HOUSE . . . . . No. 4397

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 6, 2020.

The committee on Transportation to whom was referred the message from His Excellency the Governor recommending legislation relative to authorizing and accelerating transportation investment (House, No. 4002), reports recommending that the accompanying bill (House, No. 4397) ought to pass.

For the committee,

WILLIAM M. STRAUS.

FILED ON: 2/5/2020

HOUSE . . . . . No. 4397

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:

SECTION 1. To provide for a program of investments to make the commonwealth's transportation system more reliable, address deferred maintenance, and modernize and expand the system, the sums set forth in sections 2 to 2H, inclusive, for the several purposes and subject to the conditions specified in this act, are hereby made available, subject to the laws regulating the disbursement of public funds; provided, however, that the amounts specified in an item or for a particular project may be adjusted in order to facilitate projects authorized in this act. The sums made available in this act shall be in addition to any amounts previously made available for these purposes.

SECTION 2.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Highway Division

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

SECTION 2A.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Highway Division

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

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

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

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

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

SECTION 2B.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Highway Division

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

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

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

…….$50,000,000

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

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

6622-2187 For the purpose of implementing a program for transit-supportive infrastructure, including, but not limited to, dedicated bus lanes, signal prioritization, shelters, lighting, signage, repairs and other improvements, technology and accessibility features, and other infrastructure elements; provided, that projects may be used to improve and facilitate more efficient delivery of transit operations, encourage municipal investment and support of transit facilities, benefit passenger experience, and to enhance transit rider and pedestrian service and

safety; provided, further that funds may be used for the purpose of grants to municipalities.....$50,000,000

SECTION 2C.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Highway Division

6121-2137 For the construction, reconstruction, resurfacing, repair, and improvement of bridges, approaches and related infrastructure, including elements that improve access for all modes; provided, that expenditures from this item may include the costs of engineering, design, permitting, climate change adaptation and resilience, and other services essential to projects under this item.....$1,250,000,000

SECTION 2D.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Rail and Transit Division

6621-2117 For the purpose of implementing rail improvements pursuant to chapter 161C of the General Laws; provided, that funds may also be used for transportation planning, design, permitting, acquisition of interests in land and engineering for rail projects, including the industrial rail access program; provided further, that the department may use funds from this item for the costs of engineering and other services essential to these projects; provided, further, that the department may use these funds for a particular project or use may be adjusted in order

to facilitate other projects, if any.....$400,000,000

6622-2117 For the purposes of chapter 161B of the General Laws, including, but not limited to, projects that may maintain and improve the overall condition, reliability and resiliency of regional transit networks and facilities, including the purchase and rehabilitation of rolling stock, low or no emission vehicles, and other infrastructure and equipment required to support such rolling stock, related assets and support equipment, rehabilitation of regional transit authority facilities, including maintenance, and passenger facilities, and purchase of related appurtenances, equipment, technology, and tools.....$330,000,000

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

SECTION 2E.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Office of the Secretary

6621-2108 For the purpose of implementing sustainable transit system modernization investments and rail improvements pursuant to chapter 161A of the General Laws; provided, that funds may be used for transportation planning, design, permitting and engineering, right-of-way

acquisition, acquisition of interests in land, vehicle procurement, construction, and climate change adaptation and resilience improvements, including, without limitation, construction, reconstruction, retrofitting, resilience, efficiency improvements, and modernization of stations, signals, tracks, power and electrical systems; planning, design, permitting and engineering, acquisition of interests in and rights to land, construction and reconstruction, improvement, expansion, renovation, repair, relocation, and equipping of maintenance and storage facilities, including, but not limited to, technology to support and service battery electric, hybrid and other low emission transit vehicles; and for heavy rail, light rail and bus projects which projects shall include, but shall not be limited to, the red line, orange line, green line, silver line and blue line, including feasibility and planning studies and capital support for pilot services; provided, further, that funds may be used for modernizing the bus fleet and associated infrastructure of the Massachusetts Bay Transportation Authority system, including, but not limited to, implementation of the so-called Better Bus Project; provided, further, that funds may be used for the purpose of implementing the green line transformation program including, but not limited to, planning, design, and procurement of rolling stock to improve service, reliability, enhance rider accessibility, and increase capacity; provided, further, that funds may be used for the purchase and rehabilitation of heavy equipment and other maintenance equipment; provided further, that funds shall be expended for the design and construction for signalization improvements located along the blue in the city of Boston between the Bowdoin and Wonderland station; provided further, that funds shall be expended for the design and construction of a commuter rail station at Wonderland Park on the Newburyport and Rockport line in the city of Revere, together with design and construction of an enclosed pedestrian connection to the Wonderland station intermodal transit facility on the blue in the city of Revere; provided further, that money shall be

