

# **HOUSE . . . . . No. 4897**

---

---

## The Commonwealth of Massachusetts

---

HOUSE OF REPRESENTATIVES, June 21, 2022.

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 MICHLEWITZ.

The Commonwealth of Massachusetts

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

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

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

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

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

10 SECTION 2.

11 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

12 *Highway Division*

13 6121-2214 For projects on the interstate and non-interstate federal highway system;  
14 provided, that funds may be expended for the costs of these projects, including, but not limited  
15 to, the nonparticipating portions of these projects and the costs of engineering and other services  
16 essential to these projects; provided further, that funds may be expended for bicycle, pedestrian  
17 and other multi-modal facilities and electric vehicle charging infrastructure; provided further,  
18 that funds may be expended for the costs of projects and programs included in the Infrastructure  
19 Investment and Jobs Act of 2021, Public Law No. 117-58; provided further, that notwithstanding  
20 this act or any other general or special law to the contrary, the department shall not enter into any  
21 obligations for projects which are eligible to receive federal funds under this act unless state  
22 matching funds exist which have been specifically authorized and are sufficient to fully fund the  
23 corresponding state portion of the federal commitment to fund these obligations; and provided  
24 further, that the department shall only enter into obligations for projects under this act based  
25 upon a prior or anticipated future commitment of federal funds and the availability of  
26 corresponding state funding authorized and appropriated for this use by the general court for the  
27 class and category of project for which this obligation applies..... \$2,812,457,157

28 SECTION 2A.

29 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

30 *Highway Division*

31 6121-2217 For the design, construction and repair of, or improvements to, non-  
32 federally aided roadway and bridge projects and for the nonparticipating portion of federally-  
33 aided projects; provided, that the department may use these funds for the purchase and



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

63           6121-2238    For the complete streets program established under chapter 90I of the  
64 General Laws for complete streets grants to municipalities; provided, that not less than 33 per  
65 cent of the grants awarded shall be issued to cities and towns with a median household income  
66 below the average of the commonwealth.....\$20,000,000

67           6921-2110    For grants to transportation management associations; provided, that  
68 grants shall be expended on services that reduce vehicle congestion and improve air quality and  
69 that enhance transportation demand management activities, including, but not limited to: (i) the  
70 marketing and promotion of existing and new park-and-ride and existing and new carpooling and  
71 van pooling alternatives; (ii) the operation and coordination of bus and shuttle services between  
72 existing transportation facilities, major employment centers and commercial and retail centers;  
73 and (iii) the underwriting of active marketing and outreach programs to support such  
74 services.....\$25,000,000

75           SECTION 2C.

76                            MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

77   *Rail and Transit Division*

78           6621-2217    For the purpose of implementing rail improvements pursuant to chapter  
79 161C of the General Laws; provided, that funds may also be used for transportation planning,  
80 design, permitting, acquisition of interests in land and engineering for rail projects, including the  
81 industrial rail access program; provided further, that not less than \$6,000,000 per fiscal year shall  
82 be expended for said industrial rail access program; provided further, that the department may  
83 use funds from this item for the costs of engineering and other services essential to these  
84 projects; and provided further, that the department may use these funds for a particular project or  
85 use may be adjusted in order to facilitate other projects .....\$82,000,000

86           6622-2217    For the purposes of chapter 161B of the General Laws, including, but not  
87 limited to, projects that may maintain and improve the overall condition, reliability and  
88 resiliency of regional transit networks and facilities, including the purchase and rehabilitation of  
89 rolling stock, low- or no-emission vehicles and other infrastructure and equipment required to  
90 support such rolling stock, related assets and support equipment, rehabilitation of regional transit  
91 authority facilities, including maintenance, and passenger facilities and purchase of related  
92 appurtenances, equipment, technology and tools; provided, that funds may be expended for the  
93 purchase or rehabilitation of vehicles of all sizes to better reflect and accommodate rider  
94 demand; and provided further, that funds may be expended for the costs of projects and programs  
95 included in the Infrastructure Investment and Jobs Act of 2021, Public Law No. 117-  
96 58.....\$64,900,000

