

HOUSE No. 3415

The Commonwealth of Massachusetts

PRESENTED BY:

Antonio F. D. Cabral

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 to fund public transit expansion.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>2/19/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/23/2021</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/26/2021</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/26/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>3/18/2021</i>

HOUSE No. 3415

By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 3415) of Antonio F. D. Cabral and others for legislation to establish the Massachusetts transportation and environment equity fund. Transportation.

The Commonwealth of Massachusetts

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

An Act to fund public transit expansion.

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. Chapter 90 of the General Laws, as appearing in the 2018 Official Edition,
2 is hereby amended by:—

3 (a) inserting after section 7Z the following section:-

4 “Section 7Z1/2. Station Reporting Requirement. The registrar shall maintain a database
5 containing the mileage of every motor vehicle registered pursuant to this chapter. Every facility
6 licensed to conduct vehicle inspections pursuant to this chapter, shall, as part of said inspection,
7 record the make, model, owner’s name, license plate number and mileage of each vehicle
8 inspected and shall report said information to the registrar and the commissioner. Said reports
9 shall be made electronically and said facilities shall have electronic access to the database
10 pursuant to procedures established by the registrar.”; and

11 (b) inserting after section 34R the following sections:-

12 Section 34S. Vehicle Classification. For purposes of sections 34T and 34U only, the
13 registrar shall issue rules and regulations to classify all vehicles required to be registered by this
14 chapter into the following categories: zero emission vehicle, motorcycle, automobile, hybrid
15 automobile, light truck, heavy truck, hybrid truck, sports utility vehicle, hybrid sports utility
16 vehicle, van, luxury vehicle, motor home, trailer, other emission producing vehicle and rental
17 vehicle, which shall include all vehicles intended as of the date of registration to be used as a
18 rental vehicle. Said categories shall be known collectively as registration classes. When any such
19 vehicle is first registered pursuant to this chapter, the registrar shall identify said vehicle as a
20 member of one such registration class.”;

21 Section 34T. Green Fee. The registrar or his authorized agents shall collect the following
22 fees, to be called green fees, each time a vehicle is registered or the vehicle registration is
23 renewed for any reason, in the following amounts:

24 (1) For every automobile, hybrid truck and hybrid sports utility vehicle the fee shall be
25 \$30 for a new or transfer registration and 2 year renewals, \$15 for vehicles renewing annually.

26 (2) For every zero emission vehicle, hybrid automobile and motorcycle the fee shall be
27 \$15 for a new or transfer registration and for 2 year renewals, \$7.50 for vehicles renewing
28 annually.

29 (3) For every light truck, van, luxury vehicle and sports utility vehicle the fee shall be \$40
30 for a new or transfer registration and for 2 year renewals, \$20 for vehicles renewing annually.

31 (4) For every heavy truck, motor home and bus the fee shall be \$85 for a new or transfer
32 registration and for 2 year renewals, \$42.50 for vehicles renewing annually.

33 (5) For every other emission producing vehicle the fee shall be \$60 for a new or transfer
34 registration and for 2 year renewals, \$30 for vehicles renewing annually.

35 (6) Any vehicle owned by any subdivision of the commonwealth and used solely for
36 official business and any vehicle identified in subsections 29, 30 and 33 of section 33 of chapter
37 90 shall be exempt from the green fee.”;

38 Section 34U. Emissions Fee. At the time of each inspection required by section 7V, the
39 inspector shall collect and remit to the registrar the following fee, to be called an emissions fee.
40 Said fee shall equal \$0.001 per mile for each mile driven by the vehicle since the vehicle’s last
41 inspection, calculated using the mileage reports recorded in the database maintained by the
42 registrar pursuant to section 7Z1/1, or, if the vehicle has not yet had 2 required inspections, equal
43 to the vehicle’s mileage at the inspection.”;

44 Section 34V. Car Rental Fee. There shall be a surcharge of 5 per cent of the total cost of
45 each vehicular rental transaction contract in the commonwealth, which shall be administered by
46 the commissioner of revenue. Each vendor shall collect the surcharge and remit it to the
47 department of revenue on a monthly basis. All provisions of chapter 62C of the General Laws
48 relative to assessment, collection, payment, abatement, verification and administration, including
49 penalties and interest, shall, so far as pertinent, apply to this surcharge as though it were a tax
50 enumerated in section 2 of said chapter 62C.”; and

51 Section 34W. Parking Rental Fee. There shall be a surcharge of 5 per cent of the total
52 cost charged to park a vehicle in the commonwealth, which shall be administered by the
53 commissioner of revenue. Each vendor shall collect the surcharge and remit it to the department
54 of revenue on a monthly basis. All provisions of chapter 62C of the General Laws relative to

55 assessment, collection, payment, abatement, verification and administration, including penalties
56 and interest, shall, so far as pertinent, apply to this surcharge as though it were a tax enumerated
57 in section 2 of said chapter 62C. Said surcharge shall not apply to parking owned by the
58 commonwealth or a subdivision or authority thereof.”.

