, further, that  
173 funds may be used for safety, accessibility and security equipment and improvements, energy  
174 efficiency, climate change adaptation and emergency preparedness, bicycle and pedestrian access  
175 improvements, and so-called “last mile” capital improvements; provided, further, that final  
176 assembly of the orange line and red line non-pilot production vehicles, as defined within the  
177 Massachusetts Bay Transportation Authority’s procurement of said vehicles, shall take place in  
178 the commonwealth; and provided further, that the Massachusetts Bay Transportation Authority  
179 in evaluating proposals for the furnishing and delivery of non-pilot production vehicles shall  
180 consider, among other criteria, the effect said proposals will have on job creation and retention in  
181 the commonwealth and how said proposals will foster economic development in the  
182 commonwealth; and provided, further, that the relative weight of all the criteria used for the  
183 selection of the red line and orange line vehicle proposals shall be determined by the  
184 Massachusetts Bay Transportation  
185 Authority.....\$3,400,000,000

186           6622-2137     For the purpose of implementing rail improvements pursuant to chapter  
187 161A of the General Laws, including, but not limited to, projects that maintain the overall state

188 of good repair and reliability of rail, subway, and bus services; provided, that funds may be  
189 expended for necessary and routine system preservation activities designed primarily to bring  
190 existing transportation assets up to an acceptable level of condition; provided, further, that funds  
191 may be used for transportation planning, design, permitting and engineering, right-of-way  
192 acquisition, acquisition of interests in land, vehicle procurement and overhaul, vehicle storage  
193 and maintenance facilities, construction, repair, and improvement of stations, parking structures,  
194 signals, track, and electrical systems associated with all commuter rail, heavy rail, light rail and  
195 bus operations; and provided, further, that funds may be used for the purchase and rehabilitation  
196 of heavy equipment and other maintenance equipment; and provided, further, that projects to  
197 replace or rehabilitate existing assets shall seek to substantially modernize these assets, where  
198 deemed feasible, appropriate, and cost effective..... \$300,000,000

199           6622-2181    For the purpose of implementing South Coast Rail improvements;  
200 provided, that not more than \$100,000,000 shall be used to mitigate the impact of the South  
201 Coast Rail project on communities in accordance with section 38 of chapter 79 of the acts of  
202 2014; provided, that any new or existing rail station receiving South Coast Rail service shall  
203 comply with the Americans with Disabilities Act of 1990, as  
204 amended.....\$825,000,000

205           6622-2182    For the purpose of implementing the green line extension improvements;  
206 provided, that funds may be used for transportation planning, design, permitting and engineering,  
207 acquisition of interests in land, vehicle procurement, construction, construction of stations and  
208 right-of-way acquisition.....\$595,000,000

209           6622-2183    For the purpose of implementing South Station improvements and  
210 expansion, including modernization of the signal system and for modernizing the commuter rail  
211 system and commuter rail system components; provided, that funds may be expended for  
212 projects including but not limited to, planning, design, and acquisition of commuter rail  
213 passenger coaches and locomotives, infrastructure improvements, technology and equipment  
214 necessary to support new or modified commuter rail service models, safety features, and  
215 passenger enhancements; provided further that funds may be expended for capital costs  
216 associated with infrastructure and equipment to leverage innovative financing and partnership  
217 approaches; provided, further, that funds may be used for planning and feasibility studies and the  
218 capital costs of pilot projects to test new service models such as regional rail and urban rail;  
219 provided, further, that funds may be used for transportation planning, design, permitting and  
220 engineering, acquisition of rights of way and interests in land, construction and reconstruction of  
221 stations and other facilities; and provided further, that not less than \$25,000,000 shall be  
222 expended on the design and engineering of transportation improvements along the South Boston  
223 waterfront taking into consideration the recommendations of the South Boston Waterfront  
224 Transportation Plan, as amended from time to  
225 time.....\$400,000,000

226           6622-2184    For the purpose of implementing rail improvements pursuant to chapter  
227 161C of the General Laws; provided, that funds may be used for transportation planning, design,  
228 permitting and engineering, acquisition of interests in land, vehicle procurement, construction,  
229 construction of stations and right-of-way acquisition for rail projects, including Springfield to  
230 Worcester service, Boston to Cape Cod service and Pittsfield to New York City  
231 service.....\$175,000,000

232 SECTION 2F.  
233 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION  
234 Aeronautics Division  
235 6820-2117 For the airport improvement program pursuant to section 39A of chapter  
236 90 of the General Laws, including but not limited to aeronautics safety and modernization  
237 improvements..... \$150,000,000

238 SECTION 2G.  
239 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION  
240 Office of the Secretary  
241 6720-2117 For transportation planning and programming related to all modes,  
242 including but not limited to active transportation, bicycle and pedestrian travel, rail and transit,  
243 and automobiles and associated assets including but not limited to roads, bridges, transit  
244 facilities, shared-use paths, and bicycle and pedestrian and other multi-modal facilities essential  
245 to the provision of transportation services for system users; provided, that funds may be  
246 expended for the maintenance, improvement and expansion of shared use paths and support for  
247 multi-modal networks that may enhance mobility or promote sustainable modes of transportation  
248 across the commonwealth; provided further, that funds may be expended for the acquisition of  
249 information technologies that will support department data and asset management initiatives;  
250 provided further, that funds may be expended for compliance with federal mandates and other  
251 statutory requirements including modal studies to help establish the framework for the  
252 department to adopt policies and programs to enhance delivery of services within all modes;

253 provided further, that funds may be expended to reduce energy usage, enhance climate change  
254 resilience, adaptation, mitigation, and support reduction of greenhouse gas emissions from  
255 transportation; provided further, that this item may be used to support and leverage municipal,  
256 quasi-public, nonprofit, and private investments; provided further, that \$100,000,000 may be  
257 used to implement the so-called bike and pedestrian plan; and provided further, that \$25,000,000  
258 may be used for a program of matching grants to municipalities for landside water ferry terminal  
259 construction and improvement projects that leverage municipal, nonprofit, and private  
260 investments in the delivery of public water transportation services in the greater Boston region  
261 and provide feasible and cost effective reductions to roadway  
262 congestion.....\$475,000,000

263           6720-2127   For the purpose of capital costs associated with preconstruction, planning,  
264 and early action capital work for the so-called Allston Multimodal Project, including multi-  
265 modal project planning and studies, the preparation of plans and specifications, design,  
266 permitting and engineering, climate change adaptation and resilience, regional mobility planning,  
267 acquisition of interests in land, planning and siting of rail and bus stations and right-of-way  
268 acquisition purchases, maintenance facilities, procurement of equipment, development,  
269 mitigation, and implementation of information technology-related equipment, lighting,  
270 landscaping, traffic improvements, bicycle and pedestrian accessibility, and related capital  
271 projects in the Allston neighborhood of  
272 Boston.....\$250,000,000

273           SECTION 2H.

274           EXECUTIVE OFFICE OF TECHNOLOGY SERVICES AND SECURITY



275 Office of the Secretary

276 1790-2019 For costs associated with pilot programs, planning and studies, the  
277 preparation of plans and specifications, design, development, acquisition, and implementation of  
278 information technology-related equipment, hardware, software, devices, cybersecurity,  
279 communications systems, safety and accessibility technologies, and data solutions, including, but  
280 not limited to, so-called intelligent transportation infrastructure projects for the Massachusetts  
281 department of  
282 transportation.....\$50,000,000

283 SECTION 3. Section 20 of chapter 6C of the General Laws, as appearing in the 2018  
284 Official Edition, is hereby amended by inserting after the second paragraph the following  
285 paragraph:-

286 Any agreement related to any sale or lease of property may require that a developer  
287 construct, design, build, finance, operate, or maintain, or any combination thereof, transportation  
288 facilities in the state highway system, including land and air rights or any related facility or  
289 component thereof controlled by the department, so long as the department shall state in its bid  
290 documentation that such transportation facilities or related facility will be accepted or required as  
291 a part of any such development agreement. No further procurement or advertising requirements  
292 shall be required, except as required in this section.

293 SECTION 4. Section 43 of said chapter 6C of the General Laws is hereby repealed.

294 SECTION 5. Section 46 of said chapter 6C, as appearing in the 2018 Official Edition, is  
295 hereby amended by inserting after the first paragraph the following paragraph:-

296 Any agreement related to any lease of property may require that a developer construct,  
297 design, build, finance, operate, or maintain, or any combination thereof, transportation facilities  
298 in the state highway system including land and air rights or any related facility or component  
299 thereof controlled by the department, so long as the department shall state in its bid  
300 documentation that such transportation facilities or related facility will be accepted or required as  
301 a part of any such development agreement. No further procurement or advertising requirements  
302 shall be required, except as required in section 20.

303 SECTION 6. Section 62 of said chapter 6C, as so appearing, is hereby amended by  
304 striking out the definition for “Affected jurisdiction” and inserting in place thereof, the  
305 following definition:-

306 “Affected jurisdiction”, any city or town, agency, authority, public instrumentality, or  
307 other unit of government within the commonwealth which owns or in which all or part of a  
308 transportation facility is located, or any other public entity directly affected by the transportation  
309 facility.

310 SECTION 7. Said section 62 of said chapter 6C, as so appearing, is hereby amended by  
311 inserting after the definition of “Architectural and engineering services” the following  
312 definition:-

313 “Awarding Authority”, either the department, or the Massachusetts Bay Transportation  
314 Authority established by section 2 of chapter 161A.

315 SECTION 8. The definition of “Contract” in said section 62 of said chapter 6C, as so  
316 appearing, is hereby amended by striking out, in lines 35 and 36, the words “61 to 73, inclusive,

317 of a transportation facility by the department” and inserting in place thereof the following  
318 words:- 62 to 72, inclusive, of a transportation facility by an awarding authority.

