

HOUSE No. 03096

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph F. Wagner

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 passage of the accompanying bill:

An Act relative to the Massachusetts Department of Transportation.

PETITION OF:

NAME:

Joseph F. Wagner

DISTRICT/ADDRESS:

8th Hampden

HOUSE No. 03096

By Mr. Wagner of Chicopee, a petition (accompanied by bill, House, No. 3096) of Wagner relative to the Massachusetts Department of Transportation Joint Committee on Transportation.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the Massachusetts Department of Transportation.

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. Said section 2 of said chapter 6C, as so appearing, is hereby further amended by
2 striking out, in the first sentence of subsection (b), the word “four” and inserting in place thereof
3 the following words:- A majority of.

4 SECTION 2. Section 27 of said chapter 6C, as so appearing, is hereby amended by inserting the
5 following subsection:-

6 (c) Notwithstanding section 168 of chapter 175 or any other general or special law to the
7 contrary, the department shall be exempt from any fees or taxes associated with surplus lines
8 insurance; provided, however, that the exemption shall extend to any insurance broker for any
9 insurance premium tax or surplus lines tax being incurred or having been incurred by the
10 insurance broker as a result of the insurance having been procured, placed, negotiated, continued
11 or renewed for or on behalf of the department.

12 SECTION 3. The second sentence of subsection (c) of section 29 of said chapter 6C, as so
13 appearing, is hereby amended by inserting after the word ‘determine’ the following words:- “, in
14 accordance with section 46C of chapter 30,”.

15 SECTION 4. Section 37 of said chapter 6C, as so inserted, is hereby amended by striking out
16 said section, and inserting in place thereof the following section:-

17 There shall be within the department a highway division, which shall perform such functions as
18 the secretary may determine in relation to the administration, implementation and enforcement of
19 the department’s authority over state highways. The division shall be under the supervision and
20 control of the administrator. The administrator shall be the executive and administrative head of
21 the division and shall be responsible for administering and enforcing the provisions of law
22 relative to the division and to each administrative unit thereof. The duties given to the
23 administrator in this chapter and in any other general or special law shall be exercised and
24 discharged subject to the direction, control and supervision of the secretary.

25 The administrator shall be exempt from chapter 31 and the position of administrator shall be
26 classified in accordance with section 45 of chapter 30. The administrator shall be appointed with
27 due regard to his fitness, by reason of his experience in matters relating to transportation
28 infrastructure, including roads and bridges, such as the construction, operations or financing
29 thereof, or such other relevant experience to assist in the efficient exercise of his powers and
30 duties. The administrator shall administer this section and the General and Special Laws, rules
31 and regulations that grant powers to or impose duties upon the division, subject to the
32 supervision of the secretary.

33 SECTION 5. Section 51 of said chapter 6C, as so appearing, is hereby amended by striking out
34 said section and inserting in place thereof the following section:-

35 Section 51. As used in sections 52 to 54, inclusive, the following words shall, unless the context
36 clearly requires otherwise, have the following meanings:-

37 “Division”, the rail and transit division.

38 “Administrator”, the administrator for the rail and transit division.

39 SECTION 6. Section 52 of said chapter 6C, as so appearing, is hereby amended by striking out
40 said section and inserting in place thereof the following section:-

41 Section 52. There shall be within the department a rail and transit division, which shall perform
42 such functions as the secretary may determine in relation to the administration, implementation
43 and enforcement of the department’s authority over mass transit systems. The division shall be
44 under the supervision and control of the administrator. The administrator shall be the executive
45 and administrative head of the division and shall be responsible for administering and enforcing
46 the provisions of law relative to the division and to each administrative unit thereof. The duties
47 of the administrator in this chapter and in any other general or special law shall be exercised and
48 discharged subject to the direction, control and supervision of the secretary.

49 The administrator shall be exempt from chapter 31 and the position of administrator shall be
50 classified in accordance with section 45 of chapter 30. The administrator shall be appointed with
51 due regard to his fitness, by reason of his experience in matters relating to rail transportation and
52 mass transit, including the development of rail and transit properties and infrastructure, and the
53 operations or financing thereof, or such other relevant experience to assist in the efficient

54 exercise of his powers and duties. The administrator shall administer this section and the General
55 and Special Laws, rules and regulations that grant powers to or impose duties upon the division,
56 subject to the supervision of the secretary.

