The committee on Ways and Means, to whom was referred the House Bill relative to Massachusetts’s transportation resources and climate (House, No. 4798), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4897) [Bond Issue: General Obligation Bonds: $10,403,958,157.00].

For the committee,

AARON MICHEWITZ.
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 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.

10 SECTION 2.
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 and electric vehicle charging infrastructure; provided further, that funds may be expended for the costs of projects and programs included in the Infrastructure Investment and Jobs Act of 2021, 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 of the General Laws, 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 Investment and Jobs Act of 2021, 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; and 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 for complete streets grants to municipalities; provided, that not less than 33 per
cent of the grants awarded shall be issued to cities and towns with a median household income
below the average of the commonwealth.................................................$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: (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
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 .................................................$82,000,000

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; and provided further, that funds may be expended for the costs of projects and programs included in the Infrastructure Investment and Jobs Act of 2021, Public Law No. 117-58.................................................................$64,900,000

SECTION 2D.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Office of the Secretary
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, but not limited to, 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 of the Massachusetts Bay Transportation Authority, 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 shall be expended on the electrification of commuter rail system and water transportation infrastructure; 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; and provided further, that funds may be expended for the costs of projects and programs included in the Infrastructure Investment and Jobs Act of 2021, Public Law No. 117-58.

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 Investment and Jobs Act of 2021, Public Law No. 117-58.

SECTION 2F.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Office of the Secretary
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; and provided further, that funds in this item may be used to support and leverage municipal, quasi-public, nonprofit and private investments.$145,000,000

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

For projects to address ongoing safety concerns related to the interim and final findings uncovered during the Federal Transit Administration’s Safety Management
Inspection initiated in April 2022; provided, that the Massachusetts Bay Transportation Authority shall work in consultation with the Massachusetts Department of Transportation and the department of public utilities in the planning and implementation of said projects funded through this item…………………………………………………..…………………$400,000,000

6720-2260 For the purpose of implementing rail improvements pursuant to chapter 161C of the General Laws; provided, that in addition to funds authorized in item 6622-2184 of section 2E of chapter 383 of the acts of 2020, not less than $250,000,000 shall be expended for transportation planning, design, permitting and engineering, public hearings and engagement, acquisition of interests in land, vehicle procurement, construction, construction of stations and right-of-way acquisition for the East-West passenger rail project, which shall include Pittsfield to Boston service via Springfield, Palmer and Worcester; provided further, that service improvements shall include improving the existing North-South rail corridor through Springfield; provided further, that said rail improvements may take into consideration the East-West Passenger Rail Study conducted by the Massachusetts Department of Transportation; and provided further, that funding for said rail improvements may be used in conjunction with any federal funding set aside for the East-West rail project……………………………$250,000,000

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 Investment and Jobs Act of 2021, 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
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; and provided further, that funds may be expended for the costs of projects and programs included in the Infrastructure Investment and Jobs Act of 2021, Public Law No. 117-58.$25,501,000

SECTION 2I.

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

Office of the Secretary

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 that 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 Investment and Jobs Act of 2021, 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; and provided further, that funds may be expended for the costs of projects and programs provided for in the Infrastructure Investment and Jobs Act of 2021, 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 after the words “cable television company”, in lines 4 to 5, 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 after the definition of “Excavator” the following 2 definitions:—

“Marking standards”, the methods by which a company designates its facilities in accordance with standards established by the Common Ground Alliance and the American Public Works Association.
“Non-mechanical means”, 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 after the definition of “Premark” the following definition:-

“Professional land surveyor”, as defined 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 is necessary shall: (i) premark the proposed excavation; and (ii) provide initial notice to the system.

SECTION 7. Section 40B of said chapter 82, as so appearing, is hereby amended by inserting after the word “excavator”, in lines 3, 12 and 15, the following words:- or professional land surveyor.

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

A company shall conduct periodic audits to ensure: (i) the accuracy of the designated location and marking of its facilities; and (ii) its adherence to marking standards.
SECTION 9. Section 40E of said chapter 82, as so appearing, is hereby amended by striking out, in line 2, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities.

SECTION 10. Said section 40E of said chapter 82, as so appearing, is hereby further amended by adding the following sentence:-

The department of public utilities may require any person or company not in compliance with sections 40A to 40E, inclusive, to complete a “Dig Safe” training program in lieu of a fine for a first offense.

SECTION 11. Section 7E of chapter 90 of the General Laws is hereby amended by inserting after the word “registrar”, in line 68, as so appearing, 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 12. Section 46 of chapter 161A of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

The authority shall provide adequate parking alternatives to commuters during any demolition or reconstruction of a parking lot or parking garage owned or operated by the authority. The authority shall consider: (i) the number of parking spaces affected by the project; and (ii) the average number of weekday commuters utilizing the parking facility, using levels from 2019, to determine how many alternative parking spaces shall be required.
SECTION 13. Subsection (e) of section 9 of chapter 152 of the acts of 1997 is hereby amended by inserting after the word “Fund” the following words:- ; and provided further, that the surcharge shall not apply to a vehicle in a car-sharing organization, as defined in section 32J of chapter 90 of the General Laws, that is used or reserved by a member of said car-sharing organization.

SECTION 14. (a)(1) The Massachusetts Department of Transportation, in consultation with the comptroller, shall develop and operate a publicly accessible and searchable website to provide reporting on expenditures from this act and any project receiving federal funding from the Infrastructure Investment and Jobs Act of 2021, Public Law No. 117-58 and any successor or reauthorizations of those acts.

