

HOUSE No. 2360

The Commonwealth of Massachusetts

Senate, July 19, 2012.

BILL #: H04193

BILL STATUS: Favorable with Amendment

DISSENTERS:

None

ACCOMPANIED BILLS:

None

For the committee,

STEPHEN M. BREWER

SENATE No. 2360

The committee on Ways and Means, to whom was referred the House Bill financing improvements to the Commonwealth's transportation system (House, No. 4193) (the committee on Bonding, Capital Expenditures and State Assets having recommended that the bill be amended by substituting a new text numbered 2354) reports recommending that the Bonding, Capital Expenditures and State Assets recommended new text (Senate, No. 2354) be amended by striking out the text and inserting in place thereof the text of Senate document numbered 2360.

The Commonwealth of Massachusetts

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In the Year Two Thousand Twelve
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1 SECTION 1. To provide for a program of transportation development and improvements,
2 the sums set forth in sections 2 to 2C, inclusive, for the several purposes and subject to the
3 conditions specified in this act, are hereby made available, subject to the laws regulating the
4 disbursement of public funds. The sums appropriated in this act shall be in addition to any
5 amounts previously appropriated and made available for these purposes.

6 SECTION 2.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Highway Division

9 6121-1215 For projects on the interstate federal aid highway system; provided, that funds
10 may be expended for the costs of these projects including, but not limited to, the nonparticipating
11 portions of these projects and the costs of engineering and other services essential to these
12 projects, rendered by Massachusetts Department of Transportation employees or by consultants;
13 provided further, that amounts expended for department employees may include the salary and

14 salary-related expenses of these employees to the extent that they work on or in support of these
15 projects; provided further, that notwithstanding this act or any other general or special law to the
16 contrary, the department shall not enter into any obligations for projects which are eligible to
17 receive federal funds under this act unless state matching funds exist which have been
18 specifically authorized and are sufficient to fully fund the corresponding state portion of the
19 federal commitment to fund these obligations; and provided further, that the department shall
20 only enter into obligations for projects under this act based upon a prior or anticipated future
21 commitment of federal funds and the availability of corresponding state funding authorized and
22 appropriated for this use by the general court for the class and category of project for which this
23 obligation applies.....\$225,000,000

24 6121-1216 For federal aid projects on the non-interstate federal highway system;
25 provided, that funds may be expended for the costs of these projects including, but not limited to,
26 the nonparticipating portions of these projects and the costs of engineering and other services
27 essential to these projects rendered by Massachusetts Department of Transportation employees
28 or by consultants; provided further, that amounts expended for department employees may
29 include the salary and salary-related expenses of these employees to the extent that they work on
30 or in support of these projects; provided further, that notwithstanding this act or any other
31 general or special law to the contrary, the department shall not enter into any obligations for
32 projects which are eligible to receive federal funds under this act unless state matching funds
33 exist which have been specifically authorized and are sufficient to fully fund the corresponding
34 state portion of the federal commitment to fund these obligations; and provided further, that the
35 department shall only enter into obligations for projects under this act based upon a prior or
36 anticipated future commitment of federal funds and the availability of corresponding state

37 funding authorized and appropriated for this use by the general court for the class and category
38 of project for which this obligation applies.....\$525,000,000

39 SECTION 2A.

40 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

41 Highway Division

42 6121-1217 For the design, construction and repair of, or improvements to, non-federally-
43 aided roadway and bridge projects and for the nonparticipating portion of federally-aided
44 projects; provided, that the costs of professional personnel directly and exclusively involved in
45 the construction, planning, engineering and design of the projects funded herein may be charged
46 to this item, and any other associated costs; provided further, that those costs shall not be
47 classified as administrative costs; provided further, that not less than \$200,000 shall be expended
48 for a project to increase access to the Mansfield railroad station commuter parking lots in the
49 town of Mansfield; provided further, that not less than \$1,000,000 shall be expended for the
50 planning, engineering, design or construction of projects to mitigate the impact of the at-grade
51 rail crossing including the impact on the delivery of emergency municipal services, including,
52 police and fire services, in the town of Ashland; provided further, that \$500,000 shall be
53 expended for the right of way acquisition, planning, design or construction of the Assabet River
54 rail trail; provided further, that funds shall be expended for the replacement of culverts and the
55 repair of Sword street in the town of Auburn; provided further, that \$500,000 shall be expended
56 for signalization improvements at East Spring street, East Main street (route 28), and West
57 Spring street in the town of Avon; provided further, that said signalization improvements shall be
58 coordinated with the lights at the intersection of Harrison boulevard and East Main street (route

59 28) in the town of Avon; provided further, that funds shall be expended for the design,
60 engineering and construction of the reconfiguration of the Belmont rotary in the town of Bourne;
61 provided further, that not less than \$1,600,000 shall be expended for the reconstruction of Black
62 Brook road in the town of Savoy; provided further, that not less than \$2,700,000 shall be
63 expended to complete phase 2 of the Blue Hills parkway project in the town of Milton; provided
64 further, that funds shall be expended for the resurfacing of Bolyston street in the town of
65 Shrewsbury; provided further, that \$500,000 shall be expended for design and improvements at
66 the intersections of Boston avenue with route 16 in the city of Somerville, Boston avenue and
67 Winthrop street in the city of Medford, and pedestrian safety improvements on Winthrop street
68 between Boston avenue and route 16 in the city of Medford; provided further, that \$1,500,000
69 shall be expended for the design, construction, repair and improvements of the so-called Brimbal
70 avenue interchange improvement project located at or near exit 19 in the city of Beverly and
71 identified as MassHighway Project file no. 604369; provided further, that \$1,500,000 shall be
72 expended for the design and resurfacing of Brimfield road from the Brimfield/Holland town line
73 to the intersection of Stafford street in the town of Holland; provided further, that \$200,000 shall
74 be expended for the design of the Bruce Freeman rail trail construction, phase 2B, in the towns
75 of Acton and Concord; provided further, that not more than \$1,000,000 shall be expended for a
76 study of traffic issues and alternatives in the Canal area in the town of Bourne; provided further,
77 that not less than \$450,000 shall be expended for improvements to the roadway, pedestrian
78 crossings, sidewalks and park entrances on Charles River road in the town of Watertown,
79 conditioned on matching commitments of not less than \$750,000 of additional funding from
80 other public or private sources for improvement of the adjoining parklands; provided further, that
81 not less than \$900,000 shall be expended for drainage improvements, roadway restoration,