97           SECTION 2D.

98                           MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

99   *Office of the Secretary*

100           6621-2208     For the purpose of implementing sustainable transit system modernization  
101 investments and rail improvements pursuant to chapter 161A of the General Laws; provided, that  
102 funds may be used for transportation planning, design, permitting and engineering, right-of-way  
103 acquisition, acquisition of interests in land, vehicle procurement, construction and climate  
104 change adaptation and resilience improvements, including, but not limited to, construction,  
105 reconstruction, retrofitting, resilience, efficiency improvements and modernization of stations,  
106 signals, tracks, power and electrical systems; planning, design, permitting and engineering,  
107 acquisition of interests in and rights to land; construction and reconstruction, improvement,  
108 expansion, renovation, repair, relocation and equipping of maintenance and storage facilities,  
109 including, but not limited to, technology to support and service battery electric, hybrid and other  
110 low emission transit vehicles; and for heavy rail, light rail and bus projects, which projects shall  
111 include, but shall not be limited to, the red line, orange line, green line, silver line and blue line  
112 of the Massachusetts Bay Transportation Authority, including feasibility and planning studies  
113 and capital support for pilot services; provided further, that funds may be used for modernizing  
114 the bus fleet and associated infrastructure of the Massachusetts Bay Transportation Authority  
115 system, including, but not limited to, implementation of the so-called Better Bus Project;  
116 provided further, that funds shall be expended on the electrification of commuter rail system and  
117 water transportation infrastructure; provided further, that funds may be used for the purpose of  
118 implementing the green line transformation program including, but not limited to, planning,  
119 design and procurement of rolling stock including, but not limited to, Green Line Type 10  
120 vehicles, to improve service and reliability, enhance rider accessibility and increase capacity;  
121 provided further, that funds may be used for the purchase and rehabilitation of heavy equipment  
122 and other maintenance equipment; provided further, that funds may be used for safety,

123 accessibility and security equipment and improvements, energy efficiency, climate change  
124 adaptation and emergency preparedness, bicycle and pedestrian access improvements and so-  
125 called “last mile” capital improvements; provided further, that final assembly of the orange line  
126 and red line non-pilot production vehicles, as defined within the Massachusetts Bay  
127 Transportation Authority’s procurement of said vehicles, shall take place in the commonwealth;  
128 provided further, that the relative weight of all the criteria used for the selection of the red line  
129 and orange line vehicle proposals shall be determined by the Massachusetts Bay Transportation  
130 Authority; and provided further, that funds may be expended for the costs of projects and  
131 programs included in the Infrastructure Investment and Jobs Act of 2021, Public Law No. 117-  
132 58.....\$1,375,000,000

133 SECTION 2E.

134 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

135 *Aeronautics Division*

136 6820-2217 For the airport improvement program pursuant to section 39A of chapter  
137 90 of the General Laws, including, but not limited to, aeronautics safety and modernization  
138 improvements; provided, that funds may be expended for the costs of projects and programs  
139 included in the Infrastructure Investment and Jobs Act of 2021, Public Law No. 117-  
140 58.....\$114,100,000

141 SECTION 2F.

142 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

143 *Office of the Secretary*



144           6720-2217     For transportation planning and programming related to all modes,  
145 including, but not limited to, active transportation, bicycle and pedestrian travel, rail and transit  
146 and automobiles and associated assets, including, but not limited to, roads, bridges, transit  
147 facilities, shared-use paths and bicycle and pedestrian and other multi-modal facilities essential  
148 to the provision of transportation services for system users; provided, that funds may be  
149 expended for the maintenance, improvement and expansion of shared use paths and support for  
150 multi-modal networks that may enhance mobility or promote sustainable modes of transportation  
151 across the commonwealth; provided further, that funds may be expended for the acquisition of  
152 information technologies that will support department data and asset management initiatives;  
153 provided further, that funds may be expended for compliance with federal mandates and other  
154 statutory requirements including modal studies to help establish the framework for the  
155 department to adopt policies and programs to enhance delivery of services within all modes;  
156 provided further, that funds may be expended to reduce energy usage, enhance climate change  
157 resilience, adaptation and mitigation and support reduction of greenhouse gas emissions from  
158 transportation; and provided further, that funds in this item may be used to support and leverage  
159 municipal, quasi-public, nonprofit and private investments.....\$145,000,000

160           6720-2258     For a public realm improvement program; provided, that funds shall be  
161 used for grants to municipalities for improvements to sidewalks, curbs, streets and parking  
162 spaces to create additional capacity for pedestrians and cyclists and to reimagine and repurpose  
163 street space in response to the 2019 novel coronavirus to support public health, safe mobility and  
164 renewed commerce.....\$10,000,000