319 SECTION 9. The definition of “Contractor” in said section 62 of said chapter 6C, as so  
320 appearing, is hereby amended by striking out, in lines 41 and 42, the words “the department  
321 under sections 61 to 73” and in inserting in place thereof the following words:- an awarding  
322 authority under sections 62 to 72.

323 SECTION 10. Said section 62 of said chapter 6C, as so appearing, is hereby further  
324 amended by inserting after the definition of “Cooperative purchasing”, the following definition:-

325 “Design-build-finance”, a project delivery method in which an awarding authority enters  
326 into a single contract for design, construction, and financing.

327 SECTION 11. The definition of “Design-build-operate-maintain” in said section 62 of  
328 said chapter 6C, as so appearing, is hereby amended by striking out, in lines 56, 60 and 61, and  
329 62, each time it appears, the words “the department” and inserting in place thereof the following  
330 words:- an awarding authority.

331 SECTION 12. The definition of “Design requirements” in said section 62 of said chapter  
332 6C, as so appearing, is hereby amended by striking out, in line 64, the words “ 61 to 73” and  
333 inserting in place thereof, the following words:- 62 to 72.

334 SECTION 13. Said definition of “Design requirements” in said section 62 of said chapter  
335 6C, as so appearing, is hereby further amended by striking out, in line 67, the words “the  
336 department” and inserting in place thereof the following words:- an awarding authority.

337 SECTION 14. Said section 62 of said chapter 6C, as so appearing, is hereby further  
338 amended by striking out the definition of “Independent peer reviewer services” and inserting in  
339 place thereof, the following definition:-

340 “Independent peer reviewer services”, additional architectural and engineering services  
341 provided to an awarding authority in design-build-operate-maintain, design-build-finance, or  
342 design-build-finance-operate-maintain procurements to confirm that the key elements of the  
343 professional engineering and architectural design provided by the contractor are in conformance  
344 with the applicable standard of care, and which additional services may include the role of an  
345 owner’s representative to the extent applicable to the public-private agreement or otherwise  
346 deemed necessary or desirable by the awarding authority.

347 SECTION 15. The definition of “Maintenance” in said section 62 of said chapter 6C, as  
348 so appearing, is hereby amended by striking out, in line 84, the words “the department” and  
349 inserting in place thereof the following words:- an awarding authority.

350 SECTION 16. The definition of “Material default” in said section 62 of said chapter 6C,  
351 as so appearing, is hereby amended by striking out, in line 89, the words “department of the  
352 failure” and inserting in place thereof the following words:- awarding authority of the failure, in  
353 the manner provided in the public-private agreement.

354 SECTION 17. The definition of “Operator” in said section 62 of said chapter 6C, as so  
355 appearing, is hereby amended by striking out, in line 96, the words “61 to 73” and inserting in  
356 place thereof the following words:- 62 to 72.

357 SECTION 18. Said definition of “Proposal development documents” in said section 62 of  
358 said chapter 6C, as so appearing, is hereby further amended by inserting, in line 103, after the

359 word “documents”, the following words:- and other documents received in response to a request  
360 for proposal or received in connection with an unsolicited proposal.

361 SECTION 19. Said section 62 of said chapter 6C, as so appearing, is hereby further  
362 amended by striking out the definition of “Public-private agreement” and inserting in place  
363 thereof the following definition:-

364 “Public-private agreement”, the contract between a private entity and an awarding  
365 authority that relates to the development, design, financing, construction, maintenance or  
366 operation of a transportation facility subject to, and as more particularly defined in, sections 62  
367 to 72, inclusive.

368 SECTION 20. The definition of “Request for proposals” in said section 62 of said chapter  
369 6C, as so appearing, is hereby further amended by striking out, in line 114, the following words  
370 “61 to 73” and inserting in place thereof the following words:- 62 to 72.

371 SECTION 21. Said section 62 of said chapter 6C, as so appearing, is hereby further  
372 amended by striking out the definitions of “Transportation facility” and “User fees” and  
373 inserting in place thereof the following 4 definitions:-

374 “Sole source award”, a process by which an awarding authority may enter into a public-  
375 private agreement by negotiating directly with a private entity as may be more detailed in a  
376 written procedure or regulation adopted by the awarding authority.

377 “Transportation facility”, new or existing highway, road, bridge, tunnel, overpass, ferry,  
378 airport, public transportation facility, terminal facility, vehicle parking facility, seaport facility,  
379 rail facility, intermodal facility, administrative office facility or similar facility open to the public

380 and used for or in support of the transportation of persons or goods, and any building, structure  
381 or networks of buildings, structures, pipes, controls and equipment that provide or support  
382 transportation services, including rolling stock and equipment, and any building, structure,  
383 parking area, systems, utilities, appurtenances or other property needed to operate such facility or  
384 ancillary to the use of such facility that is subject to a public-private agreement, whether  
385 publicly-owned or privately-owned.

386 “Unsolicited proposal”, a proposal by a private entity for a transportation facility under  
387 sections 62 to 72, inclusive, and pursuant to written procedure or regulation adopted by the  
388 awarding authority that is not submitted in response to a request for proposals.

389 “User fees”, the rate, toll, fee or other charges imposed by an operator or by an awarding  
390 authority for use of all or part of a transportation facility which shall be authorized to be imposed  
391 as a means of funding the costs of the transportation facility.

392 SECTION 22. Section 63 of said chapter 6C, as so appearing, is hereby amended by  
393 striking out subsection (a) and inserting in place thereof the following subsection:-

394 (a) Notwithstanding any general or special law to the contrary, except as specifically  
395 noted in sections 62 to 72, inclusive, an awarding authority may solicit proposals, receive and  
396 consider unsolicited proposals, and enter into public-private agreements approved by a vote of its  
397 governing body with that responsible and responsive proposer submitting the proposal or  
398 unsolicited proposal that is most advantageous to the awarding authority, as applicable, through  
399 the sale, lease, operation and maintenance of a transportation facility within the commonwealth;  
400 provided, however, that such proposal shall be in full compliance with all applicable  
401 requirements of federal, state and local law, including section 26 to 27H, inclusive, of chapter

402 149; provided further, that any such contract shall not be subject to the competitive bid  
403 requirements set forth in sections 44 to 58, inclusive, of chapter 7C, section 39M of chapter 30,  
404 or sections 44A to 44M, inclusive, of chapter 149 or the requirements of chapter 30B.

405 SECTION 23. Subsection (b) of said section 63 of said chapter 6C, as so appearing, is  
406 hereby amended by striking out paragraph (1) and inserting in place thereof, the following  
407 paragraph:-

408 (1) Except as provided in subsection (d), in selecting a private entity with which to enter  
409 into a public-private agreement either through a request for proposals or through consideration of  
410 an unsolicited proposal, an awarding authority shall utilize the following competitive sealed  
411 proposals procurement approach:

412 SECTION 24. Paragraph (2) of said subsection (b) of said section 63 of said chapter 6C,  
413 as so appearing, is hereby amended by striking out, in lines 25 and 26, the words “for design-  
414 build-operate-maintain and design-build-finance-operate-maintain services.”

415 SECTION 25. Subparagraph (C) of paragraph (2) of subsection (b) of said section 63 of  
416 said chapter 6C, as appearing, is hereby amended by striking out, in line 29, the word  
417 “department”, and inserting in place thereof the following words:- awarding authority.

418 SECTION 26. Paragraph (4) of said subsection (b) of said section 63 of said chapter 6C,  
419 is hereby amended by striking out, in line 45, the word “department”, and inserting in place  
420 thereof the following words:- awarding authority.

421 SECTION 27. Paragraph (5) of said subsection (b) of said section 63 of said chapter 6C,  
422 is hereby amended by striking out subparagraph (B) and inserting in place thereof the following  
423 subparagraph:-

424 (B) Each request for proposals for design-build-finance, design-build-operate-maintain  
425 and design-build-finance-operate-maintain projects:

426 (i) shall state the relative importance of: (1) demonstrated compliance with the design  
427 requirements; (2) offeror qualifications; (3) financial capacity; (4) project schedule; (5)  
428 elimination of existing public debt with respect to the transportation facility; (6) lowest user  
429 charges or price over the term of the contract; and (7) other factors, if any;

430 (ii) shall, if the contract price is estimated to exceed \$10,000,000, if the contract period  
431 of operations and maintenance is 5 years or longer, or if circumstances established by the  
432 awarding authority, require each offeror to identify an independent peer reviewer whose  
433 competence and qualifications to provide such services shall be an additional evaluation factor in  
434 the award of the contract; and

435 (iii) shall not include, as an evaluation factor in the award of the contract, the amount, if  
436 any, paid by a contractor to the awarding authority for procurement using design-build-finance,  
437 design-build-operate-maintain and design-build-finance-operate-maintain.

438 SECTION 28. Paragraph (6) of said subsection (b) of said section 63 of said chapter 6C,  
439 as so appearing, is hereby amended by striking out, in lines 68 through 70, inclusive, the words  
440 “and under regulations issued by the department, discussions may be conducted with responsible  
441 offerors who” and inserting in place thereof the following words:- or in any guideline published  
442 by the awarding authority, discussions may be conducted with responsible offerors which.



443 SECTION 29. Paragraph (7) of said subsection (b) of said section 63 of said chapter 6C,  
444 as so appearing, is hereby amended by striking out, in line 81, the words “acquiring agency” and  
445 inserting in place thereof the following words:-awarding authority.

446 SECTION 30. Said subsection (b) of said section 63 of said chapter 6C, as so appearing,  
447 is hereby further amended by striking out paragraph (8) and inserting in place thereof the  
448 following 2 paragraphs:-

449 (8) Each awarding authority may provide debriefings that furnish the basis for the  
450 source selection decision and contract award.