expended for the purpose of implementing the blue line extension to Charles/MGH station improvements provided further, that funds may be used for transportation planning, design, permitting and engineering, acquisition of interests in land, vehicle procurement, construction, construction of stations and right of way acquisitions; provided, further, that funds may be used for safety, accessibility and security equipment and improvements, energy efficiency, climate change adaptation and emergency preparedness, bicycle and pedestrian access improvements, and so-called “last mile” capital improvements; provided, further, that final assembly of the orange line and red line non-pilot production vehicles, as defined within the Massachusetts Bay Transportation Authority’s procurement of said vehicles, shall take place in the commonwealth; and provided further, that the Massachusetts Bay Transportation Authority in evaluating proposals for the furnishing and delivery of non-pilot production vehicles shall consider, among other criteria, the effect said proposals will have on job creation and retention in the commonwealth and how said proposals will foster economic development in the commonwealth; and provided, further, that the relative weight of all the criteria used for the selection of the red line and orange line vehicle proposals shall be determined by the Massachusetts Bay Transportation Authority.....$3,400,000,000

6622-2137 For the purpose of implementing rail improvements pursuant to chapter 161A of the General Laws, including, but not limited to, projects that maintain the overall state of good repair and reliability of rail, subway, and bus services; provided, that funds may be expended for necessary and routine system preservation activities designed primarily to bring existing transportation assets up to an acceptable level of condition; provided, further, that funds may be used for transportation planning, design, permitting and engineering, right-of-way

acquisition, acquisition of interests in land, vehicle procurement and overhaul, vehicle storage and maintenance facilities, construction, repair, and improvement of stations, parking structures, signals, track, and electrical systems associated with all commuter rail, heavy rail, light rail and bus operations; and provided, further, that funds may be used for the purchase and rehabilitation of heavy equipment and other maintenance equipment; and provided, further, that projects to replace or rehabilitate existing assets shall seek to substantially modernize these assets, where deemed feasible, appropriate, and cost effective..... $300,000,000

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

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

6622-2183 For the purpose of implementing South Station improvements and expansion, including modernization of the signal system and for modernizing the commuter rail system and commuter rail system components; provided, that funds may be expended for projects including but not limited to, planning, design, and acquisition of commuter rail passenger coaches and locomotives, infrastructure improvements, technology and equipment

necessary to support new or modified commuter rail service models, safety features, and passenger enhancements; provided further that funds may be expended for capital costs associated with infrastructure and equipment to leverage innovative financing and partnership approaches; provided, further, that funds may be used for planning and feasibility studies and the capital costs of pilot projects to test new service models such as regional rail and urban rail; provided, further, that funds may be used for transportation planning, design, permitting and engineering, acquisition of rights of way and interests in land, construction and reconstruction of stations and other facilities; and provided further, that not less than $25,000,000 shall be expended on the design and engineering of transportation improvements along the South Boston waterfront taking into consideration the recommendations of the South Boston Waterfront Transportation Plan, as amended from time to time.....$400,000,000

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

SECTION 2F.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Aeronautics Division

6820-2117 For the airport improvement program pursuant to section 39A of chapter 90 of the General Laws, including but not limited to aeronautics safety and modernization improvements..... $150,000,000

SECTION 2G.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Office of the Secretary

6720-2117 For transportation planning and programming related to all modes, including but not limited to active transportation, bicycle and pedestrian travel, rail and transit, and automobiles and associated assets including but not limited to roads, bridges, transit facilities, shared-use paths, and bicycle and pedestrian and other multi-modal facilities essential to the provision of transportation services for system users; provided, that funds may be expended for the maintenance, improvement and expansion of shared use paths and support for multi-modal networks that may enhance mobility or promote sustainable modes of transportation across the commonwealth; provided further, that funds may be expended for the acquisition of information technologies that will support department data and asset management initiatives; provided further, that funds may be expended for compliance with federal mandates and other statutory requirements including modal studies to help establish the framework for the department to adopt policies and programs to enhance delivery of services within all modes; provided further, that funds may be expended to reduce energy usage, enhance climate change resilience, adaptation, mitigation, and support reduction of greenhouse gas emissions from transportation; provided further, that this item may be used to support and leverage municipal, quasi-public, nonprofit, and private investments; provided further, that $100,000,000 may be

used to implement the so-called bike and pedestrian plan; and provided further, that $25,000,000 may be used for a program of matching grants to municipalities for landside water ferry terminal construction and improvement projects that leverage municipal, nonprofit, and private investments in the delivery of public water transportation services in the greater Boston region and provide feasible and cost effective reductions to roadway congestion.....$475,000,000

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

SECTION 2H.

