

SENATE No. 3036

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

SENATE, April 2, 2026.

The committee on Transportation, to whom was referred the petitions (accompanied by bill, Senate, No. 561) of Brendan P. Crighton for legislation to streamline permitting for rail electrification; and (accompanied by bill, Senate, No. 2351) of Cynthia Stone Creem for legislation to exempt certain public transit and active transportation projects from MEPA review, report the accompanying bill (Senate, No. 3036).

For the committee,
Brendan P. Crighton

SENATE No. 3036

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act to expedite MBTA maintenance, repair, and improvement project delivery.

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. Section 1 of chapter 91 of the General Laws, as appearing in the 2024
2 Official Edition, is further amended by inserting the following definition:-

3 “Navigable waterway”, any river, stream, lake, pond, estuary, or tidal water that is used,
4 has been used, or is reasonably susceptible of use as a highway for commerce or navigation in its
5 ordinary condition, including any water subject to tidal action; provided, however, that
6 "navigable waterway" shall not include: (i) any artificially constructed drainage ditch, channel,
7 swale, or culvert that serves solely stormwater conveyance or drainage functions; (ii) any
8 intermittent or ephemeral stream that does not maintain a continuous surface-water connection to
9 a navigable waterway during ordinary conditions; or (iii) any water feature located entirely
10 within a transportation right of way that serves no navigable or recreational function.

11 SECTION 2. Section 1 of chapter 161A of the General Laws, as appearing in the 2024
12 Official Edition, is hereby amended by inserting the following definition:-

13 “Fast track project”, any project relating to the maintenance, repair, or improvement of
14 infrastructure, property, or vehicles owned or operated by the Massachusetts Bay Transportation
15 Authority, provided that said project: (a) takes place within an existing right-of-way, (b) does not
16 require the use of eminent domain, and (c) does not substitute existing infrastructure, facilities,
17 or vehicles with replacements that are less carbon-efficient than the original.

18 SECTION 3. Chapter 161A of the General Laws is hereby further amended by adding the
19 following section:-

20 Section 53. Fast Track Projects

21 For the purposes of this section, a “covered project” shall mean the same as a “fast track
22 project” as defined in section 1.

23 Notwithstanding any general or special law to the contrary, any fast track project shall be
24 exempt from any requirement to produce an environmental impact report. For any such projects
25 that would be required to produce an environmental impact report under sections 62 through
26 62L, inclusive, of chapter 30 or accompanying regulations, the authority shall instead be required
27 to produce an environmental impact notice. Nothing in this section shall be construed to exempt
28 any project other than a fast track project as defined in section 1 from the requirement to produce
29 an environmental impact report pursuant to sections 62 through 62L, inclusive, of chapter 30 or
30 accompanying regulations.

31 Notwithstanding any general or special law to the contrary, the department of
32 environmental protection shall issue, deny or waive individual certifications pursuant to section
33 401 of the Federal Water Pollution Control Act for any fast track project within 60 days of a
34 complete application. If the department of environmental protection fails to take final action

35 within 60 days of a complete application, all individual certifications required pursuant to section
36 401 shall be issued forthwith, unless prohibited by federal law.

37 Notwithstanding any general or special law to the contrary, the authority shall not be
38 subject to a vegetation management plan stricter than the minimum set forth for any right of way
39 operator under section 40 of chapter 131 or accompanying regulations.

40 Notwithstanding any general or special law to the contrary, any fast track project shall be
41 exempt from all requirements established under section 8D of chapter 40; provided, that if said
42 covered project requires the renovation, alteration or demolition of a building, structure, site,
43 object or district included on the National Register of Historic Places, said covered project shall
44 be exempt from all such requirements if the authority provides written notice to the secretary of
45 the commonwealth explaining the necessity of said renovation, alteration or demolition to the
46 completion of the project.

47 Notwithstanding any general or special law to the contrary, the authority shall not be
48 subject to any standards stricter than the minimum set forth for any utility service provider under
49 chapter 21E of the General Laws or accompanying regulations.

50 Notwithstanding any general or special law to the contrary, for any permitting
51 requirement from which a fast track project is not fully exempted, the authority shall be allowed
52 to conduct all permitting processes concurrently.

53 For any fast track project exceeding \$100,000,000 in 2026 United States dollars, the
54 authority shall hold noticed public meetings as follows:-

55 (i) Before determining that said project is exempt pursuant to this section, the authority
56 shall hold at least one noticed public meeting in the project area to hear public comments.

57 (ii) The authority shall conduct at least one noticed public meeting annually during said
58 project construction for the public to provide comments.

59 (iii) The public meetings held pursuant to clauses (i) and (ii) shall be in the form of either
60 a public community planning meeting held in the project area or in the form of a regularly
61 scheduled meeting of the governing body of the authority.

62 SECTION 4. Chapter 87 of the General Laws is hereby amended by striking section 8 in
63 its entirety and inserting in place thereof the following section:-

64 Section 8: Trees on state transportation rights of way

65 The Massachusetts Department of Transportation division of highways, in this chapter
66 called the division, shall have the care and control of all trees, shrubs and growths within state
67 highways, and may trim, cut or remove such trees, shrubs and growths, or license the trimming,
68 cutting or removal thereof. No such tree, shrub or other growth shall be trimmed, cut or removed
69 by any person other than an agent or employee of the division, even if they be the owner of the
70 fee in the land on which such tree, shrub or growth is situated, except upon a permit in writing
71 from the division. Any person injured in such person's property by the action of the division as
72 to the trimming, cutting, removal or retention of any such tree, shrub or other growth, may
73 recover the damages, if any, which such person has sustained, from the commonwealth under
74 chapter 79.

75 The Massachusetts Bay Transportation Authority, in this section called the authority,
76 shall have the care and control of all trees, shrubs and growths within rights of way owned,
77 leased, or maintained by the authority, and may trim, cut or remove such trees, shrubs and
78 growths, or license the trimming, cutting or removal thereof. No such tree, shrub or other growth
79 shall be trimmed, cut or removed by any person other than an agent or employee of the authority,
80 even if they be the owner of the fee in the land on which such tree, shrub or growth is situated,
81 except upon a permit in writing from the authority. Any person injured in such person's property
82 by the action of the authority as to the trimming, cutting, removal or retention of any such tree,
83 shrub or other growth, may recover the damages, if any, which such person has sustained, from
84 the commonwealth under chapter 79.

85 SECTION 5. Notwithstanding any general or special law to the contrary, the secretary of
86 energy and environmental affairs, in consultation with the Massachusetts Bay Transportation
87 Authority shall, not later than 180 days after the effective date of this act, promulgate regulations
88 or guidelines to establish categorical exclusions for requirements established under the
89 Massachusetts Environmental Policy Act; provided, that said categorical exclusions shall align
90 with those in place under the federal National Environmental Policy Act on the date of January
91 20, 2025.

92 SECTION 6. Notwithstanding any general or special law to the contrary, the secretary of
93 energy and environmental affairs shall, not later than 180 days after the effective date of this act,
94 promulgate regulations or guidelines for implementation of fast track projects pursuant to section
95 53 of chapter 161A of the General Laws, as inserted by section 3 of this act.