82 reconstruction of sidewalks and intersection reconstruction at the intersections of Chestnut and
83 Elm streets, as well as, Chestnut street and route 1 in the town of North Attleborough; provided
84 further, that no less than \$250,000 shall be expended for the town of Northborough for the
85 permitting, engineering and replacement of the stone box culvert under Church street at Cold
86 Harbor brook; provided further, that not less than \$75,000 shall be expended for repairs to the
87 Civil War Memorial bridge in the town of Abington; provided further, that not less than
88 \$950,000 shall be provided for planning, design and construction of signalization upgrades at the
89 intersection of Morton street and Gallivan boulevard in the Mattapan section of the city of
90 Boston; provided further, that not less than \$2,300,000 shall be expended for construction on
91 Route 140 between the Sterling town line and East Princeton Village; provided further, that no
92 less than \$1,500,000 shall be expended for pavement reconstruction, curbing and a new sidewalk
93 from Laurel street to Dwight street in the town of Longmeadow; provided further, that not less
94 than \$1,000,000 shall be expended for maintenance and improvements to the intersection of
95 route 1, route 109, the VFW parkway and Spring street in the West Roxbury section of the city
96 of Boston and the town of Dedham; provided further, that not less than \$400,000 shall be
97 expended for the reconstruction and signalization design cost of the intersection of Washington
98 street, Prospect street and Fulton street in the town of Norwood; provided further, that \$75,000
99 shall be expended for pedestrian safety improvements on route 16 in the vicinity of Dilboy
100 Stadium in the city of Somerville; provided further, that funds shall be expended for the
101 replacement or repair of the Rawson street bridge in the town of Leicester; provided further, that
102 not less than \$3,000,000 shall be expended for the construction of a parking deck in the city of
103 Westfield; provided further, that funds shall be expended for the design and reconstruction of
104 route 106 from Whitman street to the Halifax town line; provided further, that not more than

105 \$500,000 shall be expended to improve safety with signalization, new geometry and related work
106 on Elm street at Westfield street in town of West Springfield; provided further, that not less than
107 \$950,000 shall be expended for design and construction of reconfigured Jamaica way off-ramp at
108 Pond avenue, and reconstruction of a portion of River road in the town of Brookline; provided
109 further, that \$2,600,000 shall be expended for the design and construction of the Essex coastal
110 scenic byway connecting certain municipalities including, but not limited to, Lynn, Swampscott,
111 Marblehead, Salem, Beverly, Manchester-by-the-Sea, Gloucester, Rockport, Essex, Ipswich,
112 Rowley, Newbury and Newburyport; provided further, that funds shall be expended for surface
113 and utility enhancements in the Everett avenue urban renewal district in the city of Chelsea;
114 provided further, that funds shall be expended for the design and reconstruction of Ferry and Elm
115 streets in the city of Everett and shall include sidewalks and upgraded crosswalks; provided
116 further, that not less than \$1,000,000 shall be used for the planning, engineering, design, or
117 construction of projects to mitigate the impact of the at-grade rail crossing at the intersection of
118 route 126 and route 135 in the town of Framingham; provided further, that funds shall be
119 expended for the Highlands infrastructure improvements in the city of Melrose; provided further,
120 that \$2,287,500 shall be expended for the Winthrop street corridor project in the town of
121 Winthrop; provided further, that \$775,000 shall be expended for the construction of a municipal
122 parking lot on Front street in the town of Winchendon; provided further, that \$150,000 shall be
123 expended for the design and installation of a panelized bridge on Glen Valley road in the town of
124 Petersham; provided further, that \$100,000 shall be expended on design and improvements
125 along Gray street in the town of Arlington; provided further, that \$100,000 shall be expended for
126 the planning and installation of a traffic signal at the intersection of state highway route 16 and
127 Hartford avenue in the town of Mendon; provided further, that \$1,000,000 shall be expended for

128 the design and reconstruction of Haynes Hill road and Paige Hill road in the town of Brimfield;
129 provided further, that the department, while authorized to expend up to \$300,000, shall retain an
130 independent, third-party, nationally recognized consultant in hazmat transportation routing risk
131 analysis to conduct a regional hazardous materials routing analysis which: (i) addresses the safe
132 and efficient transportation of hazardous materials through and around the greater metropolitan
133 Boston area; (ii) addresses the public safety capabilities, environmental considerations and
134 infrastructure capacity of impacted communities ; and (iii) makes recommendations for
135 improving the transportation of hazardous materials while safeguarding impacted communities;
136 provided further, that not less than \$150,000 shall be expended for design, planning and
137 improvements of High street in the town of Bridgewater; provided further, that \$3,500,000 shall
138 be expended for the reconstruction of Humphrey street and Salem street in the town of
139 Swampscott; provided further, that not less than \$1,000,000 shall be expended for design,
140 construction and engineering cost of a bike and pedestrian path along the hurricane barrier in the
141 city of New Bedford; provided further, that not less than \$500,000 shall be expended for the
142 design, engineering and construction of a bike and pedestrian access way, including, but not
143 limited to, any necessary bridge, to Palmer Island in the city of New Bedford; provided further,
144 that funds shall be expended for storm water and drainage improvements in the Meadows area
145 along the interstate 91 corridor to the Northampton Airport in the city of Northampton; provided
146 further, that funds shall be expended to lengthen the acceleration and deceleration lanes at route
147 6A in the town of Sandwich; provided further, that \$2,000,000 shall be expended for
148 environmental reviews for the interstate highway route 93 interchange project in the towns of
149 Andover, Tewksbury and Wilmington; provided further, that not less than \$4,000,000 shall be
150 expended to improve the John F. Kennedy memorial highway south of Elm street in the city of