59 SECTION 2. Section 13 of chapter 6C of the General Laws, as appearing in the 2018
60 Official Edition, is hereby amended by adding the following subsection:

61 (d) Tolls on Large Commercial Trucks Only.

62 (1) Notwithstanding subsection (c), the department may further charge and collect, and
63 from time to time, fix and revise tolls paid by large commercial trucks, as defined pursuant to
64 Federal Highway Administration (FHWA) vehicle classification schedule as any vehicle within
65 Class 8—single trailer, 3 or 4 axles up to and including Class 13—7 or more axle multi-trailer
66 trucks, as such classifications may be revised from time to time by the FHWA, for the privilege
67 of traveling on Massachusetts roads, including—

68 (i) on Route 95 Rhode Island to Route 95 New Hampshire, or the reverse;

69 (ii) on Route 91 Connecticut to Route 91 New Hampshire, or the reverse;

70 (iii) on Route 93 Massachusetts to Route 93 New Hampshire, or the reverse; and

71 (iv) any other trip designated by the department.

72 (2) Such tolls shall be collected on large commercial trucks only and may not be
73 collected on any other vehicle; provided, however, no vehicle shall be tolled other than a tractor
74 or truck tractor as defined in 23 C.F.R. 658.5, pulling a trailer or trailers.

75 SECTION 3. The General Laws, as appearing in the 2018 Official Edition, are hereby
76 amended by inserting after chapter 161D the following chapter:-

77 CHAPTER 161E

78 TRANSPORTATION AND ENVIRONMENT EQUITY FUND

79 Section 1. Definitions. In this chapter—

80 (a) the term “car rental fee” means the fee established pursuant to section 34V of chapter
81 90;

82 (b) the term “cost” as applied to a project and the site thereof, means all costs, whenever
83 incurred, of acquiring land and of acquiring, developing, constructing, improving, furnishing,
84 equipping, finishing and carrying out a project and placing the same in operation, including
85 without limiting the generality of the foregoing, the cost of all lands, property, rights, easements
86 and interests acquired pursuant hereto and all labor, materials, machinery and equipment
87 necessary to carry out a project and place the same in operation, financing charges, interest prior
88 to and during construction and for a period not exceeding two years after completion of
89 construction, the cost of environmental investigation, analyses and remediation, the cost of
90 demolition and removal of any buildings or structures on lands acquired and removal or
91 relocation of any public utilities and other facilities, relocation payments as defined in, and any
92 other costs of relocation assistance required under chapter 79A of the General Laws and this
93 chapter, the costs of architectural, engineering and legal services, plans, specifications, surveys,
94 estimates of cost and of revenues, other expenses necessary or incident to determining the
95 feasibility or practicability of the project, administrative, marketing and promotion expenses,

96 reserves for debt service, and other capital and current expenses and such other expenses as may
97 be necessary or incident to the construction of a project and the acquisition of land therefore;

98 (c) the term “emissions fee” means the fee established pursuant to section 34U of chapter
99 90;

100 (d) the term “green fee” means the fee established pursuant to section 34T of chapter 90;

101 (e) the term “MassDOT” means the Massachusetts department of transportation,
102 established pursuant to chapter 6A, or its successor;

103 (f) the term “operating costs” means all direct costs, whenever incurred, of operating a
104 project that received funding from the Fund pursuant to this chapter;

105 (g) the term “parking rental fee” means the fee established pursuant to section 34W of
106 chapter 90;

107 (h) the term “project” means the planning, design, acquisition, development,
108 construction, expansion, rehabilitation, improvement, furnishing, equipping and finishing or any
109 combination of the foregoing, necessary to provide subway or commuter rail service to a
110 municipality that does not have such service or to increase the frequency or speed of such service
111 to a community that the secretary determines is underserved by its existing subway or commuter
112 rail service or to expand access by road to a municipality or municipalities that the secretary
113 deems would not be well served by subway or commuter rail service, together with all necessary
114 and related furnishings, machinery, equipment, facilities, approaches, driveways, walkways,
115 parking facilities, roadways, public transportation and landscaping, and including without
116 limitation the acquisition of lands or other property, or rights, easements, and interests acquired

117 for or in respect of any such lands or property for a project, the demolition or removal of any
118 buildings or structures on lands so acquired or in or with respect to which interests are so
119 acquired, relocation payments and other assistance therefore, and site preparation and
120 environmental remediation. Notwithstanding the foregoing, project may not include funds for
121 routine maintenance to existing subway or commuter rail facilities or for capital projects to
122 improve the accessibility of existing infrastructure for passengers with disabilities or to improve
123 access to existing service, such as parking expansion, installation of bicycle racks or
124 improvements to pedestrian approaches;

125 (i) the term “registrar” means the registrar of motor vehicles, established pursuant to
126 chapter 90; and

127 (j) the term “secretary” means the secretary of MassDOT.