EXECUTIVE OFFICE OF TECHNOLOGY SERVICES AND SECURITY

Office of the Secretary

1790-2019 For costs associated with pilot programs, planning and studies, the preparation of plans and specifications, design, development, acquisition, and implementation of information technology-related equipment, hardware, software, devices, cybersecurity,

communications systems, safety and accessibility technologies, and data solutions, including, but not limited to, so-called intelligent transportation infrastructure projects for the Massachusetts department of

transportation.....$50,000,000

SECTION 3. Subsection (a) of section 2ZZZ of chapter 29 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding at the end thereof the following:-

Notwithstanding the provisions of section 5C or any other general or special law to the contrary, no amount, including but not limited to any surplus or consolidated net surplus, shall be transferred from the fund except pursuant to an appropriation.

SECTION 4. Clause (2) of subsection (d) of section 2ZZZ of chapter 29 of the General Laws, as so appearing in the 2018 Official Edition, is hereby amended by adding the following sentence:- Notwithstanding the foregoing, the transfer required by this clause shall be increased each year in an amount sufficient to comply with the last paragraph of section 23 of Chapter 161B. No regional transit authority's assistance from this transfer shall be reduced in order to comply with section 23 of chapter 161B.

SECTION 5. Chapter 89 of the General Laws, as so appearing, is hereby further amended by inserting after section 7C the following section:-

Section 7D. The operator of any vehicle involved in a crash in a travel lane on a public way resulting only in property damage shall immediately move or cause the vehicle to be moved to a safe area on the shoulder, emergency lane, or median, or to a place otherwise removed from

the roadway when such moving of a vehicle can be done safely and the vehicle is capable of being operated under its own power, without further damage to property or injury to any person.

Whenever any state or municipal law enforcement agency determines that an emergency is caused by the immobilization of any vehicle in a travel lane on a public way, the agency and those acting at its direction or request shall have the authority to move the immobilized vehicle.

Violation of this section shall be punished by a fine of not more than $100. A violation of this section shall not be a surchargeable incident under section 113B of chapter 175 or under a motor vehicle liability policy as defined in section 34A that is issued pursuant to said chapter 175.

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

SECTION 7. Section 2 of chapter 161A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding the following sentence:- Notwithstanding any general or special law to the contrary, no person shall acquire any rights by prescription or adverse possession in any lands or rights in lands held in the name of the authority, and no person shall accrue any rights by prescription or adverse possession in any such lands or rights in land for the time period during which such lands or rights in land are or were held in the name of the authority.

SECTION 8. The third paragraph of section 20 of chapter 161A of the General Laws, as so appearing, is hereby amended by striking out clause (iii) in the third sentence and inserting in place there of the following clause:- (iii) specify that no proceeds of the commonwealth general obligation bonds shall be used to fund an employee's salary; and

SECTION 9. The last paragraph of section 23 of chapter 161B of the General Laws, as appearing in the 2018 official edition, is hereby amended by adding the following sentence:- Said contract assistance shall be increased each year by the inflation index as defined in section 35T of chapter 10 for the preceding 12 months as certified on March 1.

SECTION 10. The second paragraph of section 2 of chapter 634 of the acts of 1971, as most recently amended by section 38B of chapter 120 of the acts of 2009, is hereby further amended by adding the following 4 sentences:-

Any failure to provide necessary flag protection shall be subject to a fine of not more than $3,500 per day payable to the department, which shall become due 30 days after receipt of notice, unless an adjudicatory hearing is requested prior to the expiration of the 30 days. Following an adjudicatory hearing, the secretary of transportation shall make a final decision and shall provide notice to all parties. The final decision shall take effect within 30 days, unless an appeal is taken under section 14 of chapter 30A prior to the expiration of the 30 days. The superior court shall have jurisdiction, upon petition of the department, to enforce the provisions of this section.

SECTION 11. The first paragraph of section 7 of chapter 233 of the acts of 2008 is hereby amended by striking out the figure "2027" and inserting in place thereof the following figure:- 2039

SECTION 12. Section 8 of said chapter 233 is hereby amended by striking out the figure "2046" and inserting in place thereof the following figure:- 2054.

SECTION 13. Section 20 of chapter 79 of the acts of 2014 is hereby amended by striking out the figure "2049" in both places where it appears and inserting in place thereof the following figure:- 2054.

