

HOUSE No. 4424

The Commonwealth of Massachusetts

House of Representatives, June 21, 2016.

BILL #: H4057

BILL STATUS: Favorable with Amendment

DISSENTERS:

None

ACCOMPANIED BILLS:

H4384

For the committee,

BRIAN S. DEMPSEY

[Pin Slip]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act financing improvements to municipal roads and bridges.

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. To provide for a program of transportation development and improvements,
2 the sums set forth in sections 2 to 2A, 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 made available in this act shall be in addition to any
5 amounts previously appropriated or made available for these purposes.

6 SECTION 2.

7 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

8 Highway Division

9 6121-1714. For projects on the interstate and non-interstate federal highway system;
10 provided, that funds may be expended for the costs of these projects including, but not limited to,
11 the nonparticipating portions of these projects and the costs of engineering and other services
12 essential to these projects; provided further, that notwithstanding this act or any other general or
13 special law to the contrary, the department shall not enter into any obligations for projects which

14 are eligible to receive federal funds under this act unless state matching funds exist which have
15 been specifically authorized and are sufficient to fully fund the corresponding state portion of the
16 federal commitment to fund these obligations; and provided, further, that the department shall
17 only enter into obligations for projects under this act based upon a prior or anticipated future
18 commitment of federal funds and the availability of corresponding state funding authorized and
19 appropriated for this use by the general court for the class and category of project for which this
20 obligation applies..... \$750,000,000

21 SECTION 2A.

22 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

23 Highway Division

24 6121-1718. For the design, construction, preservation, reconstruction and repair of or
25 improvements to nonfederally-aided bridges and approaches with span lengths no greater than 20
26 feet; provided, that expenditures from this item may include the costs of engineering, design,
27 permitting and other services essential to these projects; provided further, that a city or town
28 shall comply with the procedures established by the Massachusetts Department of Transportation
29 with respect to the Small Bridge Program, so-called; provided, further, that the department shall
30 only enter into obligations for projects under this item based upon a prior or anticipated future
31 commitment of funds from one or more cities or towns in which such project is located or which
32 is or are otherwise served by such project, and the availability of corresponding municipal
33 funding authorized for use in connection with such project for which the obligation applies;
34 provided further, that not more than 20 per cent of funds expended under this item, in the
35 aggregate, shall be distributed to projects in one highway district; provided further, that the

36 Massachusetts Department of Transportation shall develop a plan for project selection that takes
37 into account need-based criteria and geographic distribution to be filed with the joint committee
38 on transportation on or before September 1, 2016; and, provided further, that no amounts
39 appropriated under this item shall be expended for bridges or approaches owned by or under the
40 control of the Massachusetts Department of Transportation or the Massachusetts Bay
41 Transportation Authority.....\$50,000,000

42 SECTION 3. The General Laws, as appearing in the 2014 Official Edition, are hereby
43 amended by striking out chapter 90I in its entirety and inserting in place thereof the following
44 chapter:-

45 Chapter 90I

46 Complete Streets Program

47 Section 1. As used in this chapter, the following words, unless the context clearly
48 requires otherwise, shall have the following meanings:

49 “Complete streets”, streets that provide accommodations for users of multiple modes of
50 transportation which shall include, but not be limited to, walking, cycling, public transportation,
51 automobiles and freight.

52 “Department”, the Massachusetts Department of Transportation.

53 “Program”, the complete streets program established pursuant to this chapter.

54 Section 2. There shall be within the department a complete streets program to provide
55 grants to municipalities in order to encourage them to regularly and routinely include complete

56 streets design elements and infrastructure during the construction on new or existing locally-
57 funded roads.

58 Section 3. In order to be eligible to receive funding under the program, a municipality
59 shall: (a) apply to the department in a form and manner prescribed by the department; (b) adopt a
60 complete streets by-law, ordinance or administrative policy in a manner which shall be approved
61 by the department and which shall include at least 1 public hearing; provided, however, that the
62 by-law, ordinance or administrative policy shall identify the body, individual or entity
63 responsible for implementing the complete streets program; (c) ensure that the municipal
64 employees responsible for the program participate in a training administered by the department;
65 (d) develop a complete streets prioritization plan; and (e) comply with other requirements of the
66 department relative to the program.

67 Section 4. The department may adopt rules, regulations and guidelines for the
68 administration of this chapter including, but not limited to, criteria for awarding grants under the
69 program, application procedures, and other requirements. The department shall consult with the
70 Massachusetts bicycle and pedestrian advisory board established in section 11A of chapter 21
71 and the healthy transportation compact established in section 33 of chapter 6C on the
72 development and management of the program.

73 SECTION 4. Chapter chapter 79 of the Acts of 2014 is hereby amended by inserting after
74 section 41 the following new section:-

75 Section 41A. Notwithstanding any general or special law to the contrary, bonds or notes
76 issued under section 20 as special obligation bonds pursuant to section 20 of chapter 29 of the
77 General Laws shall not be included in the computation of outstanding bonds for purposes of the

78 limit imposed by the second paragraph of section 60A of chapter 29 of the General Laws, nor
79 shall debt service with respect to these bonds and notes be included in the computation of the
80 limit imposed by section 60B of said chapter 29.

81 SECTION 5. Section 6 of chapter 257 of the Acts of 2014 is hereby amended by striking
82 out subsection (b) and inserting in place thereof the following subsection:-

83 (b) All interest and payments on account of principal of these obligations shall be payable
84 solely from the State Lottery and Gaming Fund. Bonds and interest thereon issued under this
85 section shall be general obligations of the commonwealth; provided, however, that any bonds
86 issued by the state treasurer under this section, upon the request of the governor, may be issued
87 as special obligation bonds pursuant to