

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Cynthia Stone Creem***

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act exempting certain public transit and active transportation projects from MEPA review.

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PETITION OF:

NAME:

*Cynthia Stone Creem*

DISTRICT/ADDRESS:

*Norfolk and Middlesex*

**SENATE . . . . . No.**

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[Pin Slip]

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**The Commonwealth of Massachusetts**

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

An Act exempting certain public transit and active transportation projects from MEPA review.

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

1 Chapter 30 of the General Laws, as so appearing, is hereby amended by striking out  
2 section 62E in its entirety and inserting in place thereof the following section:-

3 Section 62E. (a) As used in this section, the following words shall have the following  
4 meanings unless the context clearly requires otherwise:-

5 “Bicycle facilities”, bicycle parking facilities and bikeways, as defined in section 1 of  
6 chapter 90E, and bicycle sharing facilities.

7 “High-occupancy vehicle”, a vehicle with three or more occupants.

8 “Highway”, a way or place of whatever nature, publicly maintained and open to the use  
9 of the public for purposes of vehicular travel. “Highway” includes a street.

10 “Part-time transit lanes”, designated highway shoulders that support the operation of  
11 transit vehicles during specified times and are not open to non-public transit vehicles at any time.

12 "Public agency", a department, agency, board, commission, authority, or other  
13 instrumentality of the commonwealth or political subdivision of the commonwealth or 2 or more  
14 subdivisions thereof.

15 "Transit lanes", street design elements that delineate space within the roadbed as  
16 exclusive to transit use, either full or part time.

17 (b) With the approval of the secretary of the executive office having jurisdiction over an  
18 agency, or if an agency is not within an executive office, with the approval of such agency, the  
19 secretary of environmental affairs shall establish general and special categories of projects and  
20 permits which shall or shall not require environmental impact reports based upon the scope and  
21 duration of potential impacts from the nature, size and location of said projects or portions  
22 thereof which require permits.

23 Except as provided in subsection (c), no agency shall exempt from an environmental  
24 impact report any project that is located in a neighborhood that has an environmental justice  
25 population and is reasonably likely to cause damage to the environment, as defined in section 61.  
26 The provisions of this paragraph shall not apply to emergency actions essential to avoid or  
27 eliminate a threat to public health or safety or a threat to any natural resource undertaken in  
28 compliance with section 62F.

29 (c) The following categories of projects shall not require environmental impact reports or  
30 other review by the Massachusetts Environmental Policy Act Office:

31 (1) Pedestrian and bicycle facilities, including new facilities.

32 (2) The widening of a highway, within the right-of-way and by not more than one lane, to  
33 allow for dedicated full-time transit lanes, pedestrian or bicycle facilities, or transit reliability  
34 improvements; the widening or creation of dedicated transit travel lanes by removing or  
35 restricting street parking; or transit stop access and safety improvements, including, but not  
36 limited to, the installation of transit bulbs and the installation of transit boarding islands.

37 (3) A project for the conversion of highway shoulders to full- or part-time transit lanes.

38 (4) A project for the institution or increase of bus rapid transit, bus, or light rail service,  
39 including the construction or rehabilitation of stations, terminals, or existing operations facilities,  
40 on existing rights-of-way, whether or not the right-of-way is in use for public mass transit or is  
41 unused or abandoned.

42 (5) A project to construct or maintain infrastructure to charge, refuel, or maintain zero-  
43 emission public transit buses, trains, or ferries; provided, that the project is carried out by a  
44 public transit agency; and provided further, that the project is located on property owned by the  
45 transit agency or within an existing right-of-way, including unused or abandoned rights-of-way.

46 (6) The maintenance, repair, relocation, replacement, or removal of any utility  
47 infrastructure associated with a project identified in paragraphs (1) to (5), inclusive.

48 (7) A project that consists exclusively of a combination of any of the components of a  
49 project identified in paragraphs (1) to (6), inclusive.

50 (d) A project not requiring an environmental impact report or other review by the  
51 Massachusetts Environmental Policy Act Office pursuant to subsection (c) shall meet all of the  
52 following criteria:

53 (1) A public agency is carrying out the project and is the lead agency for the project.

54 (2) The project is located on or within an existing right-of-way; provided, that a project  
55 not requiring an environmental impact report or other review by the Massachusetts  
56 Environmental Policy Act Office pursuant to paragraph (5) of subsection (c) may be located on  
57 property owned by the transit agency but not within an existing right-of-way.

58 (3) The project does not induce single-occupancy vehicle trips, add additional highway  
59 lanes or widen highways other than as described in paragraph (c), or add physical infrastructure  
60 to highways except for minor modifications needed for the efficient and safe movement of transit  
61 vehicles, bicycles, or high-occupancy vehicles, such as extended merging lanes, shoulder  
62 improvements, or improvements to the roadway within the existing right-of-way. The project  
63 shall not include the addition of any auxiliary lanes.

64 (4) For a project exceeding \$100,000,000 in 2026 United States dollars, the lead agency  
65 shall hold noticed public meetings as follows:-

66 (i) Before determining that a project is exempt pursuant to this section, the lead agency  
67 shall hold at least one noticed public meeting in the project area to hear public comments.

68 (ii) The lead agency shall conduct at least one noticed public meeting annually during  
69 project construction for the public to provide comments.

70 (iii) The public meetings held pursuant to clauses (i) and (ii) shall be in the form of either  
71 a public community planning meeting held in the project area or in the form of a regularly  
72 scheduled meeting of the governing body of the lead agency.

73           (e) If the lead agency determines that a project does not require an environmental impact  
74 report or other review by the Massachusetts Environmental Policy Act Office pursuant to  
75 subsection (c), and the lead agency determines to carry out that project, the lead agency shall file  
76 a notice of exemption to the secretary of environmental affairs.