128 Section 2. Creation of the Massachusetts Transportation and Environment Equity Fund.

129 There shall be established and set up on the books of the commonwealth a separate fund,
130 to be known as the Massachusetts Transportation and Environment Equity Fund (in this chapter
131 referred to as the “Fund”), consisting of amounts credited to the fund in accordance with section
132 3. The Fund shall be administered in accordance with the provisions of this chapter by the state
133 treasurer and shall be held in trust exclusively for the purposes and the beneficiaries described
134 herein. The state treasurer shall be treasurer-custodian of the Fund and shall have the custody of
135 its moneys and securities.

136 Section 3. The Massachusetts Transportation and Environment Equity Fund.

137 (a) The following receipts shall be credited to, and deposited by the state treasurer into
138 the Fund and used in accordance with this section:

139 (1) The proceeds from \$0.02 per gallon of the fee collected in the previous fiscal year,
140 pursuant to chapter 21J of the General Laws.

141 (2) The green fee.

142 (3) The emissions fee.

143 (4) The car rental fee.

144 (5) The parking rental fee.

145 (6) The proceeds from the commercial truck toll, as described in section 13(d) of chapter
146 6C.

147 (b) In accordance with section 7 of this chapter, the local project receipts shall be credited
148 to, and deposited by the state treasurer in the Fund and shall be kept in segregated accounts for
149 each project to be used in accordance with this chapter.

150 Section 4. Capital Investment Projects.

151 (a) In General. Notwithstanding any General Law or special law to the contrary, the
152 secretary shall annually rank all projects contained in MassDOT's capital investment program.
153 The secretary shall group said projects into 2 groups in accordance with subsection (b).

154 (b) Project Groupings.

155 (1) The first group of ranked projects, as defined in subsection (a), shall include those of
156 said projects that would provide new rail service to a city or town in the commonwealth that does
157 not have a commuter rail stop within its borders or, if a project would establish new stations in
158 more than one city or town, those projects that would provide new subway or commuter rail
159 service to cities or towns in the commonwealth half or more of whom do not have a subway or
160 commuter rail stop within their borders.

161 (2) The second group of ranked projects, as defined in subsection (a), shall include all
162 projects contained in said capital investment program that are not included in the first group, as
163 defined in paragraph (1). The secretary shall rank the projects within each group based on each
164 project's performance relative to the other projects in that group on the following evaluation
165 criteria:

166 (i) The cost effectiveness of air quality improvements which the capital investment
167 program predicts a project would achieve.

168 (ii) The project's projected cost per rider.

169 (iii) The likely economic benefits of a project.

170 (iv) The likelihood that a project will result in smart growth development, rather than
171 sprawl.

172 (v) Whether a project would serve any environmental justice target, all as defined and
173 described in the capital investment program.

174 (3) The secretary shall report said ranking of projects, described in paragraphs (1) and
175 (2), along with the secretary's reasons therefore to the clerk of the senate and the clerk of the

176 house and the joint committee on transportation and the house and senate committees on
177 bonding, capital expenditures and state assets no later than January 31 of each year.

178 Section 5. Project Notification and Reports.

179 (a) The secretary shall notify the state treasurer and the clerks of the senate and of the
180 house in writing when the secretary determines—

181 (1) that the Fund contains and is likely to continue to contain funds, less those funds
182 already committed to other projects but including those local project revenues dedicated to a
183 project pursuant to this chapter, necessary to cover—

184 (i) the cost of the project ranked first in the first group, as described in section 4(b)(1) by
185 the secretary pursuant to section 4, less all other funds available to MassDOT to cover such cost,
186 calculated based on not less than 105 per cent of the debt service on all special obligation bonds
187 to be issued pursuant to section 17 that are required to cover the cost of such project; and

188 (ii) the amount of any projected annual operating deficit determined by MassDOT,
189 calculated as the average of the projected operating deficits of the first 10 years of the project's
190 operation; and

191 (2) that all plans, approvals, licenses and permits necessary to begin construction of said
192 project are in MassDOT's possession. Upon the sale of bonds by the state treasurer for a project
193 described herein, that project shall be removed from the secretary's group rankings made
194 pursuant to section 4.

195 (b) Subsequent to the first project having been removed from the secretary's group
196 rankings pursuant to subsection (a), the secretary shall notify the state treasurer and the clerks of
197 the senate and of the house in writing when the secretary determines—

198 (1) that the Fund contains and is likely to continue to contain funds, minus those funds
199 already committed to other projects but including those local project revenues dedicated to a
200 project pursuant to this chapter, necessary to cover—

201 (i) the cost of either or both, if available funds exist, of the projects ranked first in
202 grouped projects, as described in section 4(b), by the secretary pursuant to section 4 less all other
203 funds available to MassDOT to cover such cost, calculated based on not less than 105 per cent of
204 the debt service on all special obligation bonds to be issued pursuant hereto that are required to
205 cover the cost of such project; and

206 (ii) the amount of any projected annual operating deficit determined by MassDOT,
207 calculated as the average of the projected operating deficits of the first 10 years of the project's
208 operation; and

209 (2) that all plans, approvals, licenses and permits necessary to begin construction of said
210 project are in MassDOT's possession. Upon the sale of bonds by the state treasurer for a project
211 pursuant hereto, that the project shall be removed from the secretary's group rankings, as
212 described in section 4(b).