451 (9) Notwithstanding any general or special law to the contrary, each awarding authority  
452 shall be authorized to enter into contracts and other agreements that provide for the design,  
453 construction, financing and turnover to such awarding authority of any transportation facility,  
454 either as a part of proposals received in accordance with sections 62 to 72, or pursuant to and as a  
455 part of any real estate disposition process conducted by such awarding authority; provided that  
456 the value of such transportation facility shall be fully documented to the satisfaction of the  
457 awarding authority in each instance.

458 SECTION 31. Said section 63 of said chapter 6C, as so appearing, is hereby further  
459 amended by striking out subsection (c) and inserting in place thereof the following 2  
460 subsections:-

461 (c) (1) A private entity may request a review, prior to submission of a solicited proposal,  
462 by the awarding authority of information that the private entity has identified as confidential or  
463 proprietary to determine whether such information is subject to disclosure under section 10 of  
464 chapter 66 or clause Twenty-sixth of section 7 of chapter 4.

465 (2) Each awarding authority shall take appropriate action to protect confidential or  
466 proprietary information that a private entity provides as part of a response to a request for  
467 proposals and that is exempt from disclosure under said section 10 of chapter 66 and said clause  
468 Twenty-sixth of said section 7 of said chapter 4.

469 (d) Notwithstanding subsections (a) to (c), inclusive, the awarding authority may enter  
470 into a public-private agreement through a sole source award for an unsolicited proposal when a  
471 request for proposals would reveal proprietary information contained in the unsolicited proposal.  
472 Each awarding authority shall comply with its published and publicly available procedures with  
473 respect to the evaluation and acceptance of any unsolicited proposal.

474 SECTION 32. Section 64 of said chapter 6C, as so appearing, is hereby amended by  
475 striking out subsection (a) and inserting in place thereof the following subsection:-

476 (a) The request for proposals shall contain the proposed form of contract or public-private  
477 agreement to be executed between the successful offeror and the awarding authority upon award.  
478 The awarding authority and the successful offeror shall only make non-material changes in the  
479 content and form of the public-private agreement contained in the request for proposals.

480 SECTION 33. Section 64 of said chapter 6C, as so appearing, is hereby amended by  
481 striking out, in lines 21 and 25, the word “department” each time it appears and inserting in place  
482 thereof the following words :- awarding authority.

483 SECTION 34. Section 64 of said chapter 6C, as so appearing, is hereby amended by  
484 striking out subsection (c) and inserting in place thereof, the following subsection:-

485 (c) Notwithstanding any general or special law to the contrary, an awarding authority  
486 shall have the authority to include any provision the awarding authority determines necessary or  
487 appropriate in a public-private agreement for transportation facilities, including but not limited to  
488 provisions relating to the following:

489 (1) the planning, acquisition, engineering, financing, development, design, construction,  
490 reconstruction, replacement, improvement, maintenance, management, repair, leasing or  
491 operation of a transportation facility including provisions for the replacement and relocation of  
492 utility facilities and provisions for the design, construction, financing and turnover to an  
493 awarding authority or affected jurisdiction of all or any part of a transportation facility that is  
494 related to or otherwise impacted by, but is not a part of, a public-private agreement;

495 (2) the term of the public-private agreement, which shall not exceed 50 years after the  
496 transportation facility is placed in full operation, subject to permitted extensions in the public-  
497 private agreement, without written approval of the governor;

498 (3) the type of property interest, if any, the private entity shall have in the transportation  
499 facility; provided, however, that a transportation facility developed, operated or held by a  
500 contractor under a public-private agreement shall be exempt from any and all state and local ad  
501 valorem, property and other taxes that otherwise might be applicable;

502 (4) a description of the actions the awarding authority may take to ensure proper  
503 maintenance of the transportation facility;

504 (5) the imposition, collection, and enforcement of user fees on the transportation facility  
505 by the contractor or an awarding authority if and to the extent applicable as authorized for a  
506 public-private agreement, and the basis by which such user fees shall be determined and

507 modified, which user fees, notwithstanding any general or special law to the contrary, shall be  
508 authorized to be imposed by the awarding authority subject, however, to a public notification  
509 process to be determined by the awarding authority;

510 (6) compliance with applicable Federal, state and local laws;

511 (7) grounds for termination of the public-private agreement by the awarding authority or  
512 operator;

513 (8) procedures for amendment of the agreement by mutual agreement and for changes in  
514 the agreement by written order from the awarding authority;

515 (9) review and approval by the awarding authority of the operator's plans for the  
516 development and operation of the transportation facility;

517 (10) inspection by the awarding authority and the independent peer reviewer of the  
518 design and construction of, or improvements to, the transportation facility;

519 (11) maintenance by the operator of a policy of liability insurance or self-insurance  
520 reasonably acceptable to the awarding authority;

521 (12) filing by the operator, on a periodic basis, of appropriate financial statements in a  
522 form acceptable to the awarding authority;

523 (13) filing by the operator, on a periodic basis, of traffic reports, service quality standards  
524 as defined in chapter 161A, ridership reports, on time performance reports, or other reports  
525 identified by the awarding authority, in a form acceptable to the awarding authority;

526 (14) financing obligations of the operator and the awarding authority;

- 527 (15) apportionment of expenses between the operator and the awarding authority;
- 528 (16) the rights and duties of the operator, the awarding authority, other state and local  
529 governmental entities, or affected jurisdictions with respect to use of the transportation facility;  
530
- 531 (17) the rights and remedies available in the event of default or delay;
- 532 (18) the terms and conditions of indemnification of the operator by the awarding  
533 authority, as required by applicable law;
- 534 (19) assignment, subcontracting or other delegation of responsibilities of the operator or  
535 the awarding authority under the agreement to third parties, including other private entities and  
536 other state agencies;
- 537 (20) sale or lease to the operator of private property related to the transportation facility;
- 538 (21) if, and how, the parties shall share costs of development of the project;
- 539 (22) if, and how, the parties shall allocate financial responsibility for cost overruns;
- 540 (23) liability for nonperformance;
- 541 (24) any incentives for performance;
- 542 (25) any accounting and auditing standards to be used to evaluate progress on the project;
- 543 (26) the operator's plans to obtain performance and payment security, made in the  
544 awarding authority's sole discretion, and on an agreement-by-agreement basis, of what is  
545 required to adequately protect the awarding authority and adequately assure payment of persons

546 and amounts provided for in the public-private agreement, and the operator's plans to require the  
547 payment of prevailing wages for labor performed on the project in accordance with sections 26  
548 to 27H, inclusive, of said chapter 149;

549 (27) the operator's plans for labor harmony for the entire term of the agreement,  
550 including construction, reconstruction and capital and routine maintenance and adequate  
551 remedies to address the operator's failure to maintain labor harmony which shall include, but not  
552 be limited to, assessment of liquidated damages and contract termination;

553 (28) traffic enforcement and other policing issues, subject to section 71, including any  
554 reimbursement by the private entity for such services;

555 (29) other terms and conditions; and

556 (30) provisions authorizing the awarding authority to provide annual payments for  
557 performance based on the availability or quality of service of the transportation facility, provided  
558 further that the awarding authority shall ensure that annual payments on multiyear public-private  
559 agreements are prioritized ahead of newly constructed transportation facilities in the  
560 development of the capital plans of the acquiring agency and that the annual payments are  
561 subject to appropriation.

562 SECTION 35. Said chapter 6C, as so appearing, is hereby amended by striking out  
563 section 65 and inserting in place thereof, the following section:-

564 Section 65. Upon the end of the term of the public-private agreement or in the event of  
565 termination of the public-private agreement, the awarding authority and duties of the operator  
566 shall cease, except for any duties and obligations that extend beyond the termination as provided

567 in the public-private agreement, and all the rights, title and interest in such transportation facility  
568 shall revert to the awarding authority or affected jurisdiction, as appropriate, and shall be  
569 dedicated to the awarding authority or affected jurisdiction, as appropriate, for public use.

570 SECTION 36. Subsection (a) of section 67 of said chapter 6C, as so appearing, is hereby  
571 amended by striking out paragraph (1) and inserting in place thereof, the following paragraph:-

572 (1) The awarding authority may issue and sell bonds or notes, certificates of participation  
573 and may execute other documents evidencing indebtedness for the purpose of providing funds to  
574 carry out sections 62 to 72, inclusive, with respect to the development, financing or operation of  
575 a transportation facility or the refunding of any bonds or notes, together with any costs associated  
576 with the transaction and the establishment of reserves. The bonds, certificates of participation or  
577 notes or other evidences of indebtedness may be sold on a negotiated or competitive basis.  
578 Interest on the bonds, certificates of participation or notes or other evidence of indebtedness may  
579 be established on a fixed or floating basis.

580 SECTION 37. Subparagraph (A) of paragraph (2) of said subsection (a) of said section 67  
581 of said chapter 6C, as so appearing, is hereby amended by striking out the word “department”  
582 and inserting in place thereof the following words:- awarding authority.

583 SECTION 38. Subparagraph (B) of said paragraph (2) of said subsection (a) of said  
584 section 67 of said chapter 6C, as so appearing, is hereby amended by inserting after the word  
585 “constitution” the following words:- or any statute or regulation.

586 SECTION 39. Subparagraph (C) of said paragraph (2) of said subsection (a) of said  
587 section 67 of said chapter 6C, as so appearing, is hereby amended by striking out clause (i) and  
588 inserting in place thereof the following clause:-

589 (i) the revenues from a lease of the facilities to be financed or other facilities to the  
590 awarding authority, if any, or payments to be made by the awarding authority to a private  
591 operator;

592 SECTION 40. Subparagraph (C) of said paragraph (2) of said subsection (a) of said  
593 section 67 of said chapter 6C, as so appearing, is hereby further amended by striking out clause  
594 (iv) and inserting in place thereof the following clause:-

595 (iv) other funds or assets available to the awarding authority for such purpose.