57 SECTION 7. Section 53 of said chapter 6C, as so appearing, is hereby amended by striking out
58 the third sentence, and inserting in place thereof the following sentence:-

59 The division shall oversee and coordinate the activities of the Massachusetts Bay Transportation
60 Authority established pursuant to chapter 161A and the regional transit authorities and regional
61 transit authority council established pursuant to chapter 161B.

62 SECTION 8. Section 54 of said chapter 6C, as so appearing, is hereby amended by striking out
63 said section and inserting in place thereof the following section:-

64 Section 54. The administrator may from time to time, subject to the approval of the secretary,
65 establish within the division such administrative units as may be necessary for the efficient and
66 economical administration of the division and, when necessary for such purpose, may abolish
67 any such administrative unit or may merge any 2 or more units, as the administrator deems
68 advisable. Each such unit shall be under the direction, control and supervision of the director.
69 The director shall assign to all officials, agents and employees of the units their respective duties.
70 The administrator shall prepare and keep current a statement of the organization of the division,
71 of the assignment of its functions to its various administrative units, offices and employees, and
72 of the places at which and the methods whereby the public may receive information or make
73 requests. Such statement shall be known as the division's description of organization.

74 SECTION 9. Section 55 of said chapter 6C, as so appearing, is hereby amended by striking out
75 said section and inserting in place thereof the following section:-

76 Section 55. As used in sections 56 to 57, inclusive, the following words shall, unless the context
77 clearly requires otherwise, have the following meanings:-

78 “Registry”, the registry of motor vehicles division.

79 “Administrator”, the administrator for the registry of motor vehicles division, who shall also be
80 known as the registrar of motor vehicles.

81 SECTION 10. Section 56 of said chapter 6C, as so appearing, is hereby amended by striking out
82 said section and inserting in place thereof the following section:-

83 Section 56. There shall be within the department a registry of motor vehicles division, which
84 shall perform such functions as the secretary may determine in relation to the administration,
85 implementation and enforcement of the department’s authority over motor vehicles. The registry
86 shall be under the supervision and control of the administrator. The administrator shall be the
87 executive and administrative head of the registry and shall be responsible for administering and
88 enforcing the provisions of law relative to the registry and to each administrative unit thereof.
89 The duties given to the administrator in this chapter and in any other general or special law shall
90 be exercised and discharged subject to the direction, control and supervision of the secretary. The
91 administrator shall appoint a deputy registrar, assistant to the registrar, hearings officers and
92 supervising inspectors and may appoint such other officers and employees as may be necessary
93 to carry out the work of the registry. In the event of a vacancy in the office of registrar, his
94 powers and duties shall be exercised and performed by the deputy registrar until a registrar is
95 duly qualified.

96 The administrator shall be exempt from chapter 31 and the position of administrator shall be
97 classified in accordance with section 45 of chapter 30. The administrator shall be appointed with

98 due regard to his fitness, by reason of his experience in matters relating to motor vehicle laws, or
99 by reason of his training, experience, capacity, and interest in the field of administration or
100 administering the laws relating to motor vehicles, or such other relevant experience to assist in
101 the efficient exercise of his powers and duties. The administrator shall administer this section
102 and the General and Special Laws, rules and regulations that grant powers to or impose duties
103 upon the division, subject to the supervision of the secretary.

104 SECTION 11. Section 7 of chapter 161A of the General Laws, as most recently amended by
105 section 108 of chapter 25 of the acts of 2009, is hereby amended by striking out said section, and
106 inserting in place thereof the following section:-

107 Section 7. The authority shall be governed and its corporate powers exercised by the board of
108 directors of the Massachusetts Department of Transportation.

109 Notwithstanding the foregoing, terms of the initial November 1, 2009 appointments to the board
110 shall be staggered, as provided in section 160 of chapter 25 of the acts of 2009, as amended by
111 section 44 of chapter 120 of the acts of 2009.

112 SECTION 12. Section 139 of said chapter 25 of the acts of 2009 is hereby amended by striking
113 out said section and inserting in place thereof the following section:-

114 Section 139. Notwithstanding the provisions of any general or special law to the contrary,
115 employees of the Massachusetts Department of Transportation as defined in Section 1 of chapter
116 6C of the General Laws who are hired after the effective date of this act shall become members
117 of the Massachusetts State Employee's retirement system, and notwithstanding the provisions of
118 any general or special law to the contrary including, but not limited to, paragraph (c) of
119 subdivision (8) of attributable to said service of such employees. The liabilities attributable to

120 any other service of such employees shall be recoverable by the commonwealth pursuant to the
121 terms of paragraph (c) of subdivision (8) of section 3 of chapter 32 of the General Laws.