SECTION 14. Notwithstanding any general or special law to the contrary, as used in this section, the following words shall have the following meanings:-

"Best value", the highest overall value to the awarding authority, considering quality and cost.

"Department", the Massachusetts Department of Transportation established by section 2 of chapter 6C of the General Laws.

"Job order", an agreed upon fixed-price order issued by the department or by the MBTA to a contractor pursuant to a job order contract, for the contractor's performance of a specific construction, reconstruction, alteration, remodeling or repair project of a public work consisting solely of tasks, materials and equipment selected from those specified and priced in that job order contract.

"Job order contract", a contract for the performance of construction, reconstruction, alteration, remodeling or repair of a public work, or a subset thereof: (1) that is limited to a specified term; (2) in which the contract specifications consist of technical descriptions of various tasks, materials and equipment at stated unit prices but do not specify the specific projects to be performed by the contractor; (3) which contains a fixed contractor's adjustment

factor applied to the unit prices stated in the specifications; and (4) in accordance with which, the department and the MBTA may enter into fixed price job orders with the contractor for the performance of specific projects, consisting solely of combinations of the tasks, materials and equipment specified in the contract, at the unit prices specified therein multiplied by the contractor's adjustment factor.

"Maintenance", includes routine operation, routine maintenance, routine repair, rehabilitation, capital maintenance, maintenance replacement and any other categories of maintenance that may be designated by the department.

"MBTA", the Massachusetts Bay Transportation Authority established by section 2 of chapter 161A of the General Laws.

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

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

Job orders shall be estimated to cost not more than $500,000 each. The job order contract shall be procured through a best value selection process except that: (i) the amount of the bid deposit shall be $5,000; (ii) contractors who are awarded job orders under any job order contract shall be eligible for the category of work specified in the contract; (iii) the amounts of surety

bonds required by the contract may be satisfied with respect to each particular job order before the commencement of any work under that job order; and (iv) multiple job order contracts may be awarded under a single procurement.

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

(2) These contracts shall be limited to job orders estimated to cost not more than $1,000,000 each and shall be procured through the procedures specified in section 39M of chapter 30 of the General Laws except that: (i) the amount of the bid deposit shall be $5,000; (ii) contractors who are awarded job orders under any job order contract shall be certified by the division for the category of work specified in the contract; and (iii) the amounts of surety bonds required by the contract may be satisfied with respect to each particular job order before the commencement of any work under that job order. The department and the MBTA shall award a job order contract to the eligible and responsible bidder who offers the lowest mark-up over the base unit prices specified in the contract specifications.

SECTION 15. For the purposes of this section, “private transportation provider” shall mean a private entity operating regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income.

Notwithstanding the provisions of any general or special law to the contrary, the Cape Cod Regional Transit Authority and the Southeastern Regional Transit Authority are hereby authorized in fiscal year 2019 and thereafter to enter into contracts with private transportation providers to identify and pursue projects to increase federal transit urbanized area formula program funding that is in addition to the current funding from direct transit authority transportation reporting to the Federal Transit Administration National Transit Database. Incentive payments provided to private transportation providers for their reporting efforts and for the enhancement of their transportation services shall be a net neutral expense to the Commonwealth and shall be paid exclusively from the exchange of the additional federal urbanized area formula program funding generated by the private transportation provider reporting to the Federal Transit Administration National Transit Database, with State appropriated transportation funding.

There shall be established on the books of the Commonwealth under the MassDOT secretariat, an expendable trust fund known as the Federal Transit Funding Maximization Fund for the purposes of providing funding to the Cape Cod Regional Transit Authority and the Southeastern Regional Transit Authority for the compensation of private transportation providers for reporting transportation data to the Federal Transit Administration National Transit Database, which results in federal transit urbanized area formula program funding that is in addition to formula funding from direct transit authority transportation reporting to the National Transit Database. The transit authority, identified as the designated recipient by the Federal Transit Administration for the urbanized area, is directly allocated the entire federal urbanized area formula funding, of which, the additional federal urbanized area formula funding resulting from the private transportation provider reporting shall be calculated by the transit authority based on