165           6720-2259     For projects to address ongoing safety concerns related to the interim and  
166 final findings uncovered during the Federal Transit Administration’s Safety Management

167 Inspection initiated in April 2022; provided, that the Massachusetts Bay Transportation  
168 Authority shall work in consultation with the Massachusetts Department of Transportation and  
169 the department of public utilities in the planning and implementation of said projects funded  
170 through this item.....\$400,000,000

171           6720-2260   For the purpose of implementing rail improvements pursuant to chapter  
172 161C of the General Laws; provided, that in addition to funds authorized in item 6622-2184 of  
173 section 2E of chapter 383 of the acts of 2020, not less than \$250,000,000 shall be expended for  
174 transportation planning, design, permitting and engineering, public hearings and engagement,  
175 acquisition of interests in land, vehicle procurement, construction, construction of stations and  
176 right-of-way acquisition for the East-West passenger rail project, which shall include Pittsfield to  
177 Boston service via Springfield, Palmer and Worcester; provided further, that service  
178 improvements shall include improving the existing North-South rail corridor through  
179 Springfield; provided further, that said rail improvements may take into consideration the East-  
180 West Passenger Rail Study conducted by the Massachusetts Department of Transportation; and  
181 provided further, that funding for said rail improvements may be used in conjunction with any  
182 federal funding set aside for the East-West rail project.....\$250,000,000

183           SECTION 2G.

184                           MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

185   *Office of the Secretary*

186           6720-2215   For projects funded with discretionary federal grant funds for eligible  
187 projects in the federal highway system, federal transit system, federal aviation administration  
188 system or federal rail system; provided, that funds may be expended for the costs of these

189 projects, including, but not limited to, the nonparticipating portions of these projects and the  
190 costs of engineering and other services essential to these projects; provided further, that funds  
191 may be expended for bicycle, pedestrian and other multi-modal facilities, electric vehicle  
192 charging infrastructure; provided further, that funds may be expended for the costs of projects  
193 and programs provided for in the Infrastructure Investment and Jobs Act of 2021, Public Law  
194 No. 117-58; provided further, that notwithstanding this act or any other general or special law to  
195 the contrary, the department shall not enter into any obligations for projects which are eligible to  
196 receive federal funds under this act unless state matching funds exist which have been  
197 specifically authorized and are sufficient to fully fund the corresponding state portion of the  
198 federal commitment to fund these obligations; provided further, that on public works projects  
199 funded under this item where the amount of construction costs under any contract awarded is  
200 likely to exceed \$1,000,000, not less than 20 per cent of the total hours of employees receiving  
201 an hourly wage who are directly employed on the site of the project by the contractor or a  
202 subcontractor and who are subject to the prevailing wage, shall be performed by apprentices in  
203 bona fide apprentice training programs as provided in sections 11H and 11I of chapter 23 of the  
204 General Laws that are approved by the division of apprentice standards in the executive office of  
205 labor and workforce development; and provided further, that the department shall only enter into  
206 obligations for projects under this act based upon a prior or anticipated future commitment of  
207 federal funds and the availability of corresponding state funding authorized and appropriated for  
208 this use by the general court for the class and category of project for which this obligation  
209 applies.....\$3,500,000,000

210 SECTION 2H.

211 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233

*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; 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

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 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

234 SECTION 2J.

235 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

236 Office of the Secretary

237 2000-2031 For the purposes of developing and implementing programs to promote,  
 238 establish or expand public alternative fueling stations and electric vehicle charging infrastructure,  
 239 the development and implementation of incentive programs promoting e-bikes and public  
 240 transportation, replacement of high-emissions vehicles, electric vehicles for hire and carsharing,  
 241 electric school buses, electric short-haul freight and delivery trucks, and other pilot projects that  
 242 focus on equity and inclusion while reducing emissions; provided, that such funds may be used  
 243 to support community organizations and local programs which reduce vehicle emissions; and  
 244 provided further, that funds may be expended for the costs of projects and programs provided for  
 245 in the Infrastructure Investment and Jobs Act of 2021, Public Law No. 117-  
 246 58.....\$50,000,000

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

250 SECTION 4. Said section 40 of said chapter 82, as so appearing, is hereby further  
 251 amended by inserting after the definition of “Excavator” the following 2 definitions:-

252 “Marking standards”, the methods by which a company designates its facilities in  
 253 accordance with standards established by the Common Ground Alliance and the American  
 254 Public Works Association.