122 SECTION 13. Section 150 of chapter 25 of the acts of 2009 is hereby amended by striking out
123 subsections (e) and (f) and inserting in place thereof the following three subsections:-

124 (e) Ownership, possession and control of all books, papers, records, documents, equipment,
125 buildings, facilities, cash and other property, both personal and real, including all such property
126 held in trust, which immediately before the effective date of this act are in the custody of each
127 transferor agency shall pass to, and be vested in, the Massachusetts Department of
128 Transportation without consideration or further evidence of transfer and shall thereafter be in the
129 possession and control of the Massachusetts Department of Transportation.

130 (f) All duly existing contracts, leases and obligations of each transferor agency shall continue in
131 effect but shall be assumed by the Massachusetts Department of Transportation. No existing
132 right or remedy of any character shall be lost, impaired or affected by this act. The Massachusetts
133 Department of Transportation shall have authority to exercise all rights and enjoy all interests
134 conferred upon each transferor agency by the contracts, leases or obligations.

135 (g) The transfer of the assets, liabilities, obligations and debt of each transferor agency to the
136 Massachusetts Department of Transportation under this act shall be effective upon the effective
137 date of this act and shall bind all persons with or without notice and without any further action or
138 documentation.

139 SECTION 14. Section 159 of chapter 25 of the acts of 2009 is hereby amended by striking out
140 said section and inserting in place thereof the following section:-

141 Section 159. (a) Effective upon the date of dissolution of the Massachusetts Turnpike Authority:
142 (1) the Massachusetts Turnpike Authority employees' retirement system shall be dissolved; (2)
143 all members of the Massachusetts Turnpike Authority Employees' Retirement System shall
144 become members of the Massachusetts State Employees' Retirement System; (3) the
145 management of benefits of the dissolved Massachusetts Turnpike Authority employees'
146 retirement system shall be transferred to the state board of retirement in section 18 of chapter 10
147 of the General Laws which board shall have with respect thereto the general powers and duties
148 set forth in subdivision (5) of section 20 of said chapter 32; (4) all data, files, papers and records
149 and other materials of the Massachusetts Turnpike Authority retirement board provided for in
150 paragraph (b) of subdivision (4 1/2) of said section 20 of said chapter 32 shall be transferred to
151 and held by the state board of retirement; (5) ownership and control of all the assets of the
152 dissolved Massachusetts Turnpike Authority Employees' Retirement System in the custody of
153 the secretary-treasurer of the authority shall be transferred to the Pension Reserves Investment
154 Management Board and be made assets of the Massachusetts State Employees' Retirement
155 System; (6) the Massachusetts Turnpike authority retirement board in said paragraph (b) of
156 subdivision (4 1/2) of said section 20 of said chapter 43 shall be abolished; provided, however,
157 that the members and officers thereof shall continue to be authorized to do all such things and
158 take all such action as may be necessary or desirable to be done or taken by them to effectuate
159 the transfers to be made pursuant to this section; and (7) the public employee retirement
160 administration commission shall conduct an audit related to the dissolution of the Massachusetts
161 Turnpike Authority Employees' Retirement System and the transfer of its assets.

162 (b) Effective upon the date of dissolution of the Massachusetts Turnpike Authority, the payment
163 of all annuities, pensions, retirement allowances and refunds of accumulated total deductions and

164 of any other benefits granted under the sections 1 to 28, inclusive, of said chapter 32 are hereby
165 made obligations of the commonwealth.

166 SECTION 15. Section 160 of chapter 25 of the acts of 2009, as most recently amended by
167 section 44 of chapter 120 of the acts of 2009, is hereby amended by striking out said section, and
168 inserting in place thereof the following section:-

169 Section 160. Notwithstanding any general or special law to the contrary, in making initial
170 appointments to the boards of directors of the Massachusetts Department of Transportation
171 established in chapter 6C and Massachusetts Bay Transportation Authority established pursuant
172 to chapter 161A of the General Laws, the governor shall appoint 1 member for a term of 1 year,
173 1 member for a term of 2 years, 1 member for a term of 3 years, 1 member for a term of 4 years
174 and 1 member for a term of 5 years.