HOUSE . . . . . No. 4798

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 18, 2022.

The committee on Transportation to whom was referred the message from His Excellency the Governor recommending legislation relative to Massachusetts's transportation resources and climate (House, No. 4561), reports recommending that the accompanying bill (printed in House, No. 4798) ought to pass.

For the committee,

WILLIAM M. STRAUS.

FILED ON: 5/16/2022

HOUSE . . . . . No. 4798

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., 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 and for a program for public alternative fueling and electric vehicle charging infrastructure, the sums set forth in sections 2 to 2J, 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

6121-2214. 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; 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 non-federally aided roadway and bridge projects; provided further, that in connection with any reconstruction of the Boston extension, as defined in section 1 of chapter 6C, funds shall be expended for the reconstruction and replacement of bridges that span said Boston extension between mile markers 130 and 131; and 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……$1,270,000,000

6121-2257. For the construction, reconstruction, resurfacing, repair and improvement of pavement and surface conditions on non- federally 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……$85,000,000

SECTION 2B.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Highway Division

6121-2228. 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 under 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……...$25,000,000

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

6921-2110 For grants to transportation management associations; provided, that grants shall be expended on services that reduce vehicle congestion and improve air quality and that enhance transportation demand management activities, including, but not limited to, the following: (i) the marketing and promotion of existing and new park-and-ride and existing and new carpooling and van pooling alternatives; (ii) the operation and coordination of bus and shuttle services between existing transportation facilities, major employment centers and commercial and retail centers; and (iii) the underwriting of active marketing and outreach programs to support such services.....$25,000,000

SECTION 2C.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Rail and Transit Division

6621-2217. 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 not less than $6,000,000 per fiscal year shall be expended for said 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; and 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……$82,000,000

6622-2217. 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; provided, that funds may be expended for the purchase or rehabilitation of vehicles of all sizes to better reflect and accommodate rider demand; 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…….....….$64,900,000

SECTION 2D.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Office of the Secretary

6621-2208. 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 including, but not limited to, Green Line Type 10 vehicles, to improve service and 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 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; 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; 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……$1,375,000,000

SECTION 2E.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Aeronautics Division

6820-2217. 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; provided, 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……$114,100,000

SECTION 2F.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Office of the Secretary

6720-2217. 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 and 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……..…$145,000,000

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

SECTION 2G.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Office of the Secretary

6720-2215. For projects funded with discretionary federal grant funds for eligible projects in the federal highway system, federal transit system, federal aviation administration system or federal rail 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 provided for 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; provided further, that on public works projects funded under this item where the amount of construction costs under any contract awarded is likely to exceed $1,000,000, not less than 20 per cent of the total hours of employees receiving an hourly wage who are directly employed on the site of the project by the contractor or a subcontractor and who are subject to the prevailing wage, shall be performed by apprentices in bona fide apprentice training programs as provided in sections 11H and 11I of chapter 23 of the General Laws that are approved by the division of

apprentice standards in the executive office of labor and workforce development; 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……$3,500,000,000

SECTION 2H.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Rail and Transit Division

6622-2214. 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; 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.....…….$25,501,000

SECTION 2I.

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

Office of the Secretary

2000-2030. For the purposes of developing and implementing programs to promote, establish or expand public alternative fueling stations and electric vehicle charging infrastructure, the development and implementation of incentive programs promoting e-bikes and public

transportation, replacement of high-emissions vehicles, electric vehicles for hire and carsharing, electric school buses, electric short-haul freight and delivery trucks, and other pilot projects that focus on equity and inclusion while reducing emissions; provided that such funds may be used to support community organizations and local programs which reduce vehicle emissions; provided further, that not less than $25,000,000 shall be expended for grants under the MassEVIP Direct Current Fast Charging Program; and provided further, that funds may be expended for the costs of projects and programs provided for in the Infrastructure and Investment in Jobs Act of 2021 (IIJA) also known as the Bipartisan Infrastructure Law (BIL), Public Law No. 117-58…… ……...……...……...$150,000,000

SECTION 2J.