151 New Bedford and intersecting streets, which shall include improvements to car and pedestrian
152 access across the highway to the waterfront; provided further, that \$70,000 shall be expended for
153 the reconstruction of sidewalks on Main street in the town of Charlton; provided further, that
154 funds shall be expended to complete the construction of the Northern Strand community trail,
155 bike to the sea trail, (located in the city of Malden; provided further, that not less than
156 \$1,000,000 shall be expended for improvements to the Massachusetts Central rail trail along the
157 corridor extending through the towns of Wayland and Weston; provided further, that not less
158 than \$3,000,000 shall be expended for the construction of a bridge over the Massachusetts Bay
159 Transportation Authority tracks on Main street in the town of Norfolk and to make the
160 Massachusetts Bay Transportation Authority station in the town of Norfolk fully handicap
161 accessible provided that municipal or private funding in the amount of \$1 is contributed for
162 every \$3 of state funding; provided further, that \$1,500,000 shall be expended for the
163 replacement of the water main on Mechanic street in the town of Barre; provided further, that not
164 less than \$3,500,000 shall be expended for the redesign and construction of Melnea Cass
165 boulevard in the city of Boston; provided further, that not less than \$653,750 shall be expended
166 for improvements for Granby road to Dale street in the town of Chicopee; provided further, that
167 \$400,000 shall be expended for improvements in the municipal parking facilities in the town of
168 Arlington; provided further, that \$2,000,000 shall be expended for the reconstruction and
169 signalization improvements of Nashua road from Forest avenue to Oak terrace in the town of
170 Dracut; provided further, that \$300,000 shall be expended to reconstruct North avenue in the
171 town of Mendon and provide signalization at the intersection of North avenue and Hastings
172 street; provided further, that \$528,000 shall be expended for the replacement of sewer and
173 drainage lines and for the reconstruction of North Vine street in the town of Winchendon;

174 provided further, that the department of transportation may expend not more than \$5,000,000 on
175 the installation of sound barriers on interstate 93 adjacent to the Nunnery Grounds neighborhood,
176 so called, located between Cross street. and Mt. Vernon street in the city of Somerville; provided
177 further, that funds shall be expended for drainage system repairs, slope stabilization and
178 Norwottuck rail trail abutment stabilization at Old Water street in the city of Northampton;
179 provided further, that not more than \$1,900,000 shall be expended for the repair and
180 reconstruction of the Oyster Harbor bridge that carries Bridge street over the channel connecting
181 West Bay and North Bay in the village of Osterville in the town of Barnstable; provided further,
182 that not less than \$500,000 shall be expended for the planning, design and construction of
183 parallel parking along Columbia Road from I street to Preble circle in the South Boston section
184 of the city of Boston; provided further, that no less than \$3,000,000 shall be expended for the
185 Park avenue signalization project in the city of Worcester; provided further, that funds shall be
186 expended for water, sewer, roadway and sidewalk improvements on Pine street and sidewalk
187 improvements along North Pleasant street in the town of Amherst; provided further, that not less
188 than \$5,100,000 shall be expended for the reconstruction of roads, sidewalks, drainage and
189 paving of Taylor avenue in the town of Plymouth; provided further, that not less than \$50,000
190 shall be expended for the design of opticom traffic lights at the Seekonk public safety complex
191 on route 44 and opticon traffic lights at the intersection of route 44 and Arcade avenue in the
192 town of Seekonk; provided further, that not less than \$1,000,000 shall be expended for site work,
193 construction and implementation of a traffic light and subsequent road work to state highway
194 route 53 and Plesant street in the town of Pembroke; provided further, that \$750,000 shall be
195 expended for the planning, design and construction of the lower, double barrel culverts of the
196 Quequechan River under the Massachusetts Bay Transportation Authority railroad right of way

197 at Battleship Cove in the city of Fall River; provided further, that \$2,200,000 shall be expended
198 for the design and reconstruction of Ravine and Hardwick roads in the town of New Braintree;
199 provided further, that funds shall be expended for the full depth reconstruction of West street
200 from the Woburn city line to the intersection of Longwood road and West street, including
201 roadway work along the various side streets within that expanse, and for the installation of new
202 granite curbing, ADA accessible sidewalks, improvements to the drainage system, installation of
203 new pavement markings and signs, and fully actuated traffic signals along this stretch in the town
204 of Reading; provided further, that not less than \$250,000 shall be expended for the city of
205 Marlborough for the design and right-of-way costs for roadway and sidewalk reconstruction of
206 Maple street (route 85) from the Southborough town line to John street, in the city of
207 Marlborough; provided further, that funds shall be expended for the design and reconstruction of
208 the intersection of Crescent street, route 27, Quincy street and Massasoit boulevard in the city of
209 Brockton; provided further, that not less than \$1,500,000 shall be expended for the
210 reconstruction of the Tiffany street intersection in the city of Attleboro; provided further, that not
211 less than \$300,000 shall be expended for the town of Berkley for permitting, engineering, total
212 replacement and for the prevention of future deterioration and total collapse due to chronic
213 flooding of the Bayview road and culvert at Bayview avenue and Shore road, in the town of
214 Berkley; provided further, that not less than \$1,000,000 shall be expended for private ways,
215 curbing and sidewalk improvements for the city of Springfield; provided further, that not less
216 than \$2,000,000 shall be expended for roadway, curbing and sidewalk improvements on Main
217 street from route 130 to route 6A and on Jarves street from Main street to route 6A in the town of
218 Sandwich; provided further, that not less than \$1,500,000 shall be expended for the resurfacing
219 of route 3A in the town of Kingston; provided further, that not less than \$800,000 shall be