the prior federal fiscal year formula funding amounts published by the Federal Transit Administration. The Cape Cod Regional Transit Authority and the Southeastern Regional Transit Authority, in consultation with MassDOT, shall take into consideration direct and indirect state, federal and other in-kind transit authority support provided to the private transportation provider when calculating the percentage and corresponding dollar value for each private transportation provider payment ("earned payment") under this section, but in no case shall it exceed 25% of the additional federal urbanized area formula funding resulting from the private transportation provider reporting to the National Transit Database. Up to 25% of the additional federal transit urbanized area formula funds generated from the private transportation providers contractual participation in the Transit Funding Maximization Program shall be transferred to the Governor, who shall subsequently reallocate all transferred urbanized area formula funds to transit authorities in large or small urbanized areas within the State for eligible purposes under the urbanized area program. The reallocation of federal transit urbanized area formula funds by the Governor shall include a transfer to the Massachusetts Bay Transportation Authority in an amount equal to the calculated private transportation provider earned payment, with a corresponding reduction to the Commonwealth Transportation Fund, item 1595-6369 through 9C cuts or other means. Funds reallocated by the Governor to transit authorities in large or small urbanized areas within the State shall be used by the transit authority to establish grants through the Federal Transit Administration system, incur expenses and seek reimbursement in compliance with all Federal Transit Administration regulations and guidelines. The Governor, through the secretary of administration and finance, shall provide the comptroller with a certified accounting of reallocated urbanized area formula funds, State transportation funding reductions, and earned private transportation provider payments. The comptroller shall transfer to the

Federal Transit Funding Maximization Fund without further appropriation, sufficient funds to provide for the full earned payment compensation of private transportation providers, after verifying an equal reduction to the Commonwealth Transportation Fund, item 1595-6369 has occurred. Within thirty days of deposit, MassDOT shall transfer funds, without further appropriation, from the Federal Transit Funding Maximization Fund to the participating transit authority for the purpose of processing private transportation provider earned payments in compliance with this section. Such incentive payments to participating private transportation providers shall be known as "provider participation payments" and shall be used by the private transportation provider to offset the cost of reporting transportation data to the Federal Transit Administration National Transit Database and to enhance transportation services. In order to be eligible for provider participation payments, the private transportation provider must continue reporting transportation data, which is accepted and approved by the Federal Transit Administration National Transit Database.

The Cape Cod Regional Transit Authority and the Southeastern Regional Transit Authority shall report, not later than March 31st of each year for the prior federal fiscal year ending September 30th, to the secretary of administration and finance, the chairs of the house and senate committees on ways and means, and the house and senate chairs of the joint committee on transportation on the results and operations of the Federal Transit Funding Maximization Program authorized by this section. Such information shall detail the following: total federal transit urbanized area formula program funding resulting from private transportation provider reporting; additional/new fiscal year federal transit urbanized area formula program funding resulting from private transportation provider reporting; total federal transit urbanized area formula program funding transferred by the transit authority to the Governor and subsequent

transfers by the Governor to transit authorities in large or small urbanized areas within the State; funds transferred by the comptroller.

SECTION 16 Notwithstanding the first sentence of subsection (a) of section 39M of chapter 30 of the General Laws, a transportation or public works project subject to award under said section 39M of said chapter 30 by a department, agency or authority of the commonwealth that is expected to interfere with the movement of traffic or the traveling public may, in the discretion of the awarding authority, be procured through a bidding method that awards the project to the responsible and eligible bidder with the lowest bid value after taking into account the amount of time that the bidder has identified in the bid for completion of the project, hereinafter referred to as cost-plus-time bidding; provided, however, that such awarding authority may reject any bid if it is in the public interest to do so. The Secretary of Transportation shall promulgate rules and regulations necessary to implement this section.

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

SECTION 17. To meet any or all expenditures necessary in carrying out section 2, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $1,120,000,000. All bonds issued by the commonwealth pursuant to this section shall be designated on their face, Commonwealth Transportation Improvement Act of 2019, and shall be

issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2059. All interest and payments on account of principal on these obligations shall be payable from the General Fund or the Commonwealth Transportation Fund.

SECTION 18. To meet any or all expenditures necessary in carrying out sections 2A to 2B inclusive, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $3,540,000,000. All bonds issued by the commonwealth pursuant to this section shall be designated on their face, Commonwealth Transportation Improvement Act of 2019, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2059. All interest and payments on account of principal on these obligations shall be payable from the General Fund or the Commonwealth Transportation Fund.