596 SECTION 41. Subsection (b) of section 67 of said chapter 6C, as so appearing, is hereby  
597 amended by striking out paragraph (1) and inserting in place thereof the following paragraph:-

598 (1) For the purpose of financing or refinancing a transportation facility, the awarding  
599 authority and operator may apply for, obtain, issue and use the proceeds of private activity bonds  
600 or enter into a loan or line of credit agreement available under any Federal law or program. Each  
601 awarding authority is authorized to enter into loan or financing agreements with the private  
602 operator with respect to such proceeds.

603 SECTION 42. Paragraph (2) of subsection (b) of section 67 of said chapter 6C, as so  
604 appearing, is hereby amended by striking out, in line 21, the figure "73" and inserting in place  
605 thereof the following figure:- 72.

606 SECTION 43. Said section 67 of said chapter 6C, as so appearing, is hereby further  
607 amended by adding the following 2 subsections:-

608 (d) The validity of any bonds, certificates of participation or notes or other evidence of  
609 indebtedness issued under this section shall not be affected by any proceedings or actions related



610 to the authorization or implementation of the project financed by the bonds, certificates of  
611 participation or notes or other evidence of indebtedness.

612 (e) Any bonds, certificates of participation or notes or other evidence of indebtedness  
613 issued under this section shall at all times be free from taxation of every kind by the state and by  
614 all political subdivisions of the commonwealth.

615 SECTION 44. Said chapter 6C, as so appearing, is hereby further amended by striking  
616 out section 68 and inserting in place thereof the following section:-

617 Section 68. (a) (1) Each awarding authority may accept from the United States or any of  
618 its agencies funds that are available to the awarding authority or commonwealth for carrying out  
619 sections 62 to 72, inclusive, whether the funds are made available by grant, loan or other  
620 financial assistance.

621 (2) Each awarding authority may enter into agreements or other arrangements with the  
622 United States or any of its agencies as may be necessary for carrying out the purposes of sections  
623 62 to 72, inclusive.

624 (b) Each awarding authority may accept from any source any grant, donation, gift or  
625 other form of conveyance of land, money, other real or personal property or other item of value  
626 made to the commonwealth or the awarding authority for carrying out the purpose of sections 62  
627 to 72, inclusive.

628 (c) Any transportation facility may be financed in whole or in part by contribution of any  
629 funds or property made by any private entity, awarding authority, or affected jurisdiction that is  
630 party to a public-private agreement under sections 62 to 72, inclusive.

631 (d) An awarding authority may combine federal, state, local and private funds to finance  
632 a transportation facility under sections 57 to 70, inclusive.

633 SECTION 45. Section 69 of said chapter 6C, as so appearing, is hereby amended by  
634 striking out, in lines 5 and 8, the word “department” each time it appears, and inserting in place  
635 thereof the following words:- awarding authority.

636 SECTION 46. Section 70 of said chapter 6C, as so appearing, is hereby amended by  
637 striking out, in line 1, the words “The department” and inserting in place thereof the following  
638 words:- Each awarding authority.

639 SECTION 47. Section 72 of said chapter 6C, as so appearing, is hereby amended by  
640 striking out, in line 1, the figure “73” and inserting in place thereof the following figure:- 72

641 SECTION 48. Section 73 of said chapter 6C of the General Laws is hereby repealed.

642 SECTION 49. Section 44 of chapter 7C of the General Laws, as appearing in the 2018  
643 Official Edition, is hereby amended by striking out, in lines 1 and 11, the figure “58”, each time  
644 it appears and inserting in place thereof the following figure:- 57.

645 SECTION 50. Section 46 of said chapter 7C, as so appearing, is hereby amended by  
646 striking out, in line 21, the figure “58” and inserting in place thereof the following figure:- 57.

647 SECTION 51. Section 51 of said chapter 7C, as so appearing, is hereby amended by  
648 striking out, in line 29, the figure “58” and inserting in place thereof the following figure:- 57.

649 SECTION 52. Section 54 of said chapter 7C, as so appearing, is hereby amended by  
650 striking out, in lines 8 and 30, the figure “58”, each time it appears, and inserting in place thereof  
651 the following figure:- 57.

652 SECTION 53. Section 56 of said chapter 7C, as so appearing, is hereby amended by  
653 striking out, in line 4, the figure “58” and inserting in place thereof the following figure:- 57.

654 SECTION 54. Section 57 of said chapter 7C, as so appearing, is hereby amended by  
655 striking out, in line 3, the figure “58” and inserting in place thereof the following figure:- 57.

656 SECTION 55. Subsection (a) of section 39M of chapter 30 of the General Laws, as so  
657 appearing, is hereby amended by inserting, in line 22, after the word “price;” the following  
658 words:- , provided, however the maximum contract value in this paragraph shall be \$100,000 for  
659 contracts by the Massachusetts Department of Transportation established by section 2 of chapter  
660 6C or the Massachusetts Bay Transportation Authority established by section 2 of chapter 161A.

661 SECTION 56. Said subsection (a) of said section 39M of said chapter 30, as so  
662 appearing, is hereby further amended by inserting, in line 63, after the words “than \$50,000,” the  
663 following words:- or, in the case of the Massachusetts Department of Transportation established  
664 by section 2 of chapter 6C or the Massachusetts Bay Transportation Authority established by  
665 section 2 of chapter 161A, more than \$100,000,.

666 SECTION 57. The definition of “Code” in section 1 of chapter 62 of the General Laws,  
667 as so appearing, is hereby amended by inserting after the figure “106,” the following figure:-  
668 132(f),.

669 SECTION 58. Chapter 62B of the General Laws is hereby amended by adding the  
670 following section:-

671 Section 22. (1) An employer that implements a program enabling employees that  
672 currently work from the employer’s office or other physical facility located in the

673 commonwealth to telecommute shall be allowed a credit against amounts withheld from wages  
674 by this chapter for the calendar year to the extent that the credit is authorized for that employer  
675 by the department of transportation. For the purposes of this section, “telecommute” or  
676 “telecommuting” means the performance by an employee, who is a Massachusetts resident, of  
677 normal and regular work functions during the Monday through Friday workweek at a location  
678 different from the employer’s office or other physical facility located in the commonwealth and  
679 that is within or closer to the employee's residence. The department of transportation shall award  
680 the credit based on (i) the number of the employer’s employees that begin telecommuting on or  
681 after January 1 2020; (ii) the effectiveness and impact of the employer’s telecommuting  
682 program; and (iii) other standards developed by the department of transportation. The credit  
683 shall not exceed \$2,000 per participating employee for the calendar year. An employer may  
684 claim the credit on the returns due under this chapter over the course of a calendar year in a form  
685 and manner determined by the commissioner.

686 (2) An employer granted a credit under this section shall maintain records sufficient to  
687 demonstrate the number of its employees telecommuting pursuant to the program that generated  
688 the credit.

689 (3) The department of transportation, in consultation with the commissioner, shall  
690 promulgate regulations necessary to implement the credit, including provisions establishing an  
691 application process for employers.

692 (4) The secretary of transportation in writing shall authorize tax credits pursuant to this  
693 section. The total amount of credits that may be authorized in a calendar year pursuant to this  
694 section shall not exceed \$50,000,000. No credits shall be allowed under this section except to

695 the extent authorized by the department of transportation. The commissioner shall adopt  
696 regulations for the administration of the tax credits. The department of transportation shall  
697 provide the commissioner with the documentation that the commissioner deems necessary to  
698 confirm compliance with the annual cap.

699 (5) This section shall be effective for tax years beginning before January 1, 2030, but  
700 credits allowed pursuant to this section may be carried forward after January 1, 2030.

701 SECTION 59. Subsection (b) of section 21 of chapter 62C of the General Laws, as  
702 appearing in the 2018 Official Edition, is hereby amended by inserting the following paragraph:-

703 (32) the disclosure of information to the department of transportation necessary for the  
704 administration of the credit provided in section 22 of chapter 62B.

705 SECTION 60. Chapter 89 of the General Laws, as so appearing, is hereby further  
706 amended by inserting after section 7C the following section:-

707 Section 7D. The operator of any vehicle involved in a crash in a travel lane on a public  
708 way resulting only in property damage shall immediately move or cause the vehicle to be moved  
709 to a safe area on the shoulder, emergency lane, or median, or to a place otherwise removed from  
710 the roadway when such moving of a vehicle can be done safely and the vehicle is capable of  
711 being operated under its own power, without further damage to property or injury to any person.

712 Whenever any state or local public or law enforcement agency determines that an  
713 emergency is caused by the immobilization of any vehicle in a travel lane on a public way, such  
714 agencies and those acting at their direction or request, shall have authority to move the  
715 immobilized vehicle.

716           Such agencies and their officers, employees, agents or contractors shall not be held  
717 responsible for any damages that may be incurred to the immobilized vehicle, its contents, or  
718 surrounding area caused by the emergency measures employed to move the vehicle for the  
719 purpose of clearing the travel lane or public way.

720           Violation of this section shall be punished by a fine of not more than \$100.

721           SECTION 61. Section 7E of chapter 90 of the General Laws, as so appearing, is hereby  
722 amended by inserting, in line 68, after the word “registrar”, the following words:- , (vii) a  
723 vehicle, or equipment owned or used by the Massachusetts Department of Transportation  
724 established by section 2 of chapter 6C, in connection with maintenance or construction activities  
725 in highway work zones, and only by the authority of a permit issued by the registrar,.

726           SECTION 62. Section 14 of chapter 149A of the General Laws, as so appearing, is  
727 hereby amended by striking out, in lines 3 and 4, the words “and estimated by the awarding  
728 authority to cost not less than \$5,000,000”.

729           SECTION 63. Section 15 of said chapter 149A, as so appearing, is hereby amended by  
730 striking out, in line 1, the words “1 to 8” and inserting in place thereof the following words:- 14  
731 to 21.