213 (c) No later than 90 days after receiving said determination, the secretary shall certify to
214 the state treasurer that the secretary has received said determination and that said determination
215 meets the requirements of this chapter and shall name the next project to be funded. In making

216 this choice, the secretary shall continue to give preference, in the secretary's discretion, to the
217 first group projects, as described in section 4(b)(1).

218 (d) Determinations described in subsections (a) and (b), shall include—

219 (1) project plans sufficiently complete to indicate the project's boundaries, such land
220 acquisition, demolition and removal of structures, and such redevelopment and general public
221 improvements, as may be proposed to be carried out and proposed land uses including
222 preliminary project designs and a description of the project programs;

223 (2) the proposed method for relocation of persons and organizations to be displaced by
224 the project, if any;

225 (3) cost estimates of the project, including acquisition, and identification of parcels to be
226 acquired and the estimated cost thereof;

227 (4) proposals for informing and communicating with the affected communities; and

228 (5) a description of measures to mitigate environmental and neighborhood impacts of the
229 project and such other planning and urban design issues as MassDOT shall determine are
230 presented by the project.

231 (e) MassDOT's Right of Entry with Respect to Report Filings.

232 (1) In connection with the preparation of the plans described in subsection (d) and
233 MassDOT's exercise of its powers under this chapter, MassDOT and its authorized agents and
234 contractors may enter onto any properties and the improvements thereon and undertake
235 appraisals, surveys, environmental analyses and investigations, including subsurface

236 investigations, permitting analyses and investigations, and other investigations and analyses, for
237 the purpose of determining the value and condition of such properties.

238 (2) Prior to any such entry pursuant to this subsection, MassDOT shall provide 20 days
239 written notice by certified mail to the owners of properties, as such owners are recorded in the
240 office of the city assessor.

241 (3) Such entry, appraisals, surveys, analyses and investigations shall not be deemed a
242 trespass, a taking by eminent domain or an entry under any eminent domain or condemnation
243 proceedings.

244 (4) MassDOT shall make reimbursement for any actual injury or actual damage resulting
245 to such properties and any improvements thereon from the entry, appraisals, surveys, analyses
246 and investigations authorized hereunder, and MassDOT shall, as far as possible, restore such
247 properties and the improvements thereon to their condition prior to such entry, appraisals,
248 surveys, analyses and investigations.

249 (5) Without derogating from the foregoing, MassDOT is hereby authorized to exercise
250 the power of eminent domain as provided in section 11(d) of chapter 121B of the General Laws
251 in order to temporarily obtain access to properties and the improvements thereon for MassDOT
252 and its agents and contractors for the purpose of conducting the appraisals, surveys, analyses and
253 investigations authorized by this chapter. If MassDOT restores the properties and improvements
254 as required hereunder, the damages for the temporary taking hereby authorized shall be nominal
255 in the absence of extraordinary circumstances unique to particular properties.

256 Section 6. In order to provide for a portion of the costs of each project and the payment of
257 the principal of and interest on special obligation bonds of the commonwealth issued pursuant

258 hereto, there is hereby established on the first day of the first full calendar year following the
259 notifications made by the secretary described in section 5 district improvement financing districts
260 in the city or town or any portion thereof that will receive one or more new stations or enhanced
261 service as part of said project and any portion of any other city or town designated by the
262 governor that is adjacent to a city or town that will receive one or more new stations or enhanced
263 service as part of said project, which shall operate in accordance with the provisions of section 1
264 of chapter 40Q.

265 Section 7. Commencing on the first day of the first full calendar year following the
266 notifications by the secretary described in section 5, the receipts collected pursuant to section 6,
267 together with investment earnings thereon, shall be credited to, and deposited by the state
268 treasurer in the segregated account within the Fund created by the state treasurer for each project
269 pursuant to section 3. Notwithstanding section 35J of chapter 10, amounts described in this
270 section shall not be included in the computation of the amount to be deposited in the
271 Massachusetts Tourism Fund pursuant to said section 35J.

272 Section 8. For all projects constructed pursuant to this chapter all construction employees
273 employed in the construction of said project shall be paid no less than the wage rate established
274 for such work pursuant to a project labor agreement with the appropriate labor organization or
275 labor organizations, which includes—

276 (a) a uniform grievance and arbitration procedure for the resolution of work-related
277 disputes on job sites;

278 (b) mutually agreeable uniform work rules and schedules for the project; and

279 (c) an obligation for any such labor organization and its constituent members not to strike
280 with respect to work on such project, provided that it shall not be a precondition to the award of a
281 contract that a bidder have previously entered into a collective bargaining agreement with a labor
282 organization, but only that the bidder be willing to execute and comply with said project labor
283 agreement for the project if it is awarded a contract.

284 Section 9. Expenditures of Fund Funds.

285 (a) Expenditures from Fund funds not segregated pursuant to section 3 shall be made for
286 the following purposes only if and when the amounts available in each project's segregated fund,
287 created pursuant to section 3, are inadequate to the meet the cost or operating costs of that
288 Project:

289 (1) For the payment of the principal, including sinking fund payments and premium, if
290 any, and interest on special obligation bonds of the commonwealth issued pursuant hereto and on
291 notes issued in anticipation of such bonds for the relevant project.