255 “Non-mechanical means”, excavation using any device or tool manipulated by human  
256 power, including air vacuum, air blowing or similar methods of excavation designed to minimize  
257 direct contact with utilities.

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

260 “Professional land surveyor”, as defined in section 81D of chapter 112.

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

263 Any professional land surveyor working on a preliminary design for a new facility or  
264 renovation where excavation is necessary shall: (i) premark the proposed excavation; and (ii)  
265 provide initial notice to the system.

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

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

271 A company shall conduct periodic audits to ensure: (i) the accuracy of the designated  
272 location and marking of its facilities; and (ii) its adherence to marking standards.

273 SECTION 9. Section 40E of said chapter 82, as so appearing, is hereby amended by  
274 striking out, in line 2, the words “telecommunications and energy” and inserting in place thereof  
275 the following words:- public utilities.

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

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

281 SECTION 11. Section 7E of chapter 90 of the General Laws is hereby amended by  
282 inserting after the word “registrar”, in line 68, as so appearing, the following words:- , or (vii) a  
283 vehicle or equipment owned or used by the Massachusetts Department of Transportation,  
284 established by section 2 of chapter 6C, in connection with maintenance or construction activities  
285 in highway work zones at which a law enforcement officer is present and only by the authority of  
286 a permit issued by the registrar,.

287 SECTION 12. Section 46 of chapter 161A of the General Laws, as so appearing, is  
288 hereby amended by adding the following paragraph:-

289 The authority shall provide adequate parking alternatives to commuters during any  
290 demolition or reconstruction of a parking lot or parking garage owned or operated by the  
291 authority. The authority shall consider: (i) the number of parking spaces affected by the project;  
292 and (ii) the average number of weekday commuters utilizing the parking facility, using levels  
293 from 2019, to determine how many alternative parking spaces shall be required.

294 SECTION 13. Subsection (e) of section 9 of chapter 152 of the acts of 1997 is hereby  
295 amended by inserting after the word “Fund” the following words:- ; and provided further, that  
296 the surcharge shall not apply to a vehicle in a car-sharing organization, as defined in section 32J  
297 of chapter 90 of the General Laws, that is used or reserved by a member of said car-sharing  
298 organization.

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

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

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



315 (c) The website shall be available with the information described in subsection (b) not  
316 later than July 30, 2022.

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

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

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

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

334 (d) The commission shall examine and receive testimony on matters concerning such  
335 public entities, including, but not limited to: (i) the feasibility of directing an existing public  
336 entity to design, permit, construct or operate the service; (ii) the operational and geographic

337 jurisdiction of any newly created public entity and any areas of potential conflict with existing  
338 public entities that may arise in connection with operation of the service; (iii) governance,  
339 powers, assets and liabilities of any newly created public entity; and (iv) funding sources for  
340 projected operating and capital budgets associated with the service.

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

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

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

353 (h) Not later than December 31, 2022, the commission shall file a report of its findings  
354 and any recommendations with the secretary of transportation, the house and senate chairs of the  
355 joint committee on transportation and the clerks of the house of representatives and senate. Said  
356 report and recommendations shall include, but not be limited to, a section detailing projected  
357 costs identifying by category the project's design, permitting, land acquisition, utility  
358 connections, land and right of way acquisition, capital equipment and operations for possible

359 levels of service. The Massachusetts Department of Transportation shall make the report publicly  
360 available on its website.

361 SECTION 16. Notwithstanding the first sentence of subsection (a) of section 39M of  
362 chapter 30 of the General Laws, the Massachusetts Department of Transportation division of  
363 highways, established in section 37 of chapter 6C of the General Laws, may implement a pilot  
364 program to procure, in the discretion of the division, 3 public works projects pursuant to said  
365 section 39M of said chapter 30, that are expected to interfere with the movement of traffic or the  
366 traveling public, through a bidding method known as cost-plus-time procurement that awards the  
367 project to a responsible and eligible bidder with the lowest bid value after taking into account the  
368 amount of time that the bidder has identified in the bid for completion of the project; provided,  
369 that 2 of the projects shall each have an estimated value not greater than \$25,000,000, and 1 of  
370 the projects shall have an estimated value not greater than \$50,000,000; provided further, that  
371 prior to procuring each project, the division shall secure all requisite permits, including, but not  
372 limited to, environmental, historical and right of way permits; provided further, that the division  
373 shall be responsible for utility relocations, police details and any delays resulting from  
374 unavailable materials; and provided further, that the division may reject a bid to serve the public  
375 interest. The administrator of the division shall establish, in consultation with the office of the  
376 inspector general, such additional procurement requirements, procedures and project standards  
377 necessary to encourage full competition and best construction practices. Prior to approving the  
378 procurement procedures herein, the office of the inspector general shall seek input and comment  
379 on the procurement procedures from the Construction Industries of Massachusetts, Inc. and the  
380 American Council of Engineering Companies.