220 expended for the resurfacing or reconstruction, including minor drainage improvements of route
221 123 in the town of Norwell; provided further, that not less than \$2,700,000 shall be expended for
222 the reconstruction of the route 147 bridge over the Westfield river and associated intersection
223 improvements in the town of Agawam; provided further, that not less than \$25,000 shall be
224 expended for route 28 safety improvements in the town of Barnstable; provided further, that
225 \$2,500,000 shall be expended for the reconstruction and improvement of Main street/route 38
226 from Old Boston road to Livingston street in the town of Tewksbury; provided further, that not
227 less than \$5,000,000 shall be expended on the route 3A project in the city known as the town of
228 Weymouth at the base of the Fore River bridge extending southward to the intersection of Green
229 street, Bridge street, and Neck street for the grading and paving of roadways, as well as,
230 construction and repair of sidewalks as to conform to ADA standards, placement of light fixtures
231 and ground mounted electronic signs to indicate bridge openings and current traffic conditions,
232 and for the installation of below grade utilities, and the planting of trees and landscaping along
233 the roadway; provided further, that not less than \$350,000 shall be expended for the design and
234 reconstruction of route 139 in the town of Abington; provided further, that not less than
235 \$250,000 shall be expended for the erection of a vehicular traffic-control signal on route 37 in
236 the town of Braintree; provided further, that not less than \$600,000 be expended for design and
237 construction of route 140 between Mile Hill road and Gatehouse road in the town of
238 Westminster; provided further, that not less than \$4,025,000 shall be expended for the planning,
239 design, construction and any other associated costs for drainage improvements along route 9
240 adjacent to Boulder brook and Morses pond in the town of Wellesley; provided further, that not
241 less than \$2,000,000 shall be expended for the planning, design, construction and rehabilitation
242 of sidewalks on route 127 and route 133 in the city of Gloucester, and for sidewalk

243 improvements around the city's elementary schools and on Railroad avenue leading to and from
244 the train station in the city of Gloucester; provided further, that not less than \$820,000 shall be
245 expended for safety improvements by installing geometric improvements and full traffic
246 signalization at the intersection of Glen road, Wildwood street and Middlesex avenue (route 62)
247 in the town of Wilmington; provided further, that funds shall be expended for a multi-use path or
248 sidewalk along Sandy Neck road from route 6A to the existing sidewalk at the town line in the
249 town of Sandwich; provided further, that not less than \$200,000 shall be expended for the
250 purpose of completing work undertaken by the Mass Department of Transportation in
251 constructing the Sea street bridge between the towns of Marshfield and Scituate; provided
252 further, that not less than \$200,000 shall be expended for sidewalk repairs along route 3A
253 Northbound in the town of East Chelmsford, near the city of Lowell line, including installation
254 of a raised curb and sidewalk repaving; provided further, that not less than \$3,500,000 shall be
255 expended for the reconstruction of sidewalks from intersection of Granite avenue and Gallivan
256 boulevard, along Morrissey boulevards to 100 Morrissey boulevard at the University of
257 Massachusetts at Boston in the Dorchester section of the city of Boston including sidewalk
258 erosion remediation along Morrissey boulevard boatramp beach; provided further, that funds shall
259 be expended for multi-use path or sidewalk from canal access road off Freezer road, where
260 Marina path will end, to Main street in the town of Sandwich; provided further, that not less than
261 \$800,000 shall be expended for construction for a bicycle path with lighting and related
262 streetscape amenities for the Slade's Ferry Landing redevelopment project located in the town of
263 Somerset; provided further, that not less than \$10,000,000 shall be provided for the design,
264 reconstruction and safety improvements to Riverside road, Plainfield street, Fisk avenue, Birnie
265 avenue and West street in the city of Springfield; provided further, that up to \$400,000 shall be

266 expended for a planning study of current and proposed Massachusetts Turnpike entrance and exit
267 ramps in the Back Bay and Fenway sections of in the city of Boston, which study shall include
268 an evaluation of changes to or demolition of some or all of the Bowker Overpass; provided
269 further, that funds shall be expended for the redesign and reconfiguration of Rutherford avenue
270 and Sullivan Square in the Charlestown section of the city of Boston; provided further, that not
271 less than \$450,000 shall be expended for the remaining design plan for the Summer street
272 improvement project located in the cities of Fitchburg, Leominster and Lunenburg; provided
273 further, that funds shall be expended for the reconstruction, renovation and improvement of the
274 tourist information center and sanitary facility at the Swansea visitor's center on interstate 195 in
275 the town of Swansea including, but not limited to, new building construction, light and safety
276 projects, installation of water lines, landscaping, fencing and sign installation; provided further,
277 that when the department upgrades sanitary facilities, it does so in such a way as to enhance the
278 environment by utilizing zero pollution discharge technologies including recycling greywater
279 systems; provided further, that \$800,000 shall be expended for design, construction, right-of-way
280 assembly and related project costs for transportation improvements to support the Tanner street
281 redevelopment plan in the city of Lowell; provided further, that notwithstanding chapter 82 of
282 the Acts of 1997, or any other general law or special law to the contrary, the town of Milton may
283 make improvements, alterations or renovations to a certain parcel of land in the town of Milton,
284 consisting of the overpass spanning interstate 93 in East Milton Square; provided, however, that
285 no such improvements, alterations or renovations shall result in less than 40 per cent of said
286 parcel remaining recreational, open or green space; provided further, that not less than
287 \$1,000,000 shall be expended to reimburse the town of Milton for planning, design and
288 construction costs associated with such improvements, alterations or renovations to the parcel;