732           SECTION 64. Said section 15 of said chapter 149A is hereby further amended by striking  
733 out the definition of “Building project”.

734           SECTION 65. The definition of “Design professional” in said section 15 of said chapter  
735 149A is hereby amended by striking out the words “38A ½ of chapter 7” and inserting in place  
736 thereof the following words:- 44 of chapter 7C.

737 SECTION 66. Said section 15 of said chapter 149A is hereby further amended by striking  
738 out the definition of “Public works project” and inserting in place thereof the following  
739 definition:-

740 “Public works project”, a project subject to section 39M of chapter 30. The term “public  
741 works project” shall include buildings related to the public works project.

742 SECTION 67. Subsection (a) of section 16 of said chapter 149A is hereby amended by  
743 striking out paragraphs (4) and (5) and inserting in place thereof the following paragraph:-

744 (4) The awarding authority has determined that the use of design build is appropriate for  
745 the public works project and states in writing the reasons for the determination.

746 SECTION 68. Subsection (d) of said section 16 of said chapter 149A is hereby amended  
747 by striking out, in lines 40 and 41, the words “highway department” and inserting in place  
748 thereof the following words:- Department of Transportation.

749 SECTION 69. Said subsection (d) of said section 16 of said chapter 149A is hereby  
750 further amended by striking out, in line 47, the words “1 to 10” and inserting in place thereof the  
751 following words:- 14 to 21.

752 SECTION 70. Said subsection (d) of said section 16 of said chapter 149A is hereby  
753 further amended by striking out, in line 50, the word “building” and inserting in place thereof the  
754 following words:- public works.

755 SECTION 71. Subsection (e) of said section 16 of said chapter 149A is hereby amended  
756 by striking out, in line 63, the word “A” and inserting in place thereof the following word:- An.

757 SECTION 72. Paragraph (2) of subsection (c) of section 17 of said chapter 149A, as so  
758 appearing, is hereby amended by striking out, in lines 41 and 42, the words “public project  
759 record” and inserting in place thereof the following words:- a public project.

760 SECTION 73. Subsection (d) of said section 17 of said chapter 149A, as so appearing, is  
761 hereby amended by inserting, in line 52, after the words “experience in”, the following words:-  
762 or knowledge of.

763 SECTION 74. Paragraph (1) of subsection (d) of said section 17 of said chapter 149A, as  
764 so appearing, is hereby amended by inserting, in line 61, after the words “each response as”, the  
765 following words:- highly advantageous,.

766 SECTION 75. Paragraph (2) of said subsection (d) of said section 17 of said chapter  
767 149A, as so appearing, is hereby amended by striking out, in line 64, the words “proposal using  
768 said ratings as” and inserting in place thereof the following words:- response using said ratings  
769 as highly advantageous,.

770 SECTION 76. Section 18 of said chapter 149A, as so appearing, is amended by striking  
771 out the first paragraph and inserting in place thereof the following paragraph:-

772 Before issuing an RFQ pursuant to section 17, the awarding authority shall retain for the  
773 duration of the 2 phase selection process a design professional to provide technical advice and  
774 professional expertise to the awarding authority; but, in retaining the services of a design  
775 professional the awarding authority may utilize the services of a design professional already in  
776 the employ of the awarding authority, or if the awarding authority does not already have in its  
777 employ the design professional, the awarding authority shall procure the services of a design



778 professional pursuant to the applicable procurement law for design services for public works  
779 projects.

780 SECTION 77. Said section 18 of said chapter 149A, is hereby further amended by  
781 striking out, in line 28, the words “section 4” and inserting in place thereof the following words:-  
782 said section 17.

783 SECTION 78. The third paragraph of said section 18 of said chapter 149A, as so  
784 appearing, is hereby amended by striking out third sentence and inserting in place thereof the  
785 following sentence:- The awarding authority may, at its sole discretion, incorporate written  
786 comments received from design build entities within the final RFP and may provide to design  
787 build entities eligible to submit a proposal the final RFP pursuant to section 19.

788 SECTION 79. Section 19 of said chapter 149A, as so appearing, is hereby amended by  
789 striking out, in line 2, the words “has been prequalified” and inserting in place thereof the  
790 following words:- is eligible.

791 SECTION 80. Paragraph (3) of said section 19 of said chapter 149A, as so appearing, is  
792 hereby amended by striking out, in line 15, the word “cost”.

793 SECTION 81. Said section 19 of said chapter 149A, as so appearing, is hereby further  
794 amended by striking out paragraph (4) and inserting in place thereof the following paragraph:-

795 (4) At the awarding authority’s discretion, the RFP may provide for a process for the  
796 submittal and review of alternative technical concepts to the technical requirements of the RFP,  
797 prior to the full technical proposal submittal. Alternative technical concepts must provide  
798 solutions that are equal to or better than the technical requirements in the RFP, and must be

799 consistent with the standards set forth in the RFP. Only approved alternative technical concepts  
800 may be included in the full technical proposal submittal.

801 SECTION 82. Subsection (a) of section 20 of said chapter 149A, as so appearing, is  
802 hereby amended by striking out the last sentence and inserting in place thereof the following  
803 sentence:- The awarding authority may enter into good faith, non-fee negotiations of the  
804 design-build contract with the responsible proposer that submits an acceptable proposal with  
805 the lowest price.

806 SECTION 83. Paragraph (2) of subsection (b) of said section 20 of said chapter 149A, as  
807 so appearing, is hereby amended by striking out the third and fourth sentences and inserting in  
808 place thereof the following 2 sentences:- The awarding authority may enter into good faith  
809 negotiations with the responsible proposer with the lowest price per quality score point or the  
810 best value score using the alternative objective formula. In the event that two or more proposers  
811 have the same score, the awarding authority may award the contract to the responsible proposer  
812 who submitted the lowest price.

813 SECTION 84. Subsection (c) of said section 20 of said chapter 149A, as so appearing, is  
814 hereby amended by striking out the first sentence and inserting in place thereof the following  
815 sentence:- The awarding authority shall enter into a design build contract with the selected  
816 design build entity.

817 SECTION 85. Section 21 of said chapter 149A, as so appearing, is hereby amended by  
818 striking out, in line 9, the figure "4" and inserting in place thereof the following figure:-16.

819 SECTION 86. Section 2 of chapter 161A of the General Laws, as appearing in the 2018  
820 Official Edition, is hereby amended by adding the following sentence:- Notwithstanding any

821 general or special law to the contrary, no person shall acquire any rights by prescription or  
822 adverse possession in any lands or rights in lands held in the name of the authority, and no  
823 person shall accrue any rights by prescription or adverse possession in any such lands or rights in  
824 land for the time period during which such lands or rights in land are or were held in the name of  
825 the authority.

826 SECTION 87. Subsection (f) of section 3 of said chapter 161A, as so appearing, is hereby  
827 amended by striking out, in line 45, the word “or”.

828 SECTION 88. Said subsection (f) of said section 3 of said chapter 161A is hereby further  
829 amended by inserting, after the word “authority”, in line 48, the following words:- ; or (v) for the  
830 utilization of alternative procurement methods to procure and enter into contracts for the  
831 engineering, designing, building, financing, operation, and maintenance of infrastructure,  
832 technology and services, or any combination of the foregoing; provided that such procurement  
833 process includes a procedure to solicit and award a contract for any of the foregoing purposes on  
834 the basis of a best-value selection process.

835 SECTION 89. Clause (ii) of subsection (c) of section 5 of said chapter 161A, as so  
836 appearing, is hereby amended by adding the following sentence:- Any agreement related to any  
837 concession or lease of property may require that the developer construct, design, build, finance,  
838 operate, and maintain, or any combination thereof, mass transportation facilities or any related  
839 facility or component thereof for the authority, so long as the authority shall state in its bid  
840 documentation that such mass transportation facilities or related facility or component thereof  
841 will be accepted or required as a part of any such agreement. No further procurement or

842 advertising requirements shall be required, except as required by subsection (b) and this  
843 subsection.

844 SECTION 90. The second paragraph of section 2 of chapter 134 of the acts of 1971, as  
845 most recently amended by section 38B of chapter 120 of the acts of 2009, is hereby further  
846 amended by adding the following 4 sentences:-

847 Any failure to provide necessary flag protection shall be subject to a fine of not more than  
848 \$3,500 per day payable to the department, which shall become due 30 days after receipt of  
849 notice, unless an adjudicatory hearing is requested prior to the expiration of the 30 days.

850 Following an adjudicatory hearing, the secretary of transportation shall make a final decision and  
851 shall provide notice to all parties. The final decision shall take effect within 30 days, unless an  
852 appeal is taken under section 14 of chapter 30A prior to the expiration of the 30 days. The  
853 superior court shall have jurisdiction, upon petition of the department, to enforce the provisions  
854 of this section.

855 SECTION 91. The first paragraph of section 7 of chapter 233 of the acts of 2008 is  
856 hereby amended by striking out the figure “2027” and inserting in place thereof the following  
857 figure:- 2039

858 SECTION 92. Section 8 of said chapter 233 is hereby amended by striking out the figure  
859 “2046” and inserting in place thereof the following figure:- 2054.

860 SECTION 93. Section 20 of chapter 79 of the acts of 2014 is hereby amended by striking  
861 out the figure “2049” in both places where it appears and inserting in place thereof the following  
862 figure:- 2054.

863 SECTION 94. Section 24 of said chapter 79 is hereby amended by striking out the words  
864 “bridge projects of the Massachusetts Department of Transportation and the Massachusetts Bay  
865 Transportation Authority” and inserting in place thereof the following words:- bridge projects of  
866 the Massachusetts Department of Transportation, the Massachusetts Bay Transportation  
867 Authority or municipalities.