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

387           SECTION 17. Notwithstanding any general or special law to the contrary, capital  
388 appropriations made pursuant to sections 2 to 2J, inclusive, shall be available for expenditure in  
389 the 10 fiscal years following June 30 of the calendar year in which the appropriation is made and  
390 any portion of such appropriation representing encumbrances outstanding on the records of the  
391 comptroller's office at the close of the tenth fiscal year may be applied to the payment thereof  
392 any time thereafter. The unencumbered balance shall revert to the commonwealth at the close of  
393 the tenth fiscal year.

394           SECTION 18. Notwithstanding any general or special law to the contrary, in carrying out  
395 this act, the Massachusetts Department of Transportation may enter into contracts, agreements or  
396 transactions that may be appropriate with other federal, state, local or regional public agencies or  
397 authorities. The contracts, agreements or transactions may relate to such matters as the  
398 department shall determine including, without limitation, the research, design, layout,  
399 construction, reconstruction or management of construction of all or a portion of these projects.  
400 In relation to any such contracts, agreements or transactions, the department may advance  
401 monies to such agencies or authorities, without prior expenditure by the agencies or authorities,  
402 and the agencies and authorities may accept monies necessary to carry out these agreements;  
403 provided, however, the department shall certify to the comptroller the amounts so advanced and

404 these agreements shall contain provisions satisfactory to the department for the accounting of  
405 monies expended by any other agency or authority. All monies not expended under these  
406 contracts, agreements or transactions shall be credited to the account of the department from  
407 which they were advanced.

408 SECTION 19. (a) Notwithstanding any general or special law to the contrary, the  
409 Massachusetts Department of Transportation shall expend the sums authorized in sections 2  
410 through 2B, inclusive, and sections 2F and 2G, for the following purposes: any federally eligible  
411 projects, projects for the laying out, construction, reconstruction, resurfacing, relocation or  
412 necessary or beneficial improvement of highways, bridges, bicycle paths or facilities, on-street  
413 and off-street bicycle projects, sidewalks, telecommunications, parking facilities, auto-restricted  
414 zones, scenic easements, grade crossing eliminations and alterations of other crossings, traffic  
415 safety devices on state highways and on roads constructed pursuant to clause (b) of the second  
416 paragraph of section 4 of chapter 6C of the General Laws, highway or mass transportation  
417 studies, including, but not limited to, traffic, environmental or parking studies, the establishment  
418 of school zones pursuant to section 2 of chapter 85 of the General Laws, improvements on routes  
419 not designated as state highways without assumption of maintenance responsibilities, projects to  
420 alleviate contamination of public and private water supplies caused by the department's storage  
421 and use of snow removal chemicals which are necessary for the purposes of highway safety, for  
422 the relocation of persons or businesses or for the replacement of dwellings or structures,  
423 including, but not limited to, providing last resort housing under federal law and any functional  
424 replacement of structures in public ownership that may be necessary for the foregoing purposes  
425 and for relocation benefits to the extent necessary to satisfy the requirements of the Uniform  
426 Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601 et

427 seq., Public Law 97-646 and to sell any structure the title to which has been acquired for  
428 highway purposes; provided further, that funds may be expended for the costs of projects and  
429 programs provided for in the Infrastructure Investment and Jobs Act of 2021, Public Law No.  
430 117-58. Environmental studies conducted pursuant to this subsection may include an assessment  
431 of both existing and proposed highway rest stop facilities to determine the cost-effectiveness of  
432 sanitary facilities that use zero-pollution discharge technologies, including recycling greywater  
433 systems. When dwellings or other structures are removed in furtherance of any of these projects,  
434 the excavations or cellar holes remaining shall be filled in and brought to grade within 1 month  
435 after the removal. In planning projects funded by section 2A, consideration shall be made, to the  
436 extent feasible, to accommodate and incorporate provisions to facilitate the use of bicycles and  
437 walking as a means of transportation. Nothing in this section shall be construed to give rise to  
438 enforceable legal rights in any party or a cause of action or an enforceable entitlement as to the  
439 projects described in this section.