289 provided further, that not less than \$2,100,000 shall be expended for the planning, design,
290 construction and any other associated costs for transportation improvements at the intersection of
291 route 30, South avenue and Wellesley street in the town of Weston; provided further, that
292 \$408,000 shall be expended for the stabilization and reconstruction of the retaining walls and
293 revetments at the water-sheet and subsequent milling and repaving of the landside area at Tudor
294 Wharf in the town of Nahant; provided further, that \$250,000 shall be expended for the study
295 and design of a new bridge spanning the Merrimack River in the town of Tyngsborough;
296 provided further, that not more than \$100,000 shall be expended for the design, permitting,
297 construction and right-of-way acquisition for phase I of the Veterans Memorial drive alternate
298 route project in the town of Milford; provided further, that \$1,600,000 shall be expended for the
299 design and construction of the Ware River Valley rail trail from the Ware River to the
300 Gilbertville covered bridge in the town of Ware; provided further, that not less than \$750,000
301 shall be expended for the reconstruction of Washington Mountain road in the towns of Dalton,
302 Becket and Washington; provided further, that not less than \$2,000,000 shall be expended for the
303 design and reconstruction of the West street bridge in the town of Ludlow; provided further, that
304 not less than \$400,000 shall be expended for traffic signals on route 109 in the town Westwood;
305 provided further, that funds shall be expended for signalization and intersection improvements
306 on route 27 at the intersection of South avenue and Franklin street in the town of Whitman;
307 provided further, that \$250,000 shall be expended for improvement designs to the intersection at
308 Williams street and the Owen Gorden River parkway in the city of Taunton; provided further,
309 that not less than \$2,000,000 shall be expended for the demolition and replacement of the
310 Woodlawn avenue railroad bridge in the city of Pittsfield so that the project is completed before
311 the end of calendar year 2013; and provided further, that not less than \$2,000,000 shall be

312 expended for the construction of a new parking garage owned and operated by the Plymouth
313 growth and development corporation in the town of Plymouth.....\$325,000,000

314 SECTION 2B.

315 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

316 Rail and Transit Division

317 6622-1205 For the purposes of chapter 161B of the General Laws, including the purchase
318 and rehabilitation of rolling stock, related assets and support equipment necessary to safely serve
319 transit passengers, construction and rehabilitation of regional transit authority operations and
320 passenger facilities, and purchase of related appurtenances and tools.....\$11,000,000

321 SECTION 2C.

322 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

323 Rail and Transit Division

324 6622-1280 For the purpose of implementing rail improvements under chapter 161C of the
325 General Laws; provided, that funds may also be used for transportation planning, design,
326 permitting, acquisition of interests in land and engineering for heavy rail, light rail, bus and other
327 transit projects, including the industrial rail access program; provided, however, the department
328 shall adopt regulations within 180 days of the effective date of this act implementing the
329 industrial rail access program, which shall increase access to rail freight service and preserve or
330 stimulate economic development through the generation of new or expanded rail service;
331 provided further, that the secretary of transportation shall have the responsibility for evaluating
332 and selecting eligible projects, in consultation with the secretary of housing and economic

333 development, where the public benefit will be gained through improved use of the rail
334 transportation network or that will facilitate economic growth through access to the rail assets
335 within the commonwealth; provided further, that the program shall be available to any political
336 subdivision, railroad or shipper operating within the commonwealth; provided further, that
337 \$1,500,000 shall be expended for the completion of work at the Blossom street extension and for
338 a 1 time purchase of a commuter water shuttle for operation of the Lynn-Boston commuter ferry
339 line in the city of Lynn; provided further, that \$6,000,000 shall be expended for planning, design,
340 relocation, construction and enhancement of the inbound and outbound station platforms of the
341 Massachusetts Bay Transportation Authority Green Line B branch stations at the intersection of
342 Wallingford road and Commonwealth avenue and the Washington street platform at the
343 intersection of Washington street and Commonwealth avenue in the city of Boston, and
344 planning, design, relocation, construction and enhancement of a center, side platform station of
345 the Green Line B branch station located at the intersection of Lake street and Commonwealth
346 avenue in the city of Boston; provided further, that not less than \$2,000,000 shall be expended
347 for the construction of a passenger rail platform, for the knowledge corridor passenger rail
348 project, in the city of Holyoke; provided further, that not less than \$1,500,000 shall be used for
349 the planning, engineering, design or construction of a facility for the operations, maintenance and
350 demand respond dispatch of the MetroWest Regional Transit Authority; provided further, that no
351 less than \$50,000 shall be expended for the city of Newton's conversion of the abandoned,
352 Massachusetts Bay Transportation Authority controlled rail line parallel to Needham street in the
353 city of Newton to a linear park, with potential future conversion to a green-line extension;
354 provided further, that the Massachusetts Bay Transportation Authority shall deed to the town of
355 Stoughton for consideration of \$1 and an express promise to redevelop within 18 months, which

356 redevelopment may include a sale or lease, a parcel of land at or near 45 Wyman street in the
357 town of Stoughton, consisting of +/- 6,100 square feet of land improved by a vacant building
358 known as the Stoughton Depot Building and an easement which will provide the right of access
359 and use of 30 adjacent parking spaces; provided further, that nothing contained in the foregoing
360 shall be interpreted to prohibit the Massachusetts Bay Transportation Authority from retaining an
361 easement to operate and maintain any aspect of the station right-of-way, platforms and the bike
362 racks and public waiting area under the roof overhangs, nor shall the town of Stoughton or any
363 subsequent purchaser or lessee be relieved of any historical covenants on the property; provided
364 further, that not less than \$25,000 be expended to study improved pedestrian and bike access at
365 and around the Wachusett commuter rail station; and provided further, that \$2,000,000 shall be
366 expended for the South Terminal Rail Extension in the city of New Bedford.....\$300,000,000

