

HOUSE No. 4561

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE · BOSTON, MA 02133
(617) 725-4000

KARYN POLITO
LIEUTENANT GOVERNOR

March 17, 2022

To the Honorable Senate and House of Representatives,

Lieutenant Governor Polito and I are pleased to submit for your consideration “An Act Relative to Massachusetts’s Transportation Resources and Climate”. This infrastructure bond bill authorizes \$9.707 billion to advance and support significant investments in the Commonwealth’s roads, bridges, railways, transit agencies, and environmental infrastructure, including investments made possible by the historic federal Bipartisan Infrastructure Law (BIL) enacted on November 15, 2021.

The funding authorized under the BIL provides the Commonwealth with an opportunity to increase investments in our roads, bridges, and other transportation infrastructure, with a focus on climate change mitigation, resiliency, equity, and safety for all users. The BIL also provides substantial funding to improve public transportation options across the Commonwealth, and this legislation will allow us to take advantage of that funding. Funding provided for in this legislation will enable the expansion of our electric vehicle charging infrastructure in order to facilitate long-distance travel and provide additional convenient charging options. Additionally, funding through both the BIL and this legislation will improve airports across the Commonwealth and will modernize passenger rail and improve freight rail efficiency and safety. The BIL also provides resources to tackle the impacts of climate change through investments in clean transportation.

To ensure the Commonwealth is fully able to utilize the increased federal formula funding for Massachusetts and aggressively compete for the \$110 billion in discretionary federal grant funds provided in the BIL, the Commonwealth needs the additional authorization provided for in this bill.

This bond bill will allow MassDOT, the MBTA, and the Executive Office of Energy and Environmental Affairs to continue work supported by recent Transportation and Environmental Bond Bills, while also allowing the Commonwealth to take advantage of the historic increase in federal funding provided by the BIL. In addition, this bill will put Massachusetts in a good position to compete for the discretionary grants included in the BIL, by ensuring that we have a demonstrated ability to provide necessary non-federal funds to match any grant awards.

Highlights of the bill include:

- \$6.2 billion to support our core programs for Highway, Transit, and Energy and Environmental Affairs (EEA)
- \$2.9 billion in authorization related to the increased federal formula funding in BIL
 - \$2.5 billion for Highway federal aid and non-federal aid BIL support
 - \$27.1 million for the MassDOT Aeronautics Division to support and leverage increased Federal Aviation Administration grants to our public use airports
 - \$64.9 million to support increased federal funding for our Regional Transit Authorities
 - \$145 million for state match funds required for the increased federal funding for the MBTA
 - \$150 million to support EEA’s Clean Transportation program
- \$3.3 billion to support the MassDOT and MBTA capital programs through 2026
 - \$1.79 billion (federal aid and non-federal aid) for MassDOT Aeronautics, Highway, Rail & Transit, and Office of Transportation Planning to support our capital program through 2026
 - \$150.8 million in new federal aid authorization for Highway to utilize the funding provided under the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA)
 - \$85 million authorization to improve the condition of our non-interstate pavement on the National Highway System
 - \$55 million in additional authorization to support investments in our cities and towns to promote bicycle and pedestrian safety, improve municipal transportation asset conditions, and invigorate our downtown community

- public spaces through several successful grant programs: Complete Streets, Small Municipal Bridge, Municipal Pavement, and Shared Streets and Spaces
 - \$400 million for the MBTA to continue to invest in the modernization of its infrastructure and vehicles
 - \$830 million to support the purchase of a new fleet MBTA Green Line cars that are more energy efficient
- \$3.55 billion to support pursuit of federal discretionary and competitive grant program funding
- Authorization for MassDOT and the MBTA to use certain project procurement and delivery tools that could speed the implementation of BIL-funded projects, as well as regular project delivery including:
 - A pilot of the A + B procurement method to allow not only project cost but the length of time to complete a project to be considered in bid evaluation and award
 - Private Development Mitigation/Transit Oriented Development authorization would allow MassDOT and the MBTA to enter into development agreements that include transportation and other public benefits without having to separately bid for those elements
- Authorization to allow use of blue flashing lights as a safety measure at construction sites
- Authorization to allow former MassDOT employees who are not Professional Engineers to serve as an Owner’s Representative (which they are authorized to do when they are an employee)

Taken together, the diverse elements of this bond bill will provide for faster and more cost-effective modernization of the Commonwealth’s roads, bridges, and public transit systems, while also supporting carbon reduction and resiliency goals. This legislation will provide support for public transit and bridges, municipal transportation infrastructure, new programs that address climate change and resiliency, as well as new tools to allow MassDOT and the MBTA to work more efficiently and with greater flexibility. Through these efforts, this legislation will meaningfully accelerate the improvement of the Commonwealth’s transportation network and environmental infrastructure.