440 (b) Funds authorized in sections 2A and 2B shall, except as otherwise specifically  
441 provided in this act, be subject to the first paragraph of section 6 and sections 7 and 9 of chapter  
442 718 of the acts of 1956, if applicable, and, notwithstanding any general or special law to the  
443 contrary, may be used for the purposes stated in this act in conjunction with funds of cities,  
444 towns and political subdivisions.

445 (c) The Massachusetts Department of Transportation may: (i) expend funds made  
446 available by this act to acquire from a person by lease, purchase, eminent domain pursuant to  
447 chapter 79 of the General Laws or otherwise, land or rights in land for parking facilities adjacent  
448 to a public way to be operated by the department or under contract with an individual; (ii)  
449 expend funds made available by this act for the acquisition of van-type vehicles used for multi-

450 passenger, commuter-driven carpools and high-occupancy vehicles, including, but not limited to,  
451 water shuttles and water taxis; and (iii) pursuant to all applicable state and federal laws and  
452 regulations, exercise all powers and take any action necessary and convenient to carry out this  
453 act.

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

469 SECTION 20. Notwithstanding any general or special law to the contrary, the  
470 Massachusetts Department of Transportation shall take all necessary actions to secure federal  
471 highway or transportation assistance that is or may become available to the department,  
472 including, but not limited to, actions authorized pursuant to or in compliance with any of the

473 following: Title 23 of the United States Code; the Surface Transportation and Uniform  
474 Relocation Act of 1987, Public Law 100-17; the Intermodal Surface Transportation Efficiency  
475 Act of 1991, Public Law 102-240; the Transportation Equity Act for the 21st Century, Public  
476 Law 105-178; the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy  
477 for Users, Public Law 109-59; Implementing Recommendations of the 9/11 Commission Act of  
478 2007, Public Law 110-53; the Moving Ahead for Progress in the 21st Century Act of 2012,  
479 Public Law 112-141; Fixing America’s Surface Transportation Act of 2015, Public Law 114-94;  
480 Infrastructure Investment and Jobs Act of 2021, Public Law No. 117-58 and any successor or  
481 reauthorizations of those acts, and such actions, including filing applications for federal  
482 assistance, supervising the expenditure of funds under federal grants or other assistance  
483 agreements, and making any determinations and certifications necessary or appropriate to the  
484 foregoing. If a federal law, administrative regulation or practice requires an action relating to  
485 federal assistance to be taken by a department, agency or other instrumentality of the  
486 commonwealth other than the Massachusetts Department of Transportation, the other  
487 department, agency or instrumentality shall take such action.

488 SECTION 21. Notwithstanding any general or special law to the contrary, the  
489 unexpended balances of all capital accounts authorized in chapter 86 of the acts of 2008, chapter  
490 233 of the acts of 2008, chapter 303 of the acts of 2008, chapter 10 of the acts of 2011, chapter  
491 133 of the acts of 2012, chapter 242 of the acts of 2012, chapter 79 of the acts of 2014, chapter  
492 209 of the acts of 2018, chapter 16 of the acts of 2019, which otherwise would revert on or  
493 before June 30, 2022, but which are necessary to fund obligations during fiscal years 2022 to  
494 2026, inclusive, are hereby reauthorized through June 30, 2026.



495 SECTION 22. To meet any or all expenditures necessary in carrying out item 6121-2214  
496 of section 2, the state treasurer shall, upon request of the governor, issue and sell bonds of the  
497 commonwealth in an amount to be specified by the governor from time to time but not  
498 exceeding, in the aggregate, \$611,800,000. All bonds issued by the commonwealth pursuant to  
499 this section shall be designated on their face, Commonwealth Infrastructure Improvement Act of  
500 2022 and shall be issued for a maximum term of years, not exceeding 30 years, as the governor  
501 may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to  
502 the Constitution. All such bonds shall be payable not later than June 30, 2062. All interest and  
503 payments on account of principal on these obligations shall be payable from the General Fund or  
504 the Commonwealth Transportation Fund.