SECTION 19. Notwithstanding any general or special law to the contrary and to meet a portion of the expenditures necessary in carrying out section 2C, the state treasurer shall, upon request of the governor, issue and sell federal grant anticipation notes of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $1,250,000,000. Notes issued under this section shall be in addition to those notes previously issued under section 9 of chapter 11 of the acts of 1997, section 7 of chapter 233 of the acts of 2008, and under section 53A of chapter 29 of the General Laws to refund, in part, such previously issued notes. Notes issued under this section and the interest thereon shall be special

obligations of the commonwealth secured by the Federal Highway Grant Anticipation Note Trust Fund established in section 10 of said chapter 11 of the acts of 1997. Sections 10, 10A and 10B of said chapter 11 shall apply to the notes issued under this section in the same manner and with the same effect as set forth in said sections 10, 10A and 10B with respect to the notes previously issued under section 9 of said chapter 11 and section 53A of chapter 29 of the General Laws, except as otherwise provided in a trust agreement pertaining to the notes authorized under this section; provided, however, that any pledge of federal highway construction funds and other funds to secure the notes issued under this section may be subordinate to such prior pledged funds. The notes shall not be included in the computation of outstanding bonds for purposes of the limit imposed by the second paragraph of section 60A of chapter 29 of the General Laws, nor shall debt service with respect to such bonds be included in the computation of the limit imposed by section 60B of said chapter 29.

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

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

considered to be trust agreement obligations for purposes of sections 10A and 10B of said chapter 11.

Notwithstanding any general or special law to the contrary, the commonwealth shall covenant with the purchasers and all subsequent owners and transferees of any notes issued under this section that while any note shall remain outstanding and any trust agreement obligation remains unpaid, federal highway construction trust funds shall not be diverted from the purposes identified in said section 10B of said chapter 11, except as provided in the trust agreement or credit enhancement agreement relating thereto, nor shall the trusts with which they are impressed be broken, and the pledge and dedication in trust of these funds shall continue unimpaired and unabrogated.

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

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

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

SECTION 21. To meet the expenditures necessary in carrying out section 2E, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $5,695,000,000. All bonds issued by the commonwealth under this section shall be designated on their face, Commonwealth Transportation Improvement Act of 2019, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2059. Bonds and interest thereon issued under this section shall be general obligations of the commonwealth; provided, however, that any bonds issued by the state treasurer under this section shall, upon the request of the governor, be issued as special obligation bonds pursuant to section 2O of chapter 29 of the General Laws; provided further, that in deciding whether to request the issuance of particular bonds as special obligations, the governor shall take into account: (1) generally prevailing financial market conditions; (2) the impact of each approach on the overall capital financing plans and needs of the commonwealth; (3) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by any nationally-recognized credit rating agency to the bonds proposed to be issued; and (4) any applicable provisions of a trust agreement or credit enhancement agreement entered into pursuant to said section 2O of said chapter 29. All special obligation revenue bonds issued pursuant to this section shall be designated on their face, Commonwealth Rail Enhancement Act of 2019, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court pursuant to

section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall be payable not later than June 30, 2059. All interest and payments on account of these obligations shall be payable from the Commonwealth Transportation Fund and shall be payable solely in accordance with said section 2O of said chapter 29, and such bonds shall not be included in the computation of outstanding bonds for purposes of the limit imposed by the second paragraph of section 60A of chapter 29 of the General Laws, nor shall debt service with respect to such bonds be included in the computation of the limit imposed by section 60B of said chapter 29.

SECTION 22. To meet the expenditures necessary in carrying out section 2F, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $150,000,000. All bonds issued by the commonwealth pursuant to this section shall be designated on their face, Commonwealth Transportation Improvement Act of 2019, and shall be issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2049. All interest and payments on account of principal on these obligations shall be payable from the General Fund or the Commonwealth Transportation Fund.

SECTION 23. To meet the expenditures necessary in carrying out section 2G, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $725,000,000. All bonds issued by the commonwealth pursuant to this section shall be designated on their face, Commonwealth Transportation Improvement Act of 2019, and shall be

issued for a maximum term of years, not exceeding 10 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2039. All interest and payments on account of principal on these obligations shall be payable from the General Fund or the Commonwealth Transportation Fund.

SECTION 24. To meet the expenditures necessary in carrying out section 2H, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $50,000,000. All bonds issued by the commonwealth pursuant to this section shall be designated on their face, Commonwealth Transportation Improvement Act of 2019, and shall be issued for a maximum term of years, not exceeding 5 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2034. All interest and payments on account of principal on these obligations shall be payable from the General Fund or the Commonwealth Transportation Fund. Bonds and interest thereon issued pursuant to this section shall be general obligations of the commonwealth.