Collaboration is key to addressing the challenges facing our Commonwealth, and I look forward to working with the members of the Legislature to expeditiously and responsibly move “An Act Relative to Massachusetts’s Transportation Resources and Climate” toward passage and implementation.

Respectfully submitted,

Charles D. Baker,
Governor

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to Massachusetts’s transportation resources and climate.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to finance forthwith improvements to the commonwealth’s environmental and transportation infrastructure, 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 the
3 system and for a program for public alternative fueling and electric vehicle charging
4 infrastructure, the sums set forth in sections 2 to 2J, inclusive, for the several purposes and
5 subject to the conditions specified in this act, are hereby made available, subject to the laws
6 regulating the disbursement of public funds; provided, however, that the amounts specified in an
7 item or for a particular project may be adjusted in order to facilitate projects authorized in this
8 act. The sums made available in this act shall be in addition to any amounts previously made
9 available for these purposes.

10 SECTION 2.

11 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

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Highway Division

6121-2214. 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, pedestrian and other multi-modal facilities, electric vehicle charging infrastructure; provided further, that funds may be expended for the costs of projects and programs included in the Infrastructure and Investment in Jobs Act of 2021 (IIJA) also known as the Bipartisan Infrastructure Law (BIL), Public Law No. 117-58; 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..... \$2,812,457,157

SECTION 2A.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Highway Division

6121-2217. For the design, construction and repair of, or improvements to, non-federally aided roadway and bridge projects and for the nonparticipating portion of federally-aided projects;

34 provided, that the department may use these funds for the purchase and rehabilitation of
35 facilities, heavy equipment and other maintenance equipment; provided further, that the
36 department may use these funds for multi-modal facilities; and provided further, that the amounts
37 specified in this item for a particular project or use, if any, may be adjusted in order to facilitate
38 other projects relating to the design, construction, repair or improvement to non-federally aided
39 roadway and bridge projects; provided further, that funds may be expended for the costs of
40 projects and programs included in the Infrastructure and Investment in Jobs Act of 2021 (IIJA)
41 also known as the Bipartisan Infrastructure Law (BIL), Public Law No. 117-

42 58.....\$1,270,000,000

43 6121-2257. For the construction, reconstruction, resurfacing, repair and improvement of
44 pavement and surface conditions on non- federally aided roadways, including, but not limited to,
45 state numbered routes and municipal roadways; provided, that expenditures from this item may
46 include the costs of engineering, design, permitting, climate change adaptation and resilience,
47 and other services essential to projects under this item.....

48 \$85,000,000

49 SECTION 2B.

50 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

51 *Highway Division*

52 6121-2228. For the construction, reconstruction, resurfacing, repair and improvement of
53 pavement and surface conditions on municipal roadways; provided, that expenditures from this
54 item may include the costs of engineering, design, permitting, climate change adaptation and
55 resilience and other services essential to projects under this item; provided further, that funds

56 may be expended from this item for matching grants to municipalities; provided further, that the
57 department may use these funds for improving the condition of bicycle and pedestrian
58 accommodations related to such roadway projects consistent with principles of the complete
59 streets program established under chapter 90I of the General Laws when feasible; provided
60 further, that in connection with a grant under this item, a city or town shall comply with the
61 procedures established by the department with respect to municipal roadways in the pavement
62 improvement program.....\$25,000,000

63 6121-2238. For the complete streets program established under chapter 90I of the General Laws,
64 as amended for complete streets grants to municipalities
65\$20,000,000

66 SECTION 2C.

67 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

68 *Rail and Transit Division*

69 6621-2217. For the purpose of implementing rail improvements pursuant to chapter 161C of the
70 General Laws; provided, that funds may also be used for transportation planning, design,
71 permitting, acquisition of interests in land and engineering for rail projects, including the
72 industrial rail access program; provided further, that the department may use funds from this
73 item for the costs of engineering and other services essential to these projects; and provided
74 further, that the department may use these funds for a particular project or use may be adjusted in
75 order to facilitate other projects, if any.....\$82,000,000