505 SECTION 23. To meet any or all expenditures necessary in carrying out sections 2A to  
506 2B, inclusive, the state treasurer shall, upon request of the governor, issue and sell bonds of the  
507 commonwealth in an amount to be specified by the governor from time to time but not  
508 exceeding, in the aggregate, \$1,425,000,000. All bonds issued by the commonwealth pursuant to  
509 this section shall be designated on their face, Commonwealth Infrastructure Improvement Act of  
510 2022, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor  
511 may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to  
512 the Constitution. All such bonds shall be payable not later than June 30, 2062. All interest and  
513 payments on account of principal on these obligations shall be payable from the General Fund or  
514 the Commonwealth Transportation Fund.

515 SECTION 24. To meet the expenditures necessary in carrying out section 2C, the state  
516 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
517 amount to be specified by the governor from time to time but not exceeding, in the aggregate,

518 \$146,900,000. All bonds issued by the commonwealth pursuant to this section shall be  
519 designated on their face, Commonwealth Infrastructure Improvement Act of 2022, and shall be  
520 issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to  
521 the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution.  
522 All such bonds shall be payable not later than June 30, 2052. All interest and payments on  
523 account of principal on these obligations shall be payable from the General Fund or the  
524 Commonwealth Transportation Fund.

525 SECTION 25. To meet the expenditures necessary in carrying out section 2D, the state  
526 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
527 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
528 \$1,375,000,000. All bonds issued by the commonwealth under this section shall be designated on  
529 their face, Commonwealth Infrastructure Improvement Act of 2022 and shall be issued for a  
530 maximum term of years, not exceeding 30 years, as the governor may recommend to the general  
531 court pursuant to section 3 of Article LXII of the Amendments to the Constitution. All such  
532 bonds shall be payable not later than June 30, 2062. Bonds and interest thereon issued under this  
533 section shall be general obligations of the commonwealth; provided, however, that any bonds  
534 issued by the state treasurer under this section shall, upon the request of the governor, be issued  
535 as special obligation bonds pursuant to section 2O of chapter 29 of the General Laws; provided  
536 further, that in deciding whether to request the issuance of particular bonds as special  
537 obligations, the governor shall take into account: (i) generally prevailing financial market  
538 conditions; (ii) the impact of each approach on the overall capital financing plans and needs of  
539 the commonwealth; (iii) any ratings assigned to outstanding bonds of the commonwealth and any  
540 ratings expected to be assigned by any nationally-recognized credit rating agency to the bonds

541 proposed to be issued; and (iv) any applicable provisions of a trust agreement or credit  
542 enhancement agreement entered into pursuant to said section 20 of said chapter 29. All special  
543 obligation revenue bonds issued pursuant to this section shall be designated on their face,  
544 Commonwealth Rail Enhancement Act of 2022 and shall be issued for a maximum term of years,  
545 not exceeding 30 years, as the governor may recommend to the general court pursuant to section  
546 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds  
547 shall be payable not later than June 30, 2062. All interest and payments on account of these  
548 obligations shall be payable from the Commonwealth Transportation Fund and shall be payable  
549 solely in accordance with said section 20 of said chapter 29, and such bonds shall not be  
550 included in the computation of outstanding bonds for purposes of the limit imposed by the  
551 second paragraph of section 60A of chapter 29 of the General Laws, nor shall debt service with  
552 respect to such bonds be included in the computation of the limit imposed by section 60B of said  
553 chapter 29.

554 SECTION 26. To meet the expenditures necessary in carrying out section 2E, the state  
555 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
556 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
557 \$114,100,000. All bonds issued by the commonwealth pursuant to this section shall be  
558 designated on their face, Commonwealth Infrastructure Improvement Act of 2022 and shall be  
559 issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to  
560 the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution.  
561 All such bonds shall be payable not later than June 30, 2052. All interest and payments on  
562 account of principal on these obligations shall be payable from the General Fund or the  
563 Commonwealth Transportation Fund.