367 SECTION 3. Item 7004-0097 of section 2E of chapter 122 of the acts of 2006 is hereby
368 amended by striking out the words “provided further, that not less than \$2,000,000 is to be
369 appropriated to the City of Boston for a demonstration project to attempt to increase groundwater
370 levels in a section of the City adjacent to the Southwest Corridor, with all phases of the design
371 and implementation of the project to be overseen by the Boston Groundwater Trust; provided
372 further, that such funds are to be expended with the advance agreement of the Boston
373 Groundwater Trust and in consultation with, among others, the Massachusetts Bay
374 Transportation Authority; provided further, that in undertaking management of the
375 demonstration project, neither the City of Boston nor the Boston Groundwater Trust assume any
376 liability for the cause of the low groundwater levels in this area, and nor does the success or
377 failure of the project change any potentially responsible party’s accountability for the creation of
378 the low groundwater problem”, inserted by section 12 of chapter 192 of the acts of 2006, and

379 inserting in place thereof the following words:- provided further, that not less than \$2,000,000
380 shall be appropriated to the Massachusetts Bay Transportation Authority for a demonstration
381 project to increase groundwater levels in a section of the city of Boston adjacent to the Southwest
382 Corridor, with all phases of the design and implementation of the project to be conducted in
383 consultation with the executive office energy and environmental affairs, the city of Boston and
384 the Boston Groundwater Trust; provided further, that such funds shall only be expended
385 following the execution of a memorandum of understanding between the Massachusetts Bay
386 Transportation Authority, the executive office energy and environmental affairs, the city of
387 Boston and the Boston Groundwater Trust that details the design and review process of the
388 demonstration project, the project management process and the consultation process amongst the
389 parties;

390 SECTION 4. Item 2840-7014 of section 2A of chapter 312 of the acts of 2008 is hereby
391 amended by striking out the words “provided further, that not less than \$5,659,000 shall be
392 expended for construction of a permanent ice skating rink in Jamaica Plain;” and inserting in
393 place thereof the following words:- provided further, that not less than \$5,659,000 shall be
394 expended for construction of a permanent ice skating rink and recreation center in the Jackson
395 Square section of Roxbury and Jamaica Plain in the city of Boston; provided further that these
396 funds shall be provided to the developer designated by the city of Boston through the selection
397 process initiated in July 2004 and following approval of the project through the city of Boston’s
398 Article 80 process, which approval was granted on June 16, 2011 and documented in the
399 approved memorandum to the Boston Redevelopment Authority of the same date;

400 SECTION 5. To meet the expenditures necessary in carrying out section 2, the state
401 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an

402 amount to be specified by the governor from time to time but not exceeding, in the
403 aggregate,\$171,750,000. All bonds issued by the commonwealth shall be designated on their
404 face, Transportation Improvement Loan Act of 2012, and shall be issued for a maximum term of
405 years, not exceeding 30 years, as the governor may recommend to the general court under
406 section 3 of Article LXII of the Amendments to the Constitution. All bonds shall be payable not
407 later than June 30, 2047. All interest and payments on account of principal on these obligations
408 shall be payable from the Commonwealth Transportation Fund. Notwithstanding any other
409 provisions of this act, bonds and interest thereon issued under this section shall be general
410 obligations of the commonwealth.

411 SECTION 6. To meet the expenditures necessary in carrying out section 2A, the state
412 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
413 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
414 \$325,000,000. All bonds issued by the commonwealth shall be designated on their face,
415 Transportation Improvement Loan Act of 2012, and shall be issued for a maximum term of
416 years, not exceeding 30 years, as the governor may recommend to the general court under
417 section 3 of Article LXII of the Amendments to the Constitution. All bonds shall be payable not
418 later than June 30, 2047. All interest and payments on account of principal on these obligations
419 shall be payable from the Commonwealth Transportation Fund. Notwithstanding any other
420 provisions of this act, bonds and interest thereon issued under this section shall be general
421 obligations of the commonwealth.

422 SECTION 7. To meet the expenditures necessary in carrying out section 2B, the state
423 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
424 amount to be specified by the governor from time to time but not exceeding, in the aggregate,

425 \$11,000,000 which shall be in addition to those bonds previously authorized for projects and
426 programs which are eligible to receive federal funding and which authorizations remain
427 uncommitted or unobligated on the effective date of this act. All bonds issued by the
428 commonwealth as aforesaid shall be designated on their face, Transportation Improvement Loan
429 Act of 2012, and shall be issued for a maximum term of years, not exceeding 30 years, as the
430 governor may recommend to the general court under section 3 of Article LXII of the
431 Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2047.
432 All interest and payments on account of principal on these obligations shall be payable from the
433 Commonwealth Transportation Fund. Notwithstanding any other provisions of this act, bonds
434 and interest thereon issued under this section shall be general obligations of the commonwealth.

435 SECTION 8. To meet the expenditures necessary in carrying out section 2C, the state
436 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
437 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
438 \$177,500,000 which shall be in addition to those bonds previously authorized for projects and
439 programs which are eligible to receive federal funding and which authorizations remain
440 uncommitted or unobligated on the effective date of this act. All bonds issued by the
441 commonwealth as aforesaid shall be designated on their face, Transportation Improvement Loan
442 Act of 2012, and shall be issued for a maximum term of years, not exceeding 30 years, as the
443 governor may recommend to the general court under section 3 of Article LXII of the
444 Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2047.
445 All interest and payments on account of principal on these obligations shall be payable from the
446 Commonwealth Transportation Fund. Notwithstanding any other provision of this act, bonds and
447 interest thereon issued under this section shall be general obligations of the commonwealth.