76 6622-2217. For the purposes of chapter 161B of the General Laws, including, but not limited to,
77 projects that may maintain and improve the overall condition, reliability and resiliency of
78 regional transit networks and facilities, including the purchase and rehabilitation of rolling stock,
79 low or no emission vehicles and other infrastructure and equipment required to support such
80 rolling stock, related assets and support equipment, rehabilitation of regional transit authority
81 facilities, including maintenance, and passenger facilities and purchase of related appurtenances,
82 equipment, technology and tools; provided, that funds may be expended for the purchase or
83 rehabilitation of vehicles of all sizes to better reflect and accommodate rider demand; provided
84 further, that funds may be expended for the costs of projects and programs included in the
85 Infrastructure and Investment in Jobs Act of 2021 (IIJA) also known as the Bipartisan
86 Infrastructure Law (BIL), Public Law No. 117-
87 58.....\$43,400,000

88 SECTION 2D.

89 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

90 *Office of the Secretary*

91 6621-2208. For the purpose of implementing sustainable transit system modernization
92 investments and rail improvements pursuant to chapter 161A of the General Laws; provided, that
93 funds may be used for transportation planning, design, permitting and engineering, right- of-way
94 acquisition, acquisition of interests in land, vehicle procurement, construction and climate
95 change adaptation and resilience improvements, including, without limitation, construction,
96 reconstruction, retrofitting, resilience, efficiency improvements and modernization of stations,
97 signals, tracks, power and electrical systems, planning, design, permitting and engineering,

98 acquisition of interests in and rights to land, construction and reconstruction, improvement,
99 expansion, renovation, repair, relocation and equipping of maintenance and storage facilities,
100 including, but not limited to, technology to support and service battery electric, hybrid and other
101 low emission transit vehicles; and for heavy rail, light rail and bus projects, which projects shall
102 include, but shall not be limited to, the red line, orange line, green line, silver line and blue line,
103 including feasibility and planning studies and capital support for pilot services; provided further,
104 that funds may be used for modernizing the bus fleet and associated infrastructure of the
105 Massachusetts Bay Transportation Authority system, including, but not limited to,
106 implementation of the so-called Better Bus Project; provided further, that funds may be used for
107 the purpose of implementing the green line transformation program including, but not limited to,
108 planning, design and procurement of rolling stock including, but not limited to, Green Line Type
109 10 vehicles, to improve service and reliability, enhance rider accessibility and increase capacity;
110 provided further, that funds may be used for the purchase and rehabilitation of heavy equipment
111 and other maintenance equipment; provided further, that funds may be used for safety,
112 accessibility and security equipment and improvements, energy efficiency, climate change
113 adaptation and emergency preparedness, bicycle and pedestrian access improvements and so-
114 called “last mile” capital improvements; provided further, that final assembly of the orange line
115 and red line non-pilot production vehicles, as defined within the Massachusetts Bay
116 Transportation Authority’s procurement of said vehicles, shall take place in the commonwealth;
117 provided further, that the relative weight of all the criteria used for the selection of the red line
118 and orange line vehicle proposals shall be determined by the Massachusetts Bay Transportation
119 Authority; provided further, that funds may be expended for the costs of projects and programs
120 included in the Infrastructure and Investment in Jobs Act of 2021 (IIJA) also known as the

121 Bipartisan Infrastructure Law (BIL), Public Law No. 117-
122 58.....\$1,375,000,000

123 SECTION 2E.

124 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

125 *Aeronautics Division*

126 6820-2217. For the airport improvement program pursuant to section 39A of chapter 90 of the
127 General Laws, including, but not limited to, aeronautics safety and modernization improvements;
128 provided, that funds may be expended for the costs of projects and programs included in the
129 Infrastructure and Investment in Jobs Act of 2021 (IIJA) also known as the Bipartisan
130 Infrastructure Law (BIL), Public Law No. 117-
131 58.....\$114,100,000

132 SECTION 2F.

133 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

134 *Office of the Secretary*

135 6720-2217. For transportation planning and programming related to all modes, including, but not
136 limited to, active transportation, bicycle and pedestrian travel, rail and transit and automobiles
137 and associated assets including, but not limited to, roads, bridges, transit facilities, shared-use
138 paths and bicycle and pedestrian and other multi-modal facilities essential to the provision of
139 transportation services for system users; provided, that funds may be expended for the
140 maintenance, improvement and expansion of shared use paths and support for multi-modal
141 networks that may enhance mobility or promote sustainable modes of transportation across the