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

Office of the Secretary

2000-2031. For the purposes of developing and implementing programs to promote, establish or expand public alternative fueling stations and electric vehicle charging infrastructure, the development and implementation of incentive programs promoting e-bikes and public transportation, replacement of high-emissions vehicles, electric vehicles for hire and carsharing, electric school buses, electric short-haul freight and delivery trucks, and other pilot projects that focus on equity and inclusion while reducing emissions; provided that such funds may be used to support community organizations and local programs which reduce vehicle emissions; provided further, that funds may be expended for the costs of projects and programs provided for in the Infrastructure and Investment in Jobs Act of 2021 (IIJA) also known as the Bipartisan Infrastructure Law (BIL), Public Law No. 117-58……..……..$50,000,000

SECTION 3. Section 40 of chapter 82 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting, in lines 4-5, after the words "cable television company," the following words:- “municipal traffic signal department,”.

SECTION 4. Said section 40 of said chapter 82, as so appearing, is hereby further amended by inserting the following two definitions after the definition of “Excavator”:-

"Marking standards", the methods by which a company designates its facilities in accordance with standards established by the Common Ground Alliance (CGA) and the American Public Works Association.

"Non-mechanical means", shall mean excavation using any device or tool manipulated by human power, including air vacuum, air blowing or similar methods of excavation designed to minimize direct contact with utilities.

SECTION 5. Said section 40 of said chapter 82, as so appearing, is hereby further amended by inserting the following definition after the definition of “Premark”:-

"Professional Land Surveyor", shall have the same definition as set forth in section 81D of chapter 112.

SECTION 6. Section 40A of said chapter 82, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:

Any Professional Land Surveyor working on a preliminary design for a new facility or renovation where excavation shall be necessary shall premark the proposed excavation and give initial notice to the system.

SECTION 7. Section 40B of said chapter 82, as so appearing, is hereby amended by inserting after the words "the excavator" the following words:- or Professional Land Surveyor

SECTION 8. Said section 40B of said chapter 82, as so appearing, is hereby further amended by inserting the following sentence at the end thereof:-

A company shall conduct periodic audits to ensure the accuracy of the locating and marking of facilities as well as its adherence to marking standards.

SECTION 9. Section 40E of said chapter 82, as so appearing, is hereby amended by inserting the following sentence at the end thereof:-

The department of public utilities may require any person or company who does not comply with the provisions of sections 40A to 40E to complete a "Dig Safe" training program in lieu of a fine for a first offense.

SECTION 10. Section 7E of chapter 90 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting, in line 68, after the word “registrar”, the following words:- , or (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 at which a law enforcement officer is present and only by the authority of a permit issued by the registrar,.

SECTION 11. Section 46 of Chapter 161A of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by adding the following paragraph:

The authority shall provide adequate parking alternatives to commuters during any demolition or reconstruction of any parking lots or parking garages owned or operated by the

authority. The authority shall consider (1) the number of spots being affected by the project and (2) the average number of weekday commuters utilizing the parking facility, using ridership levels from 2019, in order to determine how many alternative spots are required.

SECTION 12. Notwithstanding the first sentence of subsection (a) of section 39M of chapter 30 of the General Laws, the Massachusetts Department of Transportation Division of Highways, as created by Section 37 of Chapter 6C of the General Laws, may procure as a pilot program in the discretion of said Division, three public works projects pursuant to said section 39M of said Chapter 30 that are expected to interfere with the movement of traffic or the traveling public through a bidding method known as cost-plus-time procurement 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 ; provided, two of the three projects shall each have estimated values up to but not exceeding $25 million, and one of the three projects shall have an estimated value up to but not exceeding $50 million; provided further, prior to procuring each said pilot project, the Division shall have secured all requisite permits, including, but not limited to, environmental, historical, and right of way permits; provided further, said Division shall be responsible for utility relocations, police details, and any delays resulting from unavailable materials; and, provided further, said Division of Highways may reject any bid if it is in the public interest to do so. The Administrator of said Division shall establish, in consultation with the office of the inspector general such additional procurement requirements, procedures and project standards as are necessary to encourage full competition and best construction practices. Prior to approving the procurement procedures herein, the office of the inspector general shall seek input and comment on the procurement

procedures from the Construction Industries of Massachusetts, Inc. and American Council of Engineering Companies.