448 SECTION 9. Notwithstanding any general or special law to the contrary, in carrying out
449 sections 2 to 2C, inclusive, and all other sections of this act, the Massachusetts Department of
450 Transportation may enter into contracts, agreements or transactions that may be appropriate with
451 other federal, state, local or regional public agencies or authorities. The contracts, agreements or
452 transactions may relate to such matters as the department shall determine including, but not
453 limited to, the research, design, layout, construction, reconstruction or management of
454 construction of all or a portion of these projects. In relation to any such contracts, agreements or
455 transactions the department may advance monies to these agencies or authorities, without prior
456 expenditure by the agencies or authorities, and the agencies and authorities may accept monies
457 necessary to carry out these agreements; provided, however, that the department shall certify to
458 the comptroller the amounts so advanced; provided further, that these agreements shall contain
459 provisions satisfactory to the department for the accounting of monies expended by any other
460 agency or authority; and provided, further, that all monies not expended under any such
461 agreement shall be credited to the account of the department from which they were advanced.
462 The department shall report to the house and senate committees on ways and means on any
463 transfers completed under this section.

464 SECTION 10. (a) Notwithstanding any other general or special law to the contrary, the
465 Massachusetts Department of Transportation shall expend the sums authorized in section 2A for
466 the following purposes: projects for the laying out, construction, reconstruction, resurfacing,
467 relocation or necessary or beneficial improvement of highways, bridges, bicycle paths or
468 facilities, on- and off-street bicycle projects, sidewalks, telecommunications, parking facilities,
469 auto-restricted zones, scenic easements, grade crossing eliminations and alterations of other
470 crossings, traffic safety devices on state highways and on roads constructed under clause (b) of

471 the second paragraph of section 4 of chapter 6C of the General Laws, highway or mass
472 transportation studies, including, but not limited to, traffic, environmental or parking studies, the
473 establishment of school zones under section 2 of chapter 85 of the General Laws, improvements
474 on routes not designated as state highways without assumption of maintenance responsibilities
475 and projects to alleviate contamination of public and private water supplies caused by the
476 department's storage and use of snow removal chemicals which are necessary for the purposes of
477 highway safety and for the relocation of persons or businesses or for the replacement of
478 dwellings or structures including, but not limited to, providing last resort housing under federal
479 law and such functional replacement of structures in public ownership as may be necessary for
480 the foregoing purposes and for relocation benefits to the extent necessary to satisfy the
481 requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act
482 of 1970, 42 U.S.C. 4601 et seq., Pub. L. 97-646, 84 Stat. 1864 (1971), and to sell any structure
483 the title to which has been acquired for highway purposes. When dwellings or other structures
484 are removed in furtherance of any of the foregoing projects, the excavations or cellar holes
485 remaining shall be filled in and brought to grade within 1 month after the removal. In planning
486 projects funded by said section 2A, consideration shall be made, to the extent feasible, to
487 accommodate and incorporate provisions to facilitate the use of bicycles and walking as a means
488 of transportation; provided, however, that nothing in this section shall be construed to give rise to
489 enforceable legal rights in any party or a cause of action or an enforceable entitlement as to the
490 projects described in this section.

491 (b) Funds authorized in section 2A shall, except as otherwise specifically provided in this
492 act, be subject to the first paragraph of section 6 and sections 7 and 9 of chapter 718 of the acts
493 of 1956, if applicable, and, notwithstanding any general or special law to the contrary, may be

494 used for the purposes stated in this act in conjunction with funds of cities, towns and political
495 subdivisions.

496 (c) In addition to the foregoing, the Massachusetts Department of Transportation may
497 expend funds made available by this act to acquire from a person by lease, purchase, eminent
498 domain under chapter 79 of the General Laws or otherwise, land or rights in land for parking
499 facilities adjacent to a public way to be operated by the department or under contract with an
500 individual; expend funds made available by this act for the acquisition of van-type vehicles used
501 for multi-passenger, commuter-driven carpools and high-occupancy vehicles including, but not
502 limited to, water shuttles and water taxis; and, under all applicable state and federal laws and
503 regulations, exercise all powers and do all things necessary and convenient to carry out the
504 purposes of this act.

505 (d) In carrying out this section, the Massachusetts Department of Transportation may
506 enter into contracts or agreements with cities to mitigate the effects of projects undertaken under
507 this act and to undertake additional transportation measures within the city and may enter into
508 contracts, agreements or transactions with other federal, state, local or regional public agencies,
509 authorities, nonprofit organizations or political subdivisions that may be necessary to implement
510 these contracts or agreements with cities. Cities and other state, local or regional public agencies,
511 authorities, nonprofit organizations or political subdivisions may enter into these contracts,
512 agreements or transactions with the department. In relation to these agreements, the department
513 may advance to these agencies, organizations or authorities, without prior expenditure by the
514 agencies, organizations or authorities, monies necessary to carry out these agreements; provided,
515 however, that the department shall certify to the comptroller the amount so advanced; provided
516 further, that all monies not expended under these agreements shall be credited to the account of

517 the department from which they were advanced. The department shall report to the house and
518 senate committees on ways and means on any transfers completed under this subsection.

519 SECTION 11. Notwithstanding any other general or special law to the contrary, the
520 Massachusetts Department of Transportation shall take all necessary actions to secure federal
521 highway or transportation assistance which is or may become available to the department
522 including, but not limited to, actions authorized under or in compliance with Title 23 of the
523 United States Code, the Surface Transportation Act of 1987, Pub. L. 100-17, the Intermodal
524 Surface Transportation Efficiency Act of 1991, Pub. L. 102-240, the Transportation Equity Act
525 for the 21st Century, Pub. L. 105-178, the Safe, Accountable, Flexible, Efficient Transportation
526 Equity Act: A Legacy for Users, Pub. L. 109-59, Implementing Recommendations of the 9/11
527 Commission Act of 2007, Pub. Law 110-53 and any successor acts or reauthorizations of those
528 acts, and actions such as filing applications for federal assistance, supervising the expenditure of
529 funds under federal grants or other assistance agreements and making any determinations and
530 certifications necessary or appropriate to the foregoing. If a federal law, administrative regulation
531 or practice requires an action relating to federal assistance to be taken by a department, agency or
532 other instrumentality of the commonwealth other than the Massachusetts Department of
533 Transportation, the other department, agency or instrumentality shall take such action.