142 commonwealth; provided further, that funds may be expended for the acquisition of information
143 technologies that will support department data and asset management initiatives; provided
144 further, that funds may be expended for compliance with federal mandates and other statutory
145 requirements including modal studies to help establish the framework for the department to
146 adopt policies and programs to enhance delivery of services within all modes; provided further,
147 that funds may be expended to reduce energy usage, enhance climate change resilience,
148 adaptation and mitigation and support reduction of greenhouse gas emissions from
149 transportation; provided further, that this item may be used to support and leverage municipal,
150 quasi-public, nonprofit and private investments.....145,000,000

151 6720-2258. For a public realm improvement program; provided, that funds shall be used for the
152 purpose of grants to municipalities for improvements to sidewalks, curbs, streets, and parking
153 spaces to create additional capacity for pedestrians and cyclists and reimagine and repurpose
154 street space in response to the 2019 novel coronavirus to support public health, safe mobility and
155 renewed commerce.....\$10,000,000

156 SECTION 2G.

157 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

158 *Office of the Secretary*

159 6720-2215. For projects funded with discretionary federal grant funds for eligible projects in the
160 federal highway system, federal transit system, federal aviation administration system or federal
161 rail system; provided, that funds may be expended for the costs of these projects including, but
162 not limited to, the nonparticipating portions of these projects and the costs of engineering and
163 other services essential to these projects; provided further, that funds may be expended for

164 bicycle, pedestrian and other multi-modal facilities, electric vehicle charging infrastructure;
165 provided further, that funds may be expended for the costs of projects and programs provided for
166 in the Infrastructure and Investment in Jobs Act of 2021 (IIJA) also known as the Bipartisan
167 Infrastructure Law (BIL), Public Law No. 117-58; provided further, that notwithstanding this act
168 or any other general or special law to the contrary, the department shall not enter into any
169 obligations for projects which are eligible to receive federal funds under this act unless state
170 matching funds exist which have been specifically authorized and are sufficient to fully fund the
171 corresponding state portion of the federal commitment to fund these obligations; and provided
172 further, that the department shall only enter into obligations for projects under this act based
173 upon a prior or anticipated future commitment of federal funds and the availability of
174 corresponding state funding authorized and appropriated for this use by the general court for the
175 class and category of project for which this obligation
176 applies.....\$3,500,000,000

177 SECTION 2H.

178 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

179 *Rail and Transit Division*

180 6622-2214. For the purposes of implementing the mobility assistance program pursuant to
181 section 13 of chapter 637 of the acts of 1983 and regional intercity bus and intermodal service;
182 provided, that funds may also be used for transportation planning, design, permitting, acquisition
183 of interests in land and engineering for bus and other transit projects; provided further, that funds
184 may be expended for the costs of projects and programs included in the Infrastructure and

185 Investment in Jobs Act of 2021 (IIJA) also known as the Bipartisan Infrastructure Law (BIL),
186 Public Law No. 117-58.....\$25,501,000

187 Section 2I.

188 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

189 *Office of the Secretary*

190 2000-2030. For the purposes of developing and implementing programs to promote, establish or
191 expand public alternative fueling stations and electric vehicle charging infrastructure, the
192 development and implementation of incentive programs promoting e-bikes and public
193 transportation, replacement of high-emissions vehicles, electric vehicles for hire and carsharing,
194 electric school buses, electric short-haul freight and delivery trucks, and other pilot projects that
195 focus on equity and inclusion while reducing emissions; provided that such funds may be used to
196 support community organizations and local programs which reduce vehicle emissions; provided
197 further, that funds may be expended for the costs of projects and programs provided for in the
198 Infrastructure and Investment in Jobs Act of 2021 (IIJA) also known as the Bipartisan
199 Infrastructure Law (BIL), Public Law No. 117-58\$150,000,000

200 Section 2J.

201 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

202 *Office of the Secretary*

203 2000-2031. For the purposes of developing and implementing programs to promote, establish or
204 expand public alternative fueling stations and electric vehicle charging infrastructure, the
205 development and implementation of incentive programs promoting e-bikes and public

206 transportation, replacement of high-emissions vehicles, electric vehicles for hire and carsharing,
207 electric school buses, electric short-haul freight and delivery trucks, and other pilot projects that
208 focus on equity and inclusion while reducing emissions; provided that such funds may be used to
209 support community organizations and local programs which reduce vehicle emissions; provided
210 further, that funds may be expended for the costs of projects and programs provided for in the
211 Infrastructure and Investment in Jobs Act of 2021 (IIJA) also known as the Bipartisan
212 Infrastructure Law (BIL), Public Law No. 117-58.....\$50,000,000

213 SECTION 3. Section 20 of chapter 6C of the General Laws, as appearing in the 2020 Official
214 Edition, is hereby amended by inserting after the second paragraph the following paragraph:-
215 Any agreement related to any sale or lease of property may require that a developer construct,
216 design, build, finance, operate, or maintain, or any combination thereof, transportation facilities
217 in the state highway system, including land and air rights or any related facility or component
218 thereof controlled by the department, so long as the department shall state in its bid
219 documentation that such transportation facilities or related facility will be accepted or required as
220 a part of any such development agreement. No further procurement or advertising requirements
221 shall be required, except as required in this section.