292 (2) For the maintenance of, or provision for, any reserves for debt service and other
293 capital and current expenses, including without limitation any capital reserve fund created for
294 such purpose, and for any additional security, insurance or other form of credit enhancement
295 required or provided for in any trust or other security agreement entered into pursuant to this
296 chapter to secure such bonds.

297 (3) For direct expenditure for any cost of a project funded pursuant to this chapter and for
298 the operation, promotion and marketing thereof incurred by MassDOT.

299 (b) Should the secretary determine that amounts contained in the Fund exceed those
300 necessary to fund project costs, the state treasurer shall transfer at the direction of the secretary
301 up to \$25,000,000 annually into the Regional Transit Authorities Forward Funding Trust Fund,
302 created by section 63A of chapter 10 of the General Laws. After any such transfer, the secretary
303 may direct some or all of the balance of the Fund to MassDOT to cover costs incurred by
304 MassDOT for any purposes.

305 Section 10. MassDOT Acquisition of Property.

306 (a) MassDOT shall acquire all lands, properties, rights, air rights, sub-surface rights,
307 easements and other interests necessary to complete the projects.

308 (b) Acquisition Authority.

309 (1) For purposes of this section, MassDOT may take by eminent domain under chapter 79
310 or chapter 80A of the General Laws, or acquire by purchase, lease, gift, bequest, grant or
311 otherwise from any party, public or private, and hold, clear, repair, operate and, after having
312 taken or acquired the same, convey as provided in this chapter, any lands and other property, real
313 or personal, improved or unimproved, tangible or intangible, and any interest therein, including,
314 to the extent not inconsistent with federal law, railroad properties, necessary to complete the
315 projects, as stipulated in the reports to be produced pursuant to section 5, after a public hearing
316 of which the land owners of record have been notified by certified mail and of which at least 20
317 days' notice has been given by publication in a newspaper having general circulation in the city
318 in which the land is located; provided, however, that no such taking or acquisition shall be
319 effected until 30 days after MassDOT has notified the land owner of record by certified mail and

320 has caused a notice of such determination to be published in a newspaper having general
321 circulation in the city in which the land is located.

322 (2) The value of any lands or real property acquired by MassDOT by eminent domain
323 shall be reduced by the costs necessary to remediate the environment of said site.

324 (3) To the extent not inconsistent with Federal law, the taking or other acquisition by
325 MassDOT of railroad rights of way or related facilities from any department, authority, agency
326 or political subdivision of the commonwealth, from any railroad company, or from any other
327 party, shall be exempt from the procedures, findings and requirements of section 7 of chapter
328 161C of the General Laws.

329 (c) For purposes of any constitutional entitlement to damages in the event of a taking, all
330 properties and interests taken by MassDOT by eminent domain by any subdivision of the
331 commonwealth are being held by MassDOT in a governmental and not a proprietary capacity
332 and it is not the intent of this chapter to confer on MassDOT any rights to damages for such
333 taking. Any such taking of property shall be effective notwithstanding any inconsistent prior
334 public use. MassDOT may make relocation payments to persons and businesses displaced as a
335 result of carrying out a project and shall otherwise provide relocation assistance as provided in
336 chapter 79A and chapter 121B of the General Laws. To the extent not inconsistent with federal
337 law, if there is a taking or other acquisition of railroad lines, rights of way, easements or related
338 facilities from any party, MassDOT shall relocate such railroad lines.

339 (d) MassDOT shall have all the powers necessary and convenient to carry out the
340 purposes of this chapter. Without limiting the generality of the foregoing, MassDOT may
341 exercise with respect to the projects and any property acquired in accordance with this section all

342 powers, and shall have all immunities, consistent with this chapter, granted to operating
343 agencies, as defined in chapter 121B of the General Laws or otherwise granted to MassDOT
344 under any General Law or special law.

345 (e) MassDOT is hereby authorized and directed to prepare or cause to be prepared a
346 report in accordance with section 62B of chapter 30 of the General Laws for those of the projects
347 for which such a report has not yet been prepared or is no longer valid at the time required by
348 law. Notwithstanding the provisions of sections 62 to 62H, inclusive, of said chapter 30,
349 MassDOT may commence and undertake research, planning, design and other work necessary
350 for the projects and may engage an owner's representative, architects and engineers and a
351 construction manager therefore for each project individually, and MassDOT may take all actions
352 necessary or appropriate or required for acquisition of lands, air rights, sub-surface rights or
353 other property interests prior to the publication of a final environmental impact report pursuant to
354 this section and section 62C of said chapter 30; provided, however, that MassDOT shall not
355 record a notice of taking with respect to any lands or other property by eminent domain as
356 provided in this section until the secretary of energy and environmental affairs has issued a
357 notice of availability of a report submitted to said secretary in accordance with said section 62C
358 which demonstrates to the satisfaction of said secretary that a project may be carried out with
359 appropriate mitigation measures as may be necessary to minimize and prevent damage to the
360 environment.