868 SECTION 95. Notwithstanding any provision of section 2E of this act, chapter 79 of the  
869 acts of 2014, or any other general or special law to the contrary, the Massachusetts Bay  
870 Transportation Authority may, upon the joint direction of the secretaries of administration and  
871 finance and the Massachusetts Department of Transportation, expend any previously unexpended  
872 portion of any of the amount under any item of section 2C or section 2F of said chapter 79 or of  
873 section 2E of this act for the purposes authorized by any other item of said section 2C or section  
874 2F of said chapter 79 or of said section 2E of this act; provided, however, that the aggregate  
875 amount expended under said section 2E and said section 2C or section 2F of said chapter 79,  
876 shall not exceed \$6,700,000,000.

877 SECTION 96. Notwithstanding any general or special law to the contrary, as used in this  
878 section, the following words shall have the following meanings:-

879 “Best value”, the highest overall value to the awarding authority, considering quality and  
880 cost.

881 “Department”, the Massachusetts Department of Transportation established by section 2  
882 of chapter 6C of the General Laws.

883 “Job order”, an agreed upon fixed-price order issued by the department or by the MBTA  
884 to a contractor pursuant to a job order contract, for the contractor’s performance of a specific

885 construction, reconstruction, alteration, remodeling or repair project of a public work consisting  
886 solely of tasks, materials and equipment selected from those specified and priced in that job  
887 order contract.

888 “Job order contract”, a contract for the performance of construction, reconstruction,  
889 alteration, remodeling or repair of a public work, or a subset thereof: (1) that is limited to a  
890 specified term; (2) in which the contract specifications consist of technical descriptions of  
891 various tasks, materials and equipment at stated unit prices but do not specify the specific  
892 projects to be performed by the contractor; (3) which contains a fixed contractor’s adjustment  
893 factor applied to the unit prices stated in the specifications; and (4) in accordance with which, the  
894 department and the MBTA may enter into fixed price job orders with the contractor for the  
895 performance of specific projects, consisting solely of combinations of the tasks, materials and  
896 equipment specified in the contract, at the unit prices specified therein multiplied by the  
897 contractor’s adjustment factor.

898 “Maintenance”, includes routine operation, routine maintenance, routine repair,  
899 rehabilitation, capital maintenance, maintenance replacement and any other categories of  
900 maintenance that may be designated by the department.

901 “MBTA”, the Massachusetts Bay Transportation Authority established by section 2 of  
902 chapter 161A of the General Laws.

903 (a) Notwithstanding section 44A of chapter 149 of the General Laws, to the extent  
904 applicable, and section 39M of chapter 30 of the General Laws or any other general or special  
905 law to the contrary, the department and the MBTA may establish programs for the use of job  
906 order contracts.

907 As part of the programs, the department and the MBTA may procure job order contracts  
908 for services related to the creation and use of job order contracts including, without limitation the  
909 creation of task descriptions, specifications and unit prices for use in job order contracts, and  
910 training and other services related to such contracts.

911 Job orders shall be estimated to cost not more than \$500,000 each. The job order contract  
912 shall be procured through a best value selection process except that: (i) the amount of the bid  
913 deposit shall be \$5,000; (ii) contractors who are awarded job orders under any job order contract  
914 shall be eligible for the category of work specified in the contract; (iii) the amounts of surety  
915 bonds required by the contract may be satisfied with respect to each particular job order before  
916 the commencement of any work under that job order; and (iv) multiple job order contracts may  
917 be awarded under a single procurement.

918 (b) (1) The department and the MBTA may procure job order contracts for projects that:  
919 (i) improve access to places of public accommodation listed in section 92A of chapter 272 of the  
920 General Laws; or (ii) remove barriers and create or improve accessible features for both physical  
921 and programmatic access necessary for compliance with the law, including for compliance with  
922 title II of the Americans with Disabilities Act of 1990 and the laws of the commonwealth.

923 (2) These contracts shall be limited to job orders estimated to cost not more than  
924 \$1,000,000 each and shall be procured through the procedures specified in section 39M of  
925 chapter 30 of the General Laws except that: (i) the amount of the bid deposit shall be \$5,000; (ii)  
926 contractors who are awarded job orders under any job order contract shall be certified by the  
927 division for the category of work specified in the contract; and (iii) the amounts of surety bonds  
928 required by the contract may be satisfied with respect to each particular job order before the

929 commencement of any work under that job order. The department and the MBTA shall award a  
930 job order contract to the eligible and responsible bidder who offers the lowest mark-up over the  
931 base unit prices specified in the contract specifications.

932           SECTION 97. Notwithstanding the first sentence of subsection (a) of section 39M of  
933 chapter 30 of the General Laws, a transportation or public works project subject to award under  
934 said section 39M of said chapter 30 by a department, agency or authority of the commonwealth  
935 that is expected to interfere with the movement of traffic or the traveling public may, in the  
936 discretion of the awarding authority, be procured through a bidding method that awards the  
937 project to the responsible and eligible bidder with the lowest bid value after taking into account  
938 the amount of time that the bidder has identified in the bid for completion of the project,  
939 hereinafter referred to as cost-plus-time bidding; provided, however, that such awarding  
940 authority may reject any bid if it is in the public interest to do so.

941           In utilizing a cost-plus-time bidding procurement method, the awarding authority shall  
942 use a cost parameter A and a time parameter B to determine a bid value. The cost parameter A  
943 shall be the traditional bid for the contract items and shall be the dollar amount for the work to be  
944 performed under the contract. The time parameter B shall be the total number of calendar days  
945 required to complete the project, as estimated by the bidder, multiplied by an agency-determined  
946 daily road user cost hereinafter referred to as RUC to translate time into dollars. The total bid  
947 value, which shall be clearly detailed in the bid documents, shall equal  $A + B (RUC)$ . The total  
948 bid value shall be used only to evaluate bids. The winning bid, which shall be calculated at a  
949 public bid opening at a time and location designated in the bid documents, shall be the lowest  
950 total bid value submitted by a responsible and eligible bidder. The contract amount for payment  
951 purposes shall be based on the bid price A, not the total bid value. The number of days bid B



952 shall become the contract time. For purposes of this section, “responsible and eligible bidder”  
953 shall be defined pursuant to the criteria in subsection (c) of section 39M of chapter 30; provided,  
954 however, that the reference to “lowest” in said subsection (c) of said section 39M of said chapter  
955 30 shall mean “lowest total bid value” as provided in this section.

956 The provisions of the General Laws generally applicable to public works projects  
957 including, but not limited to, sections 26, 27, 27A, 27B, 27C, 27D, 27F and 34A of chapter 149  
958 of the General Laws and sections 39F, 39G, 39H, 39J, 39K, 39M except the first sentence of  
959 subsection (a), 39N, 39O, 39P and 39R of chapter 30 shall apply to all public works projects  
960 using the cost-plus-time bidding procurement method provided in this section.

961 SECTION 98. Notwithstanding the provisions of any general or special law to the  
962 contrary, the personnel administrator shall create the following new positions within the state  
963 classification to be used only at the Massachusetts Department of Transportation and which shall  
964 be exempt from the provisions of chapter 31 of the General Laws:

965 Highway Maintenance Worker I

966 Highway Maintenance Worker II

967 Highway Maintenance Worker III

968 Facilities & Operations Supervisor

969 Facilities Maintenance Technician I

970 Facilities Maintenance Technician II

971 Highway Maintenance Supervisor

- 972 Special Project Worker
- 973 Foreman of Special Projects
- 974 Foreman of Facilities Maintenance
- 975 Foreman of Sign Maintenance
- 976 Motor Equipment Mechanic Supervisor

977 Veterans, as defined in clause 43 of section 7 of chapter 4 of the General Laws shall be  
978 given preference by Massachusetts Department of Transportation for these positions.

979 Furthermore, any person who holds permanent civil service status in a Labor Service  
980 position at the Massachusetts Department of Transportation on the effective date of this act who  
981 is transferred, reassigned or promoted into an exempt position shall not be discharged except as  
982 provided by in sections 41 through 45, inclusive, of chapter 31 of the General Laws.

983 SECTION 99. To meet any or all expenditures necessary in carrying out section 2, the  
984 state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in  
985 an amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
986 \$1,120,000,000. All bonds issued by the commonwealth pursuant to this section shall be  
987 designated on their face, Commonwealth Transportation Improvement Act of 2019, and shall be  
988 issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to  
989 the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution.  
990 All such bonds shall be payable not later than June 30, 2059. All interest and payments on  
991 account of principal on these obligations shall be payable from the General Fund or the  
992 Commonwealth Transportation Fund.

993 SECTION 100. To meet any or all expenditures necessary in carrying out sections 2A to  
994 2B inclusive, the state treasurer shall, upon request of the governor, issue and sell bonds of the  
995 commonwealth in an amount to be specified by the governor from time to time but not  
996 exceeding, in the aggregate, \$3,740,000,000. All bonds issued by the commonwealth pursuant to  
997 this section shall be designated on their face, Commonwealth Transportation Improvement Act  
998 of 2019, and shall be issued for a maximum term of years, not exceeding 30 years, as the  
999 governor may recommend to the general court pursuant to section 3 of Article LXII of the  
1000 Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2059.  
1001 All interest and payments on account of principal on these obligations shall be payable from the  
1002 General Fund or the Commonwealth Transportation Fund.