222 SECTION 4. Section 46 of said chapter 6C, as so appearing, is hereby amended by inserting
223 after the first paragraph the following paragraph:- Any agreement related to any lease of property
224 may require that a developer construct, design, build, finance, operate, or maintain, or any
225 combination thereof, transportation facilities in the state highway system including land and air
226 rights or any related facility or component thereof controlled by the department, so long as the
227 department shall state in its bid documentation that such transportation facilities or related

228 facility will be accepted or required as a part of any such development agreement. No further
229 procurement or advertising requirements shall be required, except as required in section 20.

230 SECTION 5. Subsection (b) of section 39M1/2 of chapter 30, of the General Laws, as so
231 appearing, is hereby amended by striking out the last sentence and inserting in place thereof the
232 following sentence:- Notwithstanding any general or special law to the contrary, a public agency
233 may designate an existing or former employee as owner's representative subject to the conditions
234 set forth in subsection (c).

235 SECTION 6. Subsection (c) of said section 39M1/2 of said chapter 30, as so appearing, is hereby
236 amended by inserting, in line 44, after the word "existing" the following words:- or former.

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

242 SECTION 8. Clause (ii) of subsection (c) of section 5 of chapter 161A of the General Laws, as
243 so appearing, is hereby amended by adding the following sentence:- Any agreement related to
244 any concession or lease of property may require that the developer construct, design, build,
245 finance, operate, and maintain, or any combination thereof, mass transportation facilities or any
246 related facility or component thereof for the authority, so long as the authority shall state in its
247 bid documentation that such mass transportation facilities or related facility or component
248 thereof will be accepted or required as a part of any such agreement. No further procurement or

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

251 SECTION 9. Notwithstanding the first sentence of subsection (a) of section 39M of chapter 30
252 of the General Laws, a contract for a transportation or public works project subject to award
253 under said section 39M of said chapter 30 by the Massachusetts Department of Transportation
254 that is expected to interfere with the movement of traffic or the traveling public may, in the
255 discretion of the awarding authority, be procured on a pilot basis, through a bidding method that
256 awards the project to the responsible and eligible bidder with the lowest bid value after taking
257 into account the amount of time that the bidder has identified in the bid for completion of the
258 project, or cost-plus-time bidding procurement method; provided, however, that any such
259 awarding authority may reject any bid if it is in the public interest to do so. The Secretary of
260 Transportation shall establish, in consultation with the office of the inspector general such
261 additional procurement requirements, procedures and project standards as are necessary to
262 encourage full competition and best construction practices. Prior to approving the procurement
263 procedures herein, the office of the inspector general shall seek input and comment on the
264 procurement procedures from the Construction Industries of Massachusetts, Inc. and American
265 Council of Engineering Companies.

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

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

278 SECTION 11. Notwithstanding any general or special law to the contrary, in carrying out this
279 act, the Massachusetts Department of Transportation may enter into contracts, agreements or
280 transactions that may be appropriate with other federal, state, local or regional public agencies or
281 authorities. The contracts, agreements or transactions may relate to such matters as the
282 department shall determine including, without limitation, the research, design, layout,
283 construction, reconstruction or management of construction of all or a portion of these projects.
284 In relation to any such contracts, agreements or transactions, the department may advance
285 monies to such agencies or authorities, without prior expenditure by the agencies or authorities,
286 and the agencies and authorities may accept monies necessary to carry out these agreements;
287 provided, however, the department shall certify to the comptroller the amounts so advanced and
288 these agreements shall contain provisions satisfactory to the department for the accounting of
289 monies expended by any other agency or authority. All monies not expended under these
290 contracts, agreements or transactions shall be credited to the account of the department from
291 which they were advanced.