361 (f) MassDOT shall be excluded from the definition of an owner or operator of a project
362 with respect to releases of hazardous materials that occur before MassDOT acquires ownership
363 of any portion of a site pursuant to this chapter upon or from which such a release may occur as
364 if MassDOT were a city or town that has purchased or taken such land for the nonpayment of

365 taxes, in accordance with the definition of "owner" or "operator" contained in paragraph (d) of
366 section 2 of chapter 21E of the General Laws; provided, however, that MassDOT complies with
367 all of the requirements set forth in paragraphs (d)(2) and (d)(3) of said section 2 of said chapter
368 21E, except that MassDOT shall have no obligation to comply with subsection (d)(3)(F) of said
369 section 2 of said chapter 21E.

370 Section 11. MassDOT Requirements.

371 (a) No person shall be precluded by chapters 7 or 268A of the General Laws from
372 participating by contract or otherwise in the activities of the commonwealth or MassDOT with
373 regard to the planning, acquisition, construction and operation of a project contained in this
374 chapter solely by reason of a financial interest, direct or indirect, in any contract or extension
375 thereof for services with respect to the project report or otherwise with respect to the
376 development of the project executed by such person with the commonwealth or MassDOT prior
377 to the effective date hereof. For purposes of the foregoing, MassDOT shall have all of the powers
378 granted to it by General Law or special law not inconsistent with this chapter. Each project shall
379 be exempt from compliance with applicable zoning codes and any regulations promulgated
380 thereunder.

381 (b) MassDOT shall prepare quarterly reports for each project described by this chapter.
382 Said quarterly reports shall be submitted to the secretary of the executive office for
383 administration and finance, the house ways and means committee, the senate ways and means
384 committee, the clerk of the house and the clerk of the senate and posted on line on the MassDOT
385 website and shall include—

386 (1) the total dollars expended on the project to date,

- 387 (2) the number of contracts entered into to date;
- 388 (3) the number of contracts entered into with minority businesses;
- 389 (4) the number of contracts entered into with women-owned businesses;
- 390 (5) the dollar value of contracts entered into with minority businesses;
- 391 (6) the dollar value of contracts entered into with women-owned businesses;
- 392 (7) the total number of employees working on the project; and
- 393 (8) the total number of employees working on the project, broken down by race, ethnicity
- 394 and gender.

395 Section 12. Upon the secretary's certification of receipt of a determination made pursuant

396 to section 6, the state treasurer shall issue bonds in such amounts and at such time as the state

397 treasurer determines, after consultation with the secretary and MassDOT, necessary to meet the

398 expenditures required for the project which is the subject of said determination. Any such bonds

399 shall be special obligations of the commonwealth payable first from the project funds created

400 pursuant to section 7 to the extent available and second from the unsegregated funds described in

401 section 3.

402 Section 13. The administration of the fees imposed under section 6 is hereby vested in the

403 commissioner of revenue. Said fees shall be collected by the municipal tax officials and remitted

404 to the department of revenue on a quarterly basis. All provisions of this chapter relative to

405 assessment, collection, payment, abatement, verification and administration, including penalties

406 and interest, shall, so far as pertinent, be applicable to the fees imposed by this chapter as though

407 they were taxes enumerated in section 2 of chapter 62C.

408 Section 14. MassDOT or its successor shall pursue any Federal funds for which the
409 projects, or any portions thereof, are eligible and to seek or coordinate with partners where
410 warranted.

411 Section 15. Regional Planning Agencies.

412 (a) MassDOT shall choose a regional planning agency or agencies established pursuant to
413 chapter 40B to conduct corridor land use planning for the projects. Each regional planning
414 agency or agencies shall work with municipalities, state agencies and other stakeholders to
415 complete land use corridor plans. Each land use corridor plan shall include the necessary actions
416 to be taken by municipal or state government, including zoning and other bylaw changes, in
417 order to maximize the long term benefit of the expansion, preserve capacity added by the project,
418 promote sustainable economic and residential development, protect critical open space and other
419 natural resources, and mitigate environmental and neighborhood impacts, including sprawl and
420 gentrification.

421 (b) MassDOT or its successor shall not begin construction on new rail stations to be
422 completed pursuant to chapter 161E until the secretary finds that the municipality in which the
423 station would be located has taken substantial actions to implement the applicable provisions and
424 requirements of the corridor land use plan and have taken actions to reasonably ensure ongoing
425 implementation of the plan after construction is complete.

426 (c) One-tenth of one per cent of the cost of each project shall be used for corridor land
427 use planning pursuant to this section, and shall be allocated from the Fund to the regional
428 planning agencies identified by MassDOT for the purposes of corridor land use planning

429 pursuant to this section. Each regional planning agency receiving funds shall file a report with
430 MassDOT and the house and senate committees on ways and means detailing their activities.