1003 SECTION 101. Notwithstanding any general or special law to the contrary and to meet a  
1004 portion of the expenditures necessary in carrying out section 2C, the state treasurer shall, upon  
1005 request of the governor, issue and sell federal grant anticipation notes of the commonwealth in an  
1006 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
1007 \$1,250,000,000. Notes issued under this section shall be in addition to those notes previously  
1008 issued under section 9 of chapter 11 of the acts of 1997, section 7 of chapter 233 of the acts of  
1009 2008, and under section 53A of chapter 29 of the General Laws to refund, in part, such  
1010 previously issued notes. Notes issued under this section and the interest thereon shall be special  
1011 obligations of the commonwealth secured by the Federal Highway Grant Anticipation Note Trust  
1012 Fund established in section 10 of said chapter 11 of the acts of 1997. Sections 10, 10A and 10B  
1013 of said chapter 11 shall apply to the notes issued under this section in the same manner and with  
1014 the same effect as set forth in said sections 10, 10A and 10B with respect to the notes previously  
1015 issued under section 9 of said chapter 11 and section 53A of chapter 29 of the General Laws,

1016 except as otherwise provided in a trust agreement pertaining to the notes authorized under this  
1017 section; provided, however, that any pledge of federal highway construction funds and other  
1018 funds to secure the notes issued under this section may be subordinate to such prior pledged  
1019 funds. The notes shall not be included in the computation of outstanding bonds for purposes of  
1020 the limit imposed by the second paragraph of section 60A of chapter 29 of the General Laws, nor  
1021 shall debt service with respect to such bonds be included in the computation of the limit imposed  
1022 by section 60B of said chapter 29.

1023 The notes authorized under this section shall be designated on their face, Next Generation  
1024 Bridge Improvement Act of 2019, and shall be issued and may be renewed for such maximum  
1025 terms of years, not exceeding 20 years, as the governor may recommend to the general court in  
1026 accordance with Section 3 of Article LXII of the Amendments to the Constitution of the  
1027 commonwealth; provided, however, that the final maturity of such notes, whether original or  
1028 renewal, shall be not later than June 30, 2049.

1029 A trust agreement entered into with respect to notes authorized under this section shall be  
1030 considered to be a trust agreement under section 10B of chapter 11 of the acts of 1997. The  
1031 principal or purchase price of, redemption premium, if any, and interest on notes issued  
1032 hereunder, fees and expenses related to those notes, deposits to reserves, if any, under such trust  
1033 agreement or such credit enhancement agreement and any reimbursement amounts shall be  
1034 considered to be trust agreement obligations for purposes of sections 10A and 10B of said  
1035 chapter 11.

1036 Notwithstanding any general or special law to the contrary, the commonwealth shall  
1037 covenant with the purchasers and all subsequent owners and transferees of any notes issued

1038 under this section that while any note shall remain outstanding and any trust agreement  
1039 obligation remains unpaid, federal highway construction trust funds shall not be diverted from  
1040 the purposes identified in said section 10B of said chapter 11, except as provided in the trust  
1041 agreement or credit enhancement agreement relating thereto, nor shall the trusts with which they  
1042 are impressed be broken, and the pledge and dedication in trust of these funds shall continue  
1043 unimpaired and unabrogated.

1044 Notwithstanding any general or special law to the contrary, the trust and the Federal  
1045 Highway Grant Anticipation Note Trust Fund, each established in accordance with section 10 of  
1046 said chapter 11, shall terminate on the date of the final payment or defeasance in full by the  
1047 commonwealth of all trust agreement obligations under said section 10 and this section.

1048 SECTION 102. To meet the expenditures necessary in carrying out section 2D, the state  
1049 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
1050 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
1051 \$790,000,000. All bonds issued by the commonwealth pursuant to this section shall be  
1052 designated on their face, Commonwealth Transportation Improvement Act of 2019, and shall be  
1053 issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to  
1054 the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution.  
1055 All such bonds shall be payable not later than June 30, 2049. All interest and payments on  
1056 account of principal on these obligations shall be payable from the General Fund or the  
1057 Commonwealth Transportation Fund.

1058 SECTION 103. To meet the expenditures necessary in carrying out section 2E, the state  
1059 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an

1060 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
1061 \$5,695,000,000. All bonds issued by the commonwealth under this section shall be designated on  
1062 their face, Commonwealth Transportation Improvement Act of 2019, and shall be issued for a  
1063 maximum term of years, not exceeding 30 years, as the governor may recommend to the general  
1064 court under section 3 of Article LXII of the Amendments to the Constitution. All such bonds  
1065 shall be payable not later than June 30, 2059. Bonds and interest thereon issued under this  
1066 section shall be general obligations of the commonwealth; provided, however, that any bonds  
1067 issued by the state treasurer under this section shall, upon the request of the governor, be issued  
1068 as special obligation bonds pursuant to section 20 of chapter 29 of the General Laws; provided  
1069 further, that in deciding whether to request the issuance of particular bonds as special  
1070 obligations, the governor shall take into account: (1) generally prevailing financial market  
1071 conditions; (2) the impact of each approach on the overall capital financing plans and needs of  
1072 the commonwealth; (3) any ratings assigned to outstanding bonds of the commonwealth and any  
1073 ratings expected to be assigned by any nationally-recognized credit rating agency to the bonds  
1074 proposed to be issued; and (4) any applicable provisions of a trust agreement or credit  
1075 enhancement agreement entered into pursuant to said section 20 of said chapter 29. All special  
1076 obligation revenue bonds issued pursuant to this section shall be designated on their face,  
1077 Commonwealth Rail Enhancement Act of 2019, and shall be issued for a maximum term of  
1078 years, not exceeding 30 years, as the governor may recommend to the general court pursuant to  
1079 section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all  
1080 such bonds shall be payable not later than June 30, 2059. All interest and payments on account of  
1081 these obligations shall be payable from the Commonwealth Transportation Fund and shall be  
1082 payable solely in accordance with said section 20 of said chapter 29, and such bonds shall not be

1083 included in the computation of outstanding bonds for purposes of the limit imposed by the  
1084 second paragraph of section 60A of chapter 29 of the General Laws, nor shall debt service with  
1085 respect to such bonds be included in the computation of the limit imposed by section 60B of said  
1086 chapter 29.

1087 SECTION 104. To meet the expenditures necessary in carrying out section 2F, the state  
1088 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
1089 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
1090 \$150,000,000. All bonds issued by the commonwealth pursuant to this section shall be  
1091 designated on their face, Commonwealth Transportation Improvement Act of 2019, and shall be  
1092 issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to  
1093 the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution.  
1094 All such bonds shall be payable not later than June 30, 2049. All interest and payments on  
1095 account of principal on these obligations shall be payable from the General Fund or the  
1096 Commonwealth Transportation Fund.

1097 SECTION 105. To meet the expenditures necessary in carrying out section 2G, the state  
1098 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
1099 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
1100 \$725,000,000. All bonds issued by the commonwealth pursuant to this section shall be  
1101 designated on their face, Commonwealth Transportation Improvement Act of 2019, and shall be  
1102 issued for a maximum term of years, not exceeding 10 years, as the governor may recommend to  
1103 the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution.  
1104 All such bonds shall be payable not later than June 30, 2039. All interest and payments on

1105 account of principal on these obligations shall be payable from the General Fund or the  
1106 Commonwealth Transportation Fund.

1107 SECTION 106. To meet the expenditures necessary in carrying out section 2H, the state  
1108 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
1109 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
1110 \$50,000,000. All bonds issued by the commonwealth pursuant to this section shall be designated  
1111 on their face, Commonwealth Transportation Improvement Act of 2019, and shall be issued for a  
1112 maximum term of years, not exceeding 5 years, as the governor may recommend to the general  
1113 court pursuant to section 3 of Article LXII of the Amendments to the Constitution. All such  
1114 bonds shall be payable not later than June 30, 2034. All interest and payments on account of  
1115 principal on these obligations shall be payable from the General Fund or the Commonwealth  
1116 Transportation Fund. Bonds and interest thereon issued pursuant to this section shall be general  
1117 obligations of the commonwealth.

1118 SECTION 107. Notwithstanding any general or special law to the contrary, bonds and  
1119 interest thereon issued under sections 99, 100, 102, 104, and 105 of this act shall be general  
1120 obligations of the commonwealth; provided, however, that any bonds issued by the state  
1121 treasurer under said sections 99, 100, 102, 104, and 105 shall, upon the request of the governor,  
1122 be issued as special obligation bonds pursuant to section 2O of chapter 29 of the General Laws;  
1123 provided further, that in deciding whether to request the issuance of particular bonds as special  
1124 obligations, the governor shall take into account: (1) generally prevailing financial market  
1125 conditions; (2) the impact of each approach on the overall capital financing plans and needs of  
1126 the commonwealth; (3) any ratings assigned to outstanding bonds of the commonwealth and any  
1127 ratings expected to be assigned by any nationally-recognized credit rating agency to the bonds



1128 proposed to be issued; and (4) any applicable provisions of a trust agreement or credit  
1129 enhancement agreement entered into pursuant to said section 20 of said chapter 29. All interest  
1130 and payments on account of obligations issued under this section as special obligation bonds  
1131 pursuant to said section 20 of said chapter 29 shall be payable from the Commonwealth  
1132 Transportation Fund solely in accordance with said section 20 of said chapter 29, and such  
1133 bonds shall not be included in the computation of outstanding bonds for purposes of the limit  
1134 imposed by the second paragraph of section 60A of chapter 29 of the General Laws, nor shall  
1135 debt service with respect to such bonds be included in the computation of the limit imposed by  
1136 section 60B of said chapter 29.