292 SECTION 12. (a) Notwithstanding any general or special law to the contrary, the Massachusetts
293 Department of Transportation shall expend the sums authorized in sections 2 through 2B,

294 inclusive, and sections 2F and 2G, for the following purposes: any federally eligible projects,
295 projects for the laying out, construction, reconstruction, resurfacing, relocation or necessary or
296 beneficial improvement of highways, bridges, bicycle paths or facilities, on-street and off-street
297 bicycle projects, sidewalks, telecommunications, parking facilities, auto-restricted zones, scenic
298 easements, grade crossing eliminations and alterations of other crossings, traffic safety devices
299 on state highways and on roads constructed pursuant to clause (b) of the second paragraph of
300 section 4 of chapter 6C of the General Laws, highway or mass transportation studies including,
301 but not limited to, traffic, environmental or parking studies, the establishment of school zones
302 pursuant to section 2 of chapter 85 of the General Laws, improvements on routes not designated
303 as state highways without assumption of maintenance responsibilities, projects to alleviate
304 contamination of public and private water supplies caused by the department's storage and use of
305 snow removal chemicals which are necessary for the purposes of highway safety, for the
306 relocation of persons or businesses or for the replacement of dwellings or structures including,
307 but not limited to, providing last resort housing under federal law and any functional replacement
308 of structures in public ownership that may be necessary for the foregoing purposes and for
309 relocation benefits to the extent necessary to satisfy the requirements of the Uniform Relocation
310 Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601 et seq., Public
311 Law 97-646 and to sell any structure the title to which has been acquired for highway purposes;
312 provided further, that funds may be expended for the costs of projects and programs provided for
313 in the Infrastructure and Investment in Jobs Act of 2021 (IIJA) also known as the Bipartisan
314 Infrastructure Law (BIL), Public Law No. 117-58. Environmental studies conducted pursuant to
315 this subsection may include an assessment of both existing and proposed highway rest stop
316 facilities to determine the cost-effectiveness of sanitary facilities that use zero- pollution

317 discharge technologies, including recycling greywater systems. When dwellings or other
318 structures are removed in furtherance of any of these projects, the excavations or cellar holes
319 remaining shall be filled in and brought to grade within 1 month after the removal. In planning
320 projects funded by section 2A, consideration shall be made, to the extent feasible, to
321 accommodate and incorporate provisions to facilitate the use of bicycles and walking as a means
322 of transportation. Nothing in this section shall be construed to give rise to enforceable legal
323 rights in any party or a cause of action or an enforceable entitlement as to the projects described
324 in this section.

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

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

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

353 SECTION 13. Notwithstanding any general or special law to the contrary, the Massachusetts
354 Department of Transportation shall take all necessary actions to secure federal highway or
355 transportation assistance that is or may become available to the department including, but not
356 limited to, actions authorized pursuant to or in compliance with any of the following: Title 23 of
357 the United States Code; the Surface Transportation and Uniform Relocation Act of 1987, Public
358 Law 100-17; the Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102-
359 240; the Transportation Equity Act for the 21st Century, Public Law 105-178; the Safe,
360 Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Public Law

361 109-59; Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110-
362 53; the Moving Ahead for Progress in the 21st Century Act of 2012, Public Law 112-141; Fixing
363 America’s Surface Transportation Act of 2015, Public Law 114-94; Infrastructure and
364 Investment in Jobs Act of 2021 (IIJA) also known as the Bipartisan Infrastructure Law (BIL),
365 Public Law No. 117-58 and any successor or reauthorizations of those acts, and such actions,
366 including filing applications for federal assistance, supervising the expenditure of funds under
367 federal grants or other assistance agreements, and making any determinations and certifications
368 necessary or appropriate to the foregoing. If a federal law, administrative regulation or practice
369 requires an action relating to federal assistance to be taken by a department, agency or other
370 instrumentality of the commonwealth other than the Massachusetts Department of
371 Transportation, the other department, agency or instrumentality shall take such action.

372 SECTION 14. Notwithstanding any general or special law to the contrary, the unexpended
373 balances of all capital accounts authorized in chapter 86 of the acts of 2008, chapter 233 of the
374 acts of 2008, chapter 303 of the acts of 2008, chapter 10 of the acts of 2011, chapter 133 of the
375 acts of 2012, chapter 242 of the acts of 2012, chapter 79 of the acts of 2014, chapter 209 of the
376 acts of 2018, chapter 16 of the acts of 2019, which otherwise would revert on or before June 30,
377 2022, but which are necessary to fund obligations during fiscal years 2022 to 2026, inclusive, are
378 hereby reauthorized through June 30, 2026.