431 Section 16. The provisions of this chapter shall be deemed to provide an exclusive,
432 additional, alternative and complete method for the doing of the things authorized hereby and
433 shall be deemed and construed to be supplemental and additional to, and not in derogation of,
434 powers conferred upon MassDOT or its successor; provided, however, that insofar as the
435 provisions of this chapter are inconsistent with the provisions of any General Law or special law,
436 administrative order or regulation or any limitation imposed by a corporate or municipal charter,
437 the provisions of this chapter shall be controlling.

438 Section 17. Bonding Authority.

439 (a) To meet the expenditures necessary to carry out the provisions of section 2, the state
440 treasurer may issue and sell bonds of the commonwealth in any amount. Any such bonds shall be
441 special obligations of the commonwealth payable first from the project funds described in
442 section 7 to the extent available and second from the receipts described in section 3 to the extent
443 available.

444 (b) Bonds of the commonwealth may be issued under authority of this section in such
445 manner and on such terms and conditions as the state treasurer, with the concurrence of the
446 secretary of administration and finance, may determine in accordance with the provisions of this
447 subsection and, to the extent not inconsistent with the provisions hereof, provisions of General
448 Law for the issuance of bonds of the commonwealth. Bonds may be secured by a trust agreement
449 or other security agreement entered into by the state treasurer, with the concurrence of the
450 secretary of administration and finance, on behalf of the commonwealth, which trust agreement

451 or other security agreement may pledge or assign all or any part of the local project receipts
452 credited to the fund pursuant to sections 3 and 6, and any other pledged funds as hereinafter
453 provided, and rights to receive the same, whether existing or coming into existence and whether
454 held or thereafter acquired, and the proceeds thereof. The state treasurer is further authorized,
455 with the concurrence of the secretary of administration and finance, to enter into additional
456 security, insurance or other forms of credit enhancement which may be secured on a parity or
457 subordinate basis with the bonds. A pledge in any such trust or other security agreement or credit
458 enhancement agreement shall be valid and binding from the time such pledge shall be made
459 without any physical delivery or further act, and the lien of such pledge shall be valid and
460 binding as against all parties having claims of any kind in tort, contract or otherwise, irrespective
461 of whether such parties have notice thereof. Any such pledge shall be perfected by filing of the
462 trust or other security agreement or credit enhancement agreement in the records of the state
463 treasurer, and no filing need be made under chapter 106 of the General Laws. Any such trust
464 agreement, security agreement or credit enhancement agreement may establish provisions
465 defining defaults and establishing remedies and other matters relating to the rights and security
466 of the holders of the bonds or other secured parties as determined by the state treasurer, including
467 provisions relating to the establishment of reserves, the issuance of additional or refunding
468 bonds, whether or not secured on a parity basis, the application of the moneys and funds pledged
469 pursuant to such agreement, in this chapter referred to as pledged funds, and other matters
470 deemed necessary or desirable by the state treasurer for the security of such bonds, and may also
471 regulate the custody, investment and application of moneys.

472 (c) As additional security for bonds of the commonwealth issued under authority of this
473 section, the state treasurer, with the concurrence of the secretary of administration and finance,

474 shall create and establish a special fund for each project, herein referred to as the Capital Reserve
475 Funds, within the Fund established under section 3 or otherwise under a trust or other security
476 agreement securing such bonds, and shall pay into the capital reserve funds any receipts
477 available for such purpose pursuant to section 3 and any other moneys appropriated and made
478 available for the purposes of such fund, any proceeds of such bonds to the extent determined by
479 the state treasurer, with the concurrence of the secretary of administration and finance, or as may
480 be provided in any such trust or other security agreement, and any other moneys available for
481 purposes of such fund as provided in this section, all of which shall be pledged funds for
482 purposes of this chapter.

483 (d) All moneys held in the Capital Reserve Funds, except as hereinafter provided, shall be
484 used solely for the payment of the principal of bonds of the commonwealth issued under
485 authority of this section as the same mature, the purchase of such bonds, the payment of interest
486 on such bonds or the payment of any redemption premium required to be paid when such bonds
487 are redeemed prior to maturity; provided, however, that, moneys in the Capital Reserve Funds
488 shall not be withdrawn therefrom at any time in such amount as would reduce the amount of any
489 such fund to less than the maximum amount of principal and interest maturing and becoming due
490 in any succeeding fiscal year on all such bonds outstanding or such lesser amount as shall be
491 established by the state treasurer, with the concurrence of the secretary of administration and
492 finance, as necessary or appropriate to secure such bonds, in this chapter referred to as the
493 “capital reserve fund requirements”, except for the purpose of paying the principal of and interest
494 on such bonds maturing and becoming due and for the payment of which other receipts held in
495 the funds are not available.

496 (e) Notwithstanding any provision of this chapter, the state treasurer may not issue bonds
497 of the commonwealth under authority of this section at any time if following such issuance the
498 balance on deposit in the Capital Reserve Funds would be less than the capital reserve fund
499 requirements with respect to all such bonds then outstanding.