(2) The website shall be updated weekly and shall: (i) allow users to electronically search by field in a single search (A) project type, (B) category of spending, and (C) recipient; (ii) allow users to download information yielded by the search; and (iii) where possible, contain geographical representations of data and hyperlink any information related to the Infrastructure Investment and Jobs Act of 2021 publicly available for the project.

(b) The website shall provide a breakdown of: (i) all federal grants and direct funds available and awarded to the commonwealth; (ii) amounts of state matching dollars necessary, if any; (iii) state dollars to be used, for each project or project type; (iii) current balance of funds not yet expended; (iv) projects pending, including whether the project is being procured or a contract has been awarded; and (v) planned use of available funding not yet committed for expenditure by category of spending and purpose of expenditure.
(c) The website shall be available with the information described in subsection (b) not later than July 30, 2022.

SECTION 15. (a) For the purposes of this section, “operate” shall include, but not be limited to, the awarding, management and oversight of a contract with a third-party to operate the service.

(b) There is hereby established a commission to investigate and receive public testimony concerning public entities now in existence or that may be created by statute with the ability to design, permit, construct, operate and maintain passenger rail service that meets the standards of any or all of the Final Alternatives set forth in the East-West Passenger Rail Study Final Report issued by the Massachusetts Department of Transportation in January 2021.

(c)(1) The commission shall consist of the following members: the secretary of transportation, ex officio, or a designee, who shall serve as chair; 3 members of the house of representatives appointed by the speaker of the house; 3 members of the senate appointed by the president of the senate; the general manager of the Massachusetts Bay Transportation Authority, or a designee; the chancellor of the University of Massachusetts Amherst, or a designee; and the chair of the Western Mass Economic Development Council, or a designee.

(2) Members may attend and participate in meetings remotely, and the chair shall ensure that members are able to join the proceedings using video conferencing software and that the hearings shall be made available for viewing and participation by the public virtually.

(d) The commission shall examine and receive testimony on matters concerning such public entities, including, but not limited to: (i) the feasibility of directing an existing public entity to design, permit, construct or operate the service; (ii) the operational and geographic
jurisdiction of any newly created public entity and any areas of potential conflict with existing
public entities that may arise in connection with operation of the service; (iii) governance,
powers, assets and liabilities of any newly created public entity; and (iv) funding sources for
projected operating and capital budgets associated with the service.

(e) The commission shall consult with subject matter experts and stakeholders, including,
but not limited to, representatives from Amtrak, relevant departments and agencies within the
United States Department of Transportation, freight rail entities, transportation advocacy groups,
regional planning agencies and municipalities. The commission shall be supported by staff from
the Massachusetts Department of Transportation.

(f) The commission shall hold not fewer than 4 public hearings for the purpose of
receiving public testimony; provided, that not less than 1 meeting shall be in each of the follow
locations: (i) Hampden county; (ii) Berkshire county; (iii) Hampshire county; and (iv) Franklin
county.

(g) Appointments to the commission shall be made not later than 14 days after the
effective date of this act. The commission shall convene its initial meeting not later than 45 days
after the effective date of this act.

(h) Not later than December 31, 2022, the commission shall file a report of its findings
and any recommendations with the secretary of transportation, the house and senate chairs of the
joint committee on transportation and the clerks of the house of representatives and senate. Said
report and recommendations shall include, but not be limited to, a section detailing projected
costs identifying by category the project’s design, permitting, land acquisition, utility
connections, land and right of way acquisition, capital equipment and operations for possible
levels of service. The Massachusetts Department of Transportation shall make the report publicly
available on its website.

SECTION 16. 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, established in section 37 of chapter 6C of the General Laws, may implement a pilot
program to procure, in the discretion of the division, 3 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 a 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,
that 2 of the projects shall each have an estimated value not greater than $25,000,000, and 1 of
the projects shall have an estimated value not greater than $50,000,000; provided further, that
prior to procuring each project, the division shall secure all requisite permits, including, but not
limited to, environmental, historical and right of way permits; provided further, that the division
shall be responsible for utility relocations, police details and any delays resulting from
unavailable materials; and provided further, that the division may reject a bid to serve the public
interest. The administrator of the division shall establish, in consultation with the office of the
inspector general, such additional procurement requirements, procedures and project standards
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 the
American Council of Engineering Companies.
The general and special 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, 39N, 39O, 39P and 39R of chapter 30 of the General Laws, but excluding the first sentence of subsection (a) of said section 39M of said chapter 30, shall apply to all public works projects using the cost-plus-time bidding procurement method provided in this section.

SECTION 17. 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 18. 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 19. (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 Investment and Jobs Act of 2021, 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 take any action 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, 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 20. 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 Investment and Jobs Act of 2021, 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 21. 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 22. 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 23. 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 24. 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 25. 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 26. 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 27. 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, $805,000,000. 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 28. 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 29. 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 30. 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 31. 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 32. Notwithstanding any general or special law to the contrary, bonds and
interest thereon issued under sections 22, 23, 24 and sections 26 through 31, inclusive, shall be
general obligations of the commonwealth; provided, however, that any bonds issued by the state
treasurer under said sections 22, 23, 24 and sections 26 through 31, 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: (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 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, established in section 2ZZZ of said chapter 29, 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.