SECTION 25 Notwithstanding any general or special law to the contrary, bonds and interest thereon issued under sections 17, 18, 20, 22, and 23 of this act shall be general obligations of the commonwealth; provided, however, that any bonds issued by the state treasurer under said sections 17, 18, 20, 22, and 23 shall, upon the request of the governor, be issued as special obligation bonds pursuant to section 2O of chapter 29 of the General Laws; provided further, that in deciding whether to request the issuance of particular bonds as special obligations, the governor shall take into account: (1) generally prevailing financial market

conditions; (2) the impact of each approach on the overall capital financing plans and needs of the commonwealth; (3) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by any nationally-recognized credit rating agency to the bonds proposed to be issued; and (4) any applicable provisions of a trust agreement or credit enhancement agreement entered into pursuant to said section 2O of said chapter 29. All interest and payments on account of obligations issued under this section as special obligation bonds pursuant to said section 2O of said chapter 29 shall be payable from the Commonwealth Transportation Fund solely in accordance with said section 2O of said chapter 29, and such bonds shall not be included in the computation of outstanding bonds for purposes of the limit imposed by the second paragraph of section 60A of chapter 29 of the General Laws, nor shall debt service with respect to such bonds be included in the computation of the limit imposed by section 60B of said chapter 29.

SECTION 26. Notwithstanding any provision of section 19 to the contrary, the state treasurer shall, upon the request of the governor, issue any portion of the amount authorized to be issued as federal grant anticipation notes under said section 16 as special obligation bonds in addition to the amount authorized in said section 21 and otherwise pursuant to said section 21; provided, that no bonds shall be issued under this section unless the governor determines that issuing bonds or notes under this section instead of as authorized under said section 19 is necessary or is in the best financial interests of the commonwealth based on their consideration of: (i) the commonwealth's authority under federal law to issue federal grant anticipation notes pursuant to said section 101; (ii) generally prevailing financial market conditions; (iii) the impact of each financing approach on the overall capital financing plans and needs of the commonwealth; (iv) any ratings assigned to outstanding bonds of the commonwealth and any

ratings expected to be assigned by any nationally-recognized credit rating agency to the bonds or notes proposed to be issued; and (v) any applicable provisions of chapter 29 of the General Laws.

SECTION 27. Notwithstanding any general or special law to the contrary, capital appropriations made pursuant to section 2 and sections 2A to 2H, inclusive, shall be available for expenditure in the 10 fiscal years following June 30 of the calendar year in which the appropriation is made and any portion of such appropriation representing encumbrances outstanding on the records of the comptroller's office at the close of the tenth fiscal year may be applied to the payment thereof any time thereafter. The unencumbered balance shall revert to the commonwealth at the close of the tenth fiscal year.

SECTION 28. Notwithstanding any general or special law to the contrary, in carrying out this act, the Massachusetts Department of Transportation may enter into contracts, agreements or transactions that may be appropriate with other federal, state, local or regional public agencies or authorities. The contracts, agreements or transactions may relate to such matters as the department shall determine including, without limitation, the research, design, layout, construction, reconstruction or management of construction of all or a portion of these projects. In relation to any such contracts, agreements or transactions, the department may advance monies to such agencies or authorities, without prior expenditure by the agencies or authorities, and the agencies and authorities may accept monies necessary to carry out these agreements; provided, however, the department shall certify to the comptroller the amounts so advanced and these agreements shall contain provisions satisfactory to the department for the accounting of monies expended by any other agency or authority. All monies not expended

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

SECTION 29. (a) Notwithstanding any general or special law to the contrary, the Massachusetts Department of Transportation shall expend the sums authorized in sections 2 through 2C, inclusive, and section 2G, for the following purposes: projects for the laying out, construction, reconstruction, resurfacing, relocation or necessary or beneficial improvement of highways, bridges, bicycle paths or facilities, on-street and off-street bicycle projects, sidewalks, telecommunications, parking facilities, auto-restricted zones, scenic easements, grade crossing eliminations and alterations of other crossings, traffic safety devices on state highways and on roads constructed pursuant to clause (b) of the second paragraph of section 4 of chapter 6C of the General Laws, highway or mass transportation studies including, but not limited to, traffic, environmental or parking studies, the establishment of school zones pursuant to section 2 of chapter 85 of the General Laws, improvements on routes not designated as state highways without assumption of maintenance responsibilities, projects to alleviate contamination of public and private water supplies caused by the department's storage and use of snow removal chemicals which are necessary for the purposes of highway safety, for the relocation of persons or businesses or for the replacement of dwellings or structures including, but not limited to, providing last resort housing under federal law and any functional replacement of structures in public ownership that may be necessary for the foregoing purposes and for relocation benefits to the extent necessary to satisfy the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601 et seq., Public Law 97-646 and to sell any structure the title to which has been acquired for highway purposes. Environmental studies conducted pursuant to this subsection may include an assessment of both existing and proposed