500 (f) If on the last day of any fiscal year during which any bonds of the commonwealth
501 issued under authority of this section are outstanding, the balance on deposit in the Capital
502 Reserve Funds shall be less than the capital reserve fund requirements as then calculated, after
503 deposit therein of all amounts available therefore in the funds or otherwise under the trust or
504 other security agreement securing such bonds, the motor fuel excise tax shall be increased and all
505 newly created revenue directed into the Fund until the balance of said capital reserve fund shall
506 again equal the capital reserve fund requirement as so certified by the secretary of administration
507 and finance; provided, however, that the total amount of the excise imposed pursuant to sections
508 3 and 3A of chapter 64G of the General Laws and section 22 of chapter 546 of the acts of 1969
509 shall not exceed 14 per cent.

510 (g) In order to increase the marketability of any bonds issued by the commonwealth
511 under authority of this section, and in consideration of the acceptance of payment for any such
512 bonds, the commonwealth covenants with the purchasers, and all subsequent holders and
513 transferees of any such bonds, that until all such bonds, including all bonds issued to refund such
514 bonds, and the interest thereon, shall be paid or, if earlier, shall be deemed paid within the
515 meaning of any trust or other security agreement or credit enhancement agreement securing the
516 same, that—

517 (1) the receipts shall not be diverted from the purposes identified in this chapter;

518 (2) no pledged funds shall be diverted from the funds established by section 3 or the
519 Capital Reserve Funds, except as provided in this chapter;

520 (3) in any fiscal year of the commonwealth, unless and until an appropriation has been
521 made which is sufficient to pay the principal, including sinking fund payments, of and interest on
522 all such bonds and to provide for or maintain any reserves, additional security, insurance or other
523 form of credit enhancement required or provided for in any trust or other security agreement or
524 credit enhancement agreement securing any such bonds or notes, no pledged funds shall be
525 applied to any other use; and

526 (4) so long as such revenues are necessary, as determined by the state treasurer in
527 accordance with any applicable trust or other security agreement or credit enhancement
528 agreement, for the purposes for which they have been pledged, the rate of any fees imposed by
529 this chapter or which may constitute pledged funds under this section shall not be reduced below
530 the amount in effect at the time of issuance of any such bond.

531 (h) Any bonds issued under authority of this section, and any notes of the commonwealth
532 issued in anticipation thereof as hereinafter provided, shall be deemed to be investment securities
533 under chapter 106 of the General Laws, shall be securities in which any public officer, fiduciary,
534 insurance company, financial institution or investment company may properly invest funds and
535 shall be securities which may be deposited with any public custodian for any purpose for which
536 the deposit of bonds is authorized by law. Any such bonds and notes, their transfer and the
537 income therefrom, including profit on the sale thereof, shall at all times be exempt from taxation
538 by and within the commonwealth.

539 Section 18. The state treasurer may borrow on the credit of the commonwealth such sums
540 of money as may be necessary for the purposes of meeting payments as authorized by chapter
541 161E in anticipation of the receipt of proceeds of special obligation bonds of the commonwealth
542 issued under the authority of section 17, and may issue and renew notes of the commonwealth
543 therefore, bearing interest payable at such time and at such rate as shall be fixed by the state
544 treasurer. Such notes shall be issued and may be renewed one or more times for such maximum
545 term of years, not exceeding 7 years, as the governor may recommend to the general court in
546 accordance with Section 3 of Article LXII of the Amendments to the Constitution; provided,
547 however, that all such notes shall be payable no later than 7 years after issuance. Notes and the
548 interest thereon issued under MassDOT of this section, notwithstanding any other provisions of
549 this chapter, shall be general obligations of the commonwealth.

550 Section 19. This chapter shall be construed in all respects so as to meet all constitutional
551 requirements. In carrying out the purposes and provisions of this act, all steps shall be taken
552 which are necessary to meet constitutional requirements whether or not such steps are required
553 by statute.

554 SECTION 4. Effective Date for Section 3. The provisions of section 3 shall take effect on
555 the first day of the first full calendar month following 30 days after the enactment this Act.

556 SECTION 5. North South Rail Link.

557 (a) Section 1 of chapter 161C of the General Laws, as appearing in the 2018 Official
558 Edition, is hereby amended by adding the following sentence:–

559 “Furthermore, to carry out the purposes of this section, the Commonwealth of
560 Massachusetts shall preserve intact the right-of-way for the proposed North South Rail Link.

561 This right-of-way is extremely vulnerable to the impact of development and redevelopment
562 around the existing rail tracks and terminals. In addition, rail projects already in planning and
563 construction phases will exceed the capacity of the South Station terminal. Preservation of the
564 right-of-way for the North South Rail Link will assure that rail transportation can be enhanced or
565 expanded in our region.”.

566 (b) Chapter 161C of the General Laws is hereby amended by inserting after section 8 the
567 following section:–

568 “Section 9. The Massachusetts department of transportation, or its successor, shall
569 perform a study to specifically identify and map the necessary right-of-way to allow for the
570 construction of the proposed North South Rail Link connecting North Station to South Station.
571 This study must include particular reference to the Major Investment Study/Draft Environmental
572 Impact Report (EOEA#10270), prepared under the aegis of the executive office of environmental
573 affairs, which was concluded on March 31, 2003. A plan to preserve said right-of-way, once
574 identified, shall be determined and implemented immediately.”.