534 SECTION 12. Notwithstanding any other general or special law to the contrary, all
535 construction contracts funded in whole or in part by the funds authorized by this act shall include
536 a price adjustment clause for each of the following: fuel, both diesel and gasoline, asphalt,
537 concrete and steel. A base price for each material shall be set by the awarding authority or
538 agency and included in the bid documents at the time a project is advertised. The awarding
539 authority or agency shall also identify in the bid documents the price index to be used for each

540 material or supply. The adjustment clause shall provide for a contract adjustment to be made on a
541 monthly basis when the monthly cost change exceeds +/- 5 per cent.

542 SECTION 13. Notwithstanding any other general or special law to the contrary, section
543 61 and sections 62A to 62I, inclusive, of chapter 30 of the General Laws, chapter 91 of the
544 General Laws and section 40 of chapter 131 of the General Laws shall not apply to bridge
545 projects of the Massachusetts Department of Transportation and the Massachusetts Bay
546 Transportation Authority for the repair, reconstruction, replacement or demolition of existing
547 state highway, authority and municipally-owned bridges, including the immediate approaches
548 necessary to connect the bridges to the existing adjacent highway and rail system, in which the
549 design is substantially the functional equivalent of, and in similar alignment to, the structure to
550 be reconstructed or replaced; provided, however, that said section 61 and said sections 62A to
551 62I, inclusive, of said chapter 30 shall apply to the repair, reconstruction, replacement or
552 demolition project where the project requires a mandatory environmental impact report under
553 301 CMR 11.00; provided further, that all such work shall be subject to the requirements of the
554 then current edition of the Massachusetts Department of Transportation's Stormwater Handbook
555 as approved by the department of environmental protection under applicable law, that notice
556 shall be published in the Environmental Monitor of any application to the department of
557 environmental protection for a water quality certification, and that the work shall be subject to
558 performance standards prescribed by the department of environmental protection under section
559 401 of the Federal Clean Water Act if applicable to the project; provided further, that
560 notwithstanding the foregoing, said section 61 and said sections 62A to 62I, inclusive, of said
561 chapter 30, said chapter 91 and said section 40 of said chapter 131 shall apply to any portions of
562 the bridge and roadway approaches to the crossing of the Charles river for the Central

563 Artery/Tunnel Project. If any state highway, authority or municipal bridge crosses over a railroad
564 right-of-way or railroad tracks, the department or authority, as applicable, shall seek the opinion
565 of a railroad company, railway company or its assigns operating on the track of a necessary
566 clearance between the track and the bridge, but the department and the authority and their agents
567 or contractors may enter upon any right-of-way, land or premises of a railroad company or
568 railway company or its assigns for purposes that the department or authority may consider
569 necessary or convenient to carry out this section. If a flagman is needed to carry out the section,
570 the railroad company, railway company or its assigns shall provide the flagman, the cost which
571 shall be borne by the bridge project except in the case of a bridge transferred under chapter 634
572 of the acts of 1971. For the purposes of this section, “bridge” shall include any structure
573 spanning and providing passage over water, railroad right-of-way, public or private way, other
574 vehicular facility or other area. Any project exempted from any law under this section shall be
575 subject to the public consultation process required by the then current version of the
576 Massachusetts Department of Transportation’s Project Development and Design Guidebook.

577 SECTION 14. Notwithstanding any general or special law to the contrary, the
578 unexpended balances of all capital accounts which otherwise would revert on June 30, 2012, but
579 which are necessary to fund obligations during fiscal year 2013, are hereby re-authorized.

580 SECTION 15. Notwithstanding any general law or special law, or rule or regulation to
581 the contrary, the Massachusetts Department of Transportation shall commission a study to
582 determine the impact on the public safety of transporting ethanol by train through the cities of
583 Boston, Revere, Everett, Cambridge and Chelsea. Public safety issues to be studied shall
584 include, but not be limited to, the proximity to residences, elderly housing complexes, schools,
585 hospitals, health care facilities and other population and demographic characteristics and

586 emergency response capabilities. The report shall be completed not later than 6 months after the
587 effective date of this act, and copies of the report shall be provided to the house and senate
588 committees on ways and means, the executive office of public safety and security and the
589 department of environmental protection. The department of environmental protection shall not
590 issue a license under chapter 91 of the General Laws for the transportation of ethanol through the
591 cities of Boston, Revere, Everett, Cambridge and Chelsea until it has received the report.

592 SECTION 16. Notwithstanding any general or special law or regulation to the contrary,
593 the Massachusetts Department of Transportation shall commission a study to determine the
594 feasibility of constructing sound barriers along route 1 to coincide with future construction of
595 route 1 or Copeland circle in the town of Revere.

596 SECTION 17. Notwithstanding any general law or special law to the contrary, the
597 Massachusetts Department of Transportation shall determine if some or all of the state highway
598 yard land located at Granite avenue in the town of Milton is no longer necessary for department
599 needs, and if so, may transfer that portion deemed unnecessary to the town of Milton.

600 SECTION 18. Notwithstanding and general or special law to the contrary, the
601 Massachusetts Department of Transportation shall develop standards for reviewing the state of
602 repair of any bridges that span a public way. At the request of the governing body of a
603 municipality in which such bridge is located, the department may, based upon such standards,
604 make maintenance and repair recommendations for any such bridge that has, within the previous
605 10 year period, been used for the purpose of public safety. The standards shall be finalized not
606 later than January 1, 2013.