379 SECTION 15. To meet any or all expenditures necessary in carrying out item 6121-2214 of
380 section 2, the state treasurer shall, upon request of the governor, issue and sell bonds of the
381 commonwealth in an amount to be specified by the governor from time to time but not
382 exceeding, in the aggregate, \$525,857,295. All bonds issued by the commonwealth pursuant to
383 this section shall be designated on their face, Commonwealth Infrastructure Improvement Act of

384 2022 and shall be issued for a maximum term of years, not exceeding 30 years, as the governor
385 may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to
386 the Constitution. All such bonds shall be payable not later than June 30, 2062. All interest and
387 payments on account of principal on these obligations shall be payable from the General Fund or
388 the Commonwealth Transportation Fund.

389 SECTION 16. To meet any or all expenditures necessary in carrying out sections 2A to 2B,
390 inclusive, the state treasurer shall, upon request of the governor, issue and sell bonds of the
391 commonwealth in an amount to be specified by the governor from time to time but not
392 exceeding, in the aggregate, \$1,400,000,000. All bonds issued by the commonwealth pursuant to
393 this section shall be designated on their face, Commonwealth Infrastructure Improvement Act of
394 2022, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor
395 may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to
396 the Constitution. All such bonds shall be payable not later than June 30, 2062. All interest and
397 payments on account of principal on these obligations shall be payable from the General Fund or
398 the Commonwealth Transportation Fund.

399 SECTION 17. To meet the expenditures necessary in carrying out section 2C, the state treasurer
400 shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to
401 be specified by the governor from time to time but not exceeding, in the aggregate,
402 \$125,400,000. All bonds issued by the commonwealth pursuant to this section shall be
403 designated on their face, Commonwealth Infrastructure Improvement Act of 2022, and shall be
404 issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to
405 the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution.
406 All such bonds shall be payable not later than June 30, 2052. All interest and payments on

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

409 SECTION 18. To meet the expenditures necessary in carrying out section 2D, the state treasurer
410 shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to
411 be specified by the governor from time to time but not exceeding, in the aggregate,
412 \$1,375,000,000. All bonds issued by the commonwealth under this section shall be designated on
413 their face, Commonwealth Infrastructure Improvement Act of 2022 and shall be issued for a
414 maximum term of years, not exceeding 30 years, as the governor may recommend to the general
415 court pursuant to section 3 of Article LXII of the Amendments to the Constitution. All such
416 bonds shall be payable not later than June 30, 2062. Bonds and interest thereon issued under this
417 section shall be general obligations of the commonwealth; provided, however, that any bonds
418 issued by the state treasurer under this section shall, upon the request of the governor, be issued
419 as special obligation bonds pursuant to section 2O of chapter 29 of the General Laws; provided
420 further, that in deciding whether to request the issuance of particular bonds as special
421 obligations, the governor shall take into account: (i) generally prevailing financial market
422 conditions; (ii) the impact of each approach on the overall capital financing plans and needs of
423 the commonwealth; (iii) any ratings assigned to outstanding bonds of the commonwealth and any
424 ratings expected to be assigned by any nationally-recognized credit rating agency to the bonds
425 proposed to be issued; and (iv) any applicable provisions of a trust agreement or credit
426 enhancement agreement entered into pursuant to said section 2O of said chapter 29. All special
427 obligation revenue bonds issued pursuant to this section shall be designated on their face,
428 Commonwealth Rail Enhancement Act of 2022 and shall be issued for a maximum term of years,
429 not exceeding 30 years, as the governor may recommend to the general court pursuant to section

430 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds
431 shall be payable not later than June 30, 2062. All interest and payments on account of these
432 obligations shall be payable from the Commonwealth Transportation Fund and shall be payable
433 solely in accordance with said section 20 of said chapter 29, and such bonds shall not be
434 included in the computation of outstanding bonds for purposes of the limit imposed by the
435 second paragraph of section 60A of chapter 29 of the General Laws, nor shall debt service with
436 respect to such bonds be included in the computation of the limit imposed by section 60B of said
437 chapter 29.

438 SECTION 19. To meet the expenditures necessary in carrying out section 2E, the state treasurer
439 shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to
440 be specified by the governor from time to time but not exceeding, in the aggregate,
441 \$114,100,000. All bonds issued by the commonwealth pursuant to this section shall be
442 designated on their face, Commonwealth Infrastructure Improvement Act of 2022 and shall be
443 issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to
444 the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution.
445 All such bonds shall be payable not later than June 30, 2052. All interest and payments on
446 account of principal on these obligations shall be payable from the General Fund or the
447 Commonwealth Transportation Fund.