highway rest stop facilities to determine the cost-effectiveness of sanitary facilities that use zero-pollution discharge technologies, including recycling greywater systems. When dwellings or other structures are removed in furtherance of any of these projects, the excavations or cellar holes remaining shall be filled in and brought to grade within 1 month after the removal. In planning projects funded by section 2A, consideration shall be made, to the extent feasible, to accommodate and incorporate provisions to facilitate the use of bicycles and walking as a means of transportation. Nothing in this section shall be construed to give rise to enforceable legal rights in any party or a cause of action or an enforceable entitlement as to the projects described in this section.

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

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

(d) The Massachusetts Department of Transportation may enter into contracts or agreements with cities to mitigate the effects of projects undertaken pursuant to this act and to undertake additional transportation measures within the city and may enter into contracts, agreements or transactions with other federal, state, local or regional public agencies, authorities, nonprofit organizations or political subdivisions that may be necessary to implement these contracts or agreements with cities. Cities and other state, local or regional public agencies, authorities, nonprofit organizations or political subdivisions may enter into these contracts, agreements or transactions with the department. In relation to these agreements, the department may advance to these agencies, nonprofit organizations, political subdivisions or authorities, without prior expenditure by the agencies, nonprofit organizations, political subdivisions or authorities, monies necessary to carry out these agreements; provided however, that the department shall certify to the comptroller the amount so advanced and all monies not expended under these agreements shall be credited to the account of the department from which they were advanced. The department shall report to the house and senate committees on ways and means on any transfers completed pursuant to this subsection.

SECTION 30. Notwithstanding any general or special law to the contrary, the Massachusetts Department of Transportation shall take all necessary actions to secure federal highway or transportation assistance that is or may become available to the department including, but not limited to, actions authorized pursuant to or in compliance with any of the following: Title 23 of the United States Code; the Surface Transportation and Uniform Relocation Act of 1987, Public Law 100-17; the Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102-240; the Transportation Equity Act for the 21st Century, Public Law 105-178; the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy

for Users, Public Law 109-59; Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110-53; the Moving Ahead for Progress in the 21st Century Act of 2012, Public Law 112–141; Fixing America's Surface Transportation Act of 2015, Public Law 114-94; and any successor or reauthorizations of those acts, and such actions, including filing applications for federal assistance, supervising the expenditure of funds under federal grants or other assistance agreements, and making any determinations and certifications necessary or appropriate to the foregoing. If a federal law, administrative regulation or practice requires an action relating to federal assistance to be taken by a department, agency or other instrumentality of the commonwealth other than the Massachusetts Department of Transportation, the other department, agency or instrumentality shall take such action.

SECTION 31. Notwithstanding any general or special law to the contrary, the unexpended balances of all capital accounts authorized in chapter 86 of the acts of 2008, chapter 233 of the acts of 2008, chapter 303 of the acts of 2008, chapter 10 of the acts of 2011, chapter 133 of the acts of 2012, chapter 242 of the acts of 2012, chapter 79 of the acts of 2014, chapter 209 of the acts of 2018, and chapter 16 of the acts of 2019, which otherwise would revert on or before June 30, 2020, but which are necessary to fund obligations during fiscal years 2020 through 2024, inclusive, are hereby reauthorized through June 30, 2024.

SECTION 32. Notwithstanding any general or special law or regulation to the contrary, the Massachusetts Department of Transportation is hereby authorized to expend the unencumbered amounts from items contained in section 2D of chapter 86 of the acts of 2008, sections 2A to 2E, inclusive, of chapter 303 of the acts of 2008, section 2A of chapter 79 of the acts of 2014, section 2 of chapter 195 of the acts of 2014, sections 2 and 2A of chapter 237 of the acts of 2014, and sections 2E and 2F of chapter 286 of the acts of 2014 for the purposes

767 authorized in sections 2A, 2B and 2D through 2G, inclusive, of this act; provided, that the
768 aggregate amount expended under this section for purposes under section 2A shall not exceed
769 $1,500,000,000; provided further, that the aggregate amount expended under this section for
770 purposes under section 2B shall not exceed $200,000,000; provided further, that the aggregate
771 amount expended under this section for purposes under sections 2D and 2F shall not exceed
772 $417,000,000; provided further, that the aggregate amount expended under this section for
773 purposes under section 2E shall not exceed $1,200,000,000; provided further, that the aggregate
774 amount expended under this section for purposes under section 2G shall not exceed 475,000,000.