564 SECTION 27. To meet the expenditures necessary in carrying out section 2F, the state  
565 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
566 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
567 \$805,000,000. All bonds issued by the commonwealth pursuant to this section shall be  
568 designated on their face, Commonwealth Infrastructure Improvement Act of 2022 and shall be  
569 issued for a maximum term of years, not exceeding 10 years, as the governor may recommend to  
570 the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution.  
571 All such bonds shall be payable not later than June 30, 2042. All interest and payments on  
572 account of principal on these obligations shall be payable from the General Fund or the  
573 Commonwealth Transportation Fund.

574 SECTION 28. To meet any or all expenditures necessary in carrying out section 2G, the  
575 state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in  
576 an amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
577 \$1,750,000,000. All bonds issued by the commonwealth pursuant to this section shall be  
578 designated on their face, Commonwealth Infrastructure Improvement Act of 2022 and shall be  
579 issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to  
580 the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution.  
581 All such bonds shall be payable not later than June 30, 2062. All interest and payments on  
582 account of principal on these obligations shall be payable from the General Fund or the  
583 Commonwealth Transportation Fund.

584 SECTION 29. To meet the expenditures necessary in carrying out section 2H, the state  
585 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
586 amount to be specified by the governor from time to time but not exceeding, in the aggregate,

587 \$8,300,000. All bonds issued by the commonwealth pursuant to this section shall be designated  
588 on their face, Commonwealth Infrastructure Improvement Act of 2022 and shall be issued for a  
589 maximum term of years, not exceeding 30 years, as the governor may recommend to the general  
590 court pursuant to section 3 of Article LXII of the Amendments to the Constitution. All such  
591 bonds shall be payable not later than June 30, 2062. All interest and payments on account of  
592 principal on these obligations shall be payable from the General Fund or the Commonwealth  
593 Transportation Fund.

594 SECTION 30. To meet the expenditures necessary in carrying out section 2I, the state  
595 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
596 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
597 \$150,000,000. All bonds issued by the commonwealth pursuant to this section shall be  
598 designated on their face, Commonwealth Infrastructure Improvement Act of 2022 and shall be  
599 issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to  
600 the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution.  
601 All such bonds shall be payable not later than June 30, 2052. All interest and payments on  
602 account of principal on these obligations shall be payable from the General Fund or the  
603 Commonwealth Transportation Fund.

604 SECTION 31. To meet the expenditures necessary in carrying out section 2J, the state  
605 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
606 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
607 \$50,000,000. All bonds issued by the commonwealth pursuant to this section shall be designated  
608 on their face, Commonwealth Infrastructure Improvement Act of 2022 and shall be issued for a  
609 maximum term of years, not exceeding 20 years, as the governor may recommend to the general

610 court pursuant to section 3 of Article LXII of the Amendments to the Constitution. All such  
611 bonds shall be payable not later than June 30, 2052. All interest and payments on account of  
612 principal on these obligations shall be payable from the General Fund or the Commonwealth  
613 Transportation Fund.

614 SECTION 32. Notwithstanding any general or special law to the contrary, bonds and  
615 interest thereon issued under sections 22, 23, 24 and sections 26 through 31, inclusive, shall be  
616 general obligations of the commonwealth; provided, however, that any bonds issued by the state  
617 treasurer under said sections 22, 23, 24 and sections 26 through 31, inclusive, shall, upon the  
618 request of the governor, be issued as special obligation bonds pursuant to section 20 of chapter  
619 29 of the General Laws; provided further, that in deciding whether to request the issuance of  
620 particular bonds as special obligations, the governor shall take into account: (i) generally  
621 prevailing financial market conditions; (ii) the impact of each approach on the overall capital  
622 financing plans and needs of the commonwealth; (iii) any ratings assigned to outstanding bonds  
623 of the commonwealth and any ratings expected to be assigned by any nationally-recognized  
624 credit rating agency to the bonds proposed to be issued; and (iv) any applicable provisions of a  
625 trust agreement or credit enhancement agreement entered into pursuant to said section 20 of said  
626 chapter 29. All interest and payments on account of obligations issued under this section as  
627 special obligation bonds pursuant to said section 20 of said chapter 29 shall be payable from the  
628 Commonwealth Transportation Fund, established in section 2ZZZ of said chapter 29, solely in  
629 accordance with said section 20 of said chapter 29, and such bonds shall not be included in the  
630 computation of outstanding bonds for purposes of the limit imposed by the second paragraph of  
631 section 60A of said chapter 29, nor shall debt service with respect to such bonds be included in  
632 the computation of the limit imposed by section 60B of said chapter 29.