448 SECTION 20. To meet the expenditures necessary in carrying out section 2F, the state treasurer
449 shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to
450 be specified by the governor from time to time but not exceeding, in the aggregate,
451 \$155,000,000. All bonds issued by the commonwealth pursuant to this section shall be
452 designated on their face, Commonwealth Infrastructure Improvement Act of 2022 and shall be

453 issued for a maximum term of years, not exceeding 10 years, as the governor may recommend to
454 the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution.
455 All such bonds shall be payable not later than June 30, 2042. All interest and payments on
456 account of principal on these obligations shall be payable from the General Fund or the
457 Commonwealth Transportation Fund.

458 SECTION 21. To meet any or all expenditures necessary in carrying out section 2G, the state
459 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
460 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
461 \$1,750,000,000. All bonds issued by the commonwealth pursuant to this section shall be
462 designated on their face, Commonwealth Infrastructure Improvement Act of 2022 and shall be
463 issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to
464 the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution.
465 All such bonds shall be payable not later than June 30, 2062. All interest and payments on
466 account of principal on these obligations shall be payable from the General Fund or the
467 Commonwealth Transportation Fund.

468 SECTION 22. To meet the expenditures necessary in carrying out section 2H, the state treasurer
469 shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to
470 be specified by the governor from time to time but not exceeding, in the aggregate, \$8,300,000.
471 All bonds issued by the commonwealth pursuant to this section shall be designated on their face,
472 Commonwealth Infrastructure Improvement Act of 2022 and shall be issued for a maximum
473 term of years, not exceeding 30 years, as the governor may recommend to the general court
474 pursuant to section 3 of Article LXII of the Amendments to the Constitution. All such bonds
475 shall be payable not later than June 30, 2062. All interest and payments on account of principal

476 on these obligations shall be payable from the General Fund or the Commonwealth
477 Transportation Fund.

478 SECTION 23. To meet the expenditures necessary in carrying out section 2I, the state treasurer
479 shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to
480 be specified by the governor from time to time but not exceeding, in the aggregate,
481 \$150,000,000. All bonds issued by the commonwealth pursuant to this section shall be
482 designated on their face, Commonwealth Infrastructure Improvement Act of 2022 and shall be
483 issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to
484 the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution.
485 All such bonds shall be payable not later than June 30, 2052. All interest and payments on
486 account of principal on these obligations shall be payable from the General Fund or the
487 Commonwealth Transportation Fund.

488 SECTION 24. To meet the expenditures necessary in carrying out section 2J, the state treasurer
489 shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to
490 be specified by the governor from time to time but not exceeding, in the aggregate, \$50,000,000.
491 All bonds issued by the commonwealth pursuant to this section shall be designated on their face,
492 Commonwealth Infrastructure Improvement Act of 2022 and shall be issued for a maximum
493 term of years, not exceeding 20 years, as the governor may recommend to the general court
494 pursuant to section 3 of Article LXII of the Amendments to the Constitution. All such bonds
495 shall be payable not later than June 30, 2052. All interest and payments on account of principal
496 on these obligations shall be payable from the General Fund or the Commonwealth
497 Transportation Fund.

498 SECTION 25. Notwithstanding any general or special law to the contrary, bonds and interest
499 thereon issued under sections 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 of this act shall be general
500 obligations of the commonwealth; provided, however, that any bonds issued by the state
501 treasurer under said sections 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 shall, upon the request of
502 the governor, be issued as special obligation bonds pursuant to section 20 of chapter 29 of the
503 General Laws; provided further, that in deciding whether to request the issuance of particular
504 bonds as special obligations, the governor shall take into account: (1) generally prevailing
505 financial market conditions; (2) the impact of each approach on the overall capital financing
506 plans and needs of the commonwealth; (3) any ratings assigned to outstanding bonds of the
507 commonwealth and any ratings expected to be assigned by any nationally-recognized credit
508 rating agency to the bonds proposed to be issued; and (4) any applicable provisions of a trust
509 agreement or credit enhancement agreement entered into pursuant to said section 20 of said
510 chapter 29. All interest and payments on account of obligations issued under this section as
511 special obligation bonds pursuant to said section 20 of said chapter 29 shall be payable from the
512 Commonwealth Transportation Fund solely in accordance with said section 20 of said chapter
513 29, and such bonds shall not be included in the computation of outstanding bonds for purposes of
514 the limit imposed by the second paragraph of section 60A of said chapter 29, nor shall debt
515 service with respect to such bonds be included in the computation of the limit imposed by section
516 60B of said chapter 29.