1137           SECTION 108. Notwithstanding any provision of sections 101 or 103 of this act to the  
1138 contrary, the state treasurer shall, upon the request of the governor: (a) issue any portion of the  
1139 amount authorized to be issued as federal grant anticipation notes under said section 101 as  
1140 special obligation bonds in addition to the amount authorized in said section 103 and otherwise  
1141 pursuant to said section 103; or (b) issue any portion of the amount authorized to be issued as  
1142 special obligation bonds under said section 103 as federal grant anticipation notes in addition to  
1143 the amount authorized in said section 101 and otherwise pursuant to said section 101; provided,  
1144 however, that the aggregate amount issued under said sections 101,103 and this section shall not  
1145 exceed \$6,945,000,000; and provided further, that no bonds shall be issued under this section  
1146 unless the governor determines that issuing bonds or notes under this section instead of as  
1147 authorized under said sections 101 or 103, as applicable, is necessary or is in the best financial  
1148 interests of the commonwealth based on their consideration of: (i) the commonwealth's authority  
1149 under federal law to issue federal grant anticipation notes pursuant to said section 101; (ii)  
1150 generally prevailing financial market conditions; (iii) the impact of each financing approach on

1151 the overall capital financing plans and needs of the commonwealth; (iv) any ratings assigned to  
1152 outstanding bonds of the commonwealth and any ratings expected to be assigned by any  
1153 nationally-recognized credit rating agency to the bonds or notes proposed to be issued; and (v)  
1154 any applicable provisions of chapter 29 of the General Laws.

1155 SECTION 109. Notwithstanding any general or special law to the contrary, capital  
1156 appropriations made pursuant to section 2 and sections 2A to 2H, inclusive, shall be available for  
1157 expenditure in the 10 fiscal years following June 30 of the calendar year in which the  
1158 appropriation is made and any portion of such appropriation representing encumbrances  
1159 outstanding on the records of the comptroller's office at the close of the tenth fiscal year may be  
1160 applied to the payment thereof any time thereafter. The unencumbered balance shall revert to the  
1161 commonwealth at the close of the tenth fiscal year.

1162 SECTION 110. Notwithstanding any general or special law to the contrary, in carrying  
1163 out this act, the Massachusetts Department of Transportation may enter into contracts,  
1164 agreements or transactions that may be appropriate with other federal, state, local or regional  
1165 public agencies or authorities. The contracts, agreements or transactions may relate to such  
1166 matters as the department shall determine including, without limitation, the research, design,  
1167 layout, construction, reconstruction or management of construction of all or a portion of these  
1168 projects. In relation to any such contracts, agreements or transactions, the department may  
1169 advance monies to such agencies or authorities, without prior expenditure by the agencies or  
1170 authorities, and the agencies and authorities may accept monies necessary to carry out these  
1171 agreements; provided, however, the department shall certify to the comptroller the amounts so  
1172 advanced and these agreements shall contain provisions satisfactory to the department for the  
1173 accounting of monies expended by any other agency or authority. All monies not expended

1174 under these contracts, agreements or transactions shall be credited to the account of the  
1175 department from which they were advanced.

1176 SECTION 111. (a) Notwithstanding any general or special law to the contrary, the  
1177 Massachusetts Department of Transportation shall expend the sums authorized in sections 2  
1178 through 2C, inclusive, and section 2G, for the following purposes: projects for the laying out,  
1179 construction, reconstruction, resurfacing, relocation or necessary or beneficial improvement of  
1180 highways, bridges, bicycle paths or facilities, on-street and off-street bicycle projects, sidewalks,  
1181 telecommunications, parking facilities, auto-restricted zones, scenic easements, grade crossing  
1182 eliminations and alterations of other crossings, traffic safety devices on state highways and on  
1183 roads constructed pursuant to clause (b) of the second paragraph of section 4 of chapter 6C of the  
1184 General Laws, highway or mass transportation studies including, but not limited to, traffic,  
1185 environmental or parking studies, the establishment of school zones pursuant to section 2 of  
1186 chapter 85 of the General Laws, improvements on routes not designated as state highways  
1187 without assumption of maintenance responsibilities, projects to alleviate contamination of public  
1188 and private water supplies caused by the department's storage and use of snow removal  
1189 chemicals which are necessary for the purposes of highway safety, for the relocation of persons  
1190 or businesses or for the replacement of dwellings or structures including, but not limited to,  
1191 providing last resort housing under federal law and any functional replacement of structures in  
1192 public ownership that may be necessary for the foregoing purposes and for relocation benefits to  
1193 the extent necessary to satisfy the requirements of the Uniform Relocation Assistance and Real  
1194 Property Acquisition Policies Act of 1970, 42 U.S.C. 4601 et seq., Public Law 97-646 and to sell  
1195 any structure the title to which has been acquired for highway purposes. Environmental studies  
1196 conducted pursuant to this subsection may include an assessment of both existing and proposed

1197 highway rest stop facilities to determine the cost-effectiveness of sanitary facilities that use zero-  
1198 pollution discharge technologies, including recycling greywater systems. When dwellings or  
1199 other structures are removed in furtherance of any of these projects, the excavations or cellar  
1200 holes remaining shall be filled in and brought to grade within 1 month after the removal. Nothing  
1201 in this section shall be construed to give rise to enforceable legal rights in any party or a cause of  
1202 action or an enforceable entitlement as to the projects described in this section.

1203 (b) Funds authorized in said sections 2A and 2B shall, except as otherwise specifically  
1204 provided in this act, be subject to the first paragraph of section 6 and sections 7 and 9 of chapter  
1205 718 of the acts of 1956, if applicable, and, notwithstanding any general or special law to the  
1206 contrary, may be used for the purposes stated in this act in conjunction with funds of cities,  
1207 towns and political subdivisions.

1208 (c) The Massachusetts Department of Transportation may: (i) expend funds made  
1209 available by this act to acquire from a person by lease, purchase, eminent domain pursuant to  
1210 chapter 79 of the General Laws or otherwise, land or rights in land for parking facilities adjacent  
1211 to a public way to be operated by the department or under contract with an individual; (ii)  
1212 expend funds made available by this act for the acquisition of van-type vehicles used for multi-  
1213 passenger, commuter-driven carpools and high-occupancy vehicles including, but not limited to,  
1214 water shuttles and water taxis; and (iii) pursuant to all applicable state and federal laws and  
1215 regulations, exercise all powers and do all things necessary and convenient to carry out this act.

1216 (d) The Massachusetts Department of Transportation may enter into contracts or  
1217 agreements with cities to mitigate the effects of projects undertaken pursuant to this act and to  
1218 undertake additional transportation measures within the city and may enter into contracts,

1219 agreements or transactions with other federal, state, local or regional public agencies, authorities,  
1220 nonprofit organizations or political subdivisions that may be necessary to implement these  
1221 contracts or agreements with cities. Cities and other state, local or regional public agencies,  
1222 authorities, nonprofit organizations or political subdivisions may enter into these contracts,  
1223 agreements or transactions with the department. In relation to these agreements, the department  
1224 may advance to these agencies, nonprofit organizations, political subdivisions or authorities,  
1225 without prior expenditure by the agencies, nonprofit organizations, political subdivisions or  
1226 authorities, monies necessary to carry out these agreements; provided however, that the  
1227 department shall certify to the comptroller the amount so advanced and all monies not expended  
1228 under these agreements shall be credited to the account of the department from which they were  
1229 advanced. The department shall report to the house and senate committees on ways and means  
1230 on any transfers completed pursuant to this subsection.

1231           SECTION 112. Notwithstanding any general or special law to the contrary, the  
1232 Massachusetts Department of Transportation shall take all necessary actions to secure federal  
1233 highway or transportation assistance that is or may become available to the department  
1234 including, but not limited to, actions authorized pursuant to or in compliance with any of the  
1235 following: Title 23 of the United States Code; the Surface Transportation and Uniform  
1236 Relocation Act of 1987, Public Law 100-17; the Intermodal Surface Transportation Efficiency  
1237 Act of 1991, Public Law 102-240; the Transportation Equity Act for the 21st Century, Public  
1238 Law 105-178; the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy  
1239 for Users, Public Law 109-59; Implementing Recommendations of the 9/11 Commission Act of  
1240 2007, Public Law 110-53; the Moving Ahead for Progress in the 21st Century Act of 2012,  
1241 Public Law 112-141; Fixing America's Surface Transportation Act of 2015, Public Law 114-94;

1242 and any successor or reauthorizations of those acts, and such actions, including filing  
1243 applications for federal assistance, supervising the expenditure of funds under federal grants or  
1244 other assistance agreements, and making any determinations and certifications necessary or  
1245 appropriate to the foregoing. If a federal law, administrative regulation or practice requires an  
1246 action relating to federal assistance to be taken by a department, agency or other instrumentality  
1247 of the commonwealth other than the Massachusetts Department of Transportation, the other  
1248 department, agency or instrumentality shall take such action.

1249           SECTION 113. Notwithstanding any general or special law to the contrary, upon the joint  
1250 direction of the secretary of energy and environmental affairs, the secretary of transportation and  
1251 the secretary of administration and finance, up to one half of any monies collected by the  
1252 commonwealth through market-based compliance mechanisms to address greenhouse gas  
1253 emissions from the transportation sector as permitted in chapter 21N of the General Laws shall  
1254 be directed, without further appropriation, to the Commonwealth Transportation Fund under  
1255 section 2ZZZ of chapter 29 of the General Laws; provided that any such funds shall be used in a  
1256 manner consistent with any multi-state or regional programs establishing such market-based  
1257 compliance mechanisms.

1258           SECTION 114. Notwithstanding any general or special law to the contrary, the  
1259 unexpended balances of all capital accounts authorized in chapter 86 of the acts of 2008, chapter  
1260 233 of the acts of 2008, chapter 303 of the acts of 2008, chapter 10 of the acts of 2011, chapter  
1261 133 of the acts of 2012, chapter 242 of the acts of 2012, chapter 79 of the acts of 2014, chapter  
1262 209 of the acts of 2018, and chapter 16 of the acts of 2019, which otherwise would revert on or  
1263 before June 30, 2020, but which are necessary to fund obligations during fiscal years 2020  
1264 through 2024, inclusive, are hereby reauthorized through June 30, 2024.

1265           SECTION 115. The provisions of section 57 shall be effective for tax years beginning on  
1266 or after January 1, 2020.

1267           SECTION 116. Section 22 of chapter 62B of the General Laws, as inserted by section 58  
1268 of this act shall be effective for tax years beginning on or after January 1, 2020.