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, but excluding the first sentence of subsection (a) of said section 39M, 39N, 39O, 39P and 39R of chapter 30 of the General Laws shall apply to all public works projects using the cost-plus-time bidding procurement method provided in this section.

SECTION 13. Notwithstanding any general or special law to the contrary, capital appropriations made pursuant to sections 2 to 2J, 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 14. 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 15. (a) Notwithstanding any general or special law to the contrary, the Massachusetts Department of Transportation shall expend the sums authorized in sections 2 through 2B, inclusive, and sections 2F and 2G, for the following purposes: any federally eligible projects, 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; provided further, that funds may be expended for the costs of projects and programs provided for in the Infrastructure and Investment in Jobs Act of 2021 (IIJA) also known as the Bipartisan Infrastructure Law (BIL), Public Law No. 117-58. 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 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 16. 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; Infrastructure and Investment in Jobs Act of 2021 (IIJA) also known as the Bipartisan Infrastructure Law (BIL), Public Law No. 117-58 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 17. 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, chapter 16 of the acts of 2019, which otherwise would revert on or before June 30, 2022, but which are necessary to fund obligations during fiscal years 2022 to 2026, inclusive, are hereby reauthorized through June 30, 2026.

SECTION 18. To meet any or all expenditures necessary in carrying out item 6121-2214 of 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, $611,800,000. All bonds issued by the commonwealth pursuant to this section shall be designated on their face, Commonwealth Infrastructure Improvement Act of 2022 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, 2062. 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. 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, $1,425,000,000. All bonds issued by the commonwealth pursuant to this section shall be designated on their face, Commonwealth Infrastructure Improvement Act of 2022, 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, 2062. All interest and

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

SECTION 20. To meet the expenditures necessary in carrying out section 2C, 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, $146,900,000. All bonds issued by the commonwealth pursuant to this section shall be designated on their face, Commonwealth Infrastructure Improvement Act of 2022, 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, 2052. 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 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, $1,375,000,000. All bonds issued by the commonwealth under this section shall be designated on their face, Commonwealth Infrastructure Improvement Act of 2022 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, 2062. 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: (i) generally prevailing financial market conditions; (ii) the impact of each approach on the overall capital financing plans and needs of the commonwealth; (iii) 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 (iv) 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 2022 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, 2062. 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 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, $114,100,000. All bonds issued by the commonwealth pursuant to this section shall be designated on their face, Commonwealth Infrastructure Improvement Act of 2022 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, 2052. 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 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, $155,000,000. All bonds issued by the commonwealth pursuant to this section shall be designated on their face, Commonwealth Infrastructure Improvement Act of 2022 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, 2042. 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 any or all 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, $1,750,000,000. All bonds issued by the commonwealth pursuant to this section shall be designated on their face, Commonwealth Infrastructure Improvement Act of 2022 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, 2062. All interest and payments on

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

SECTION 25. 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, $8,300,000. All bonds issued by the commonwealth pursuant to this section shall be designated on their face, Commonwealth Infrastructure Improvement Act of 2022 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, 2062. All interest and payments on account of principal on these obligations shall be payable from the General Fund or the Commonwealth Transportation Fund.

SECTION 26. To meet the expenditures necessary in carrying out section 2I, 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 Infrastructure Improvement Act of 2022 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, 2052. All interest and payments on account of principal on these obligations shall be payable from the General Fund or the Commonwealth Transportation Fund.

SECTION 27. To meet the expenditures necessary in carrying out section 2J, 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 Infrastructure Improvement Act of 2022 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, 2052. All interest and payments on account of principal on these obligations shall be payable from the General Fund or the Commonwealth Transportation Fund.

SECTION 28. Notwithstanding any general or special law to the contrary, bonds and interest thereon issued under sections 18 through 27, inclusive, of this act shall be general obligations of the commonwealth; provided, however, that any bonds issued by the state treasurer under said sections 18 through 27, inclusive, 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 said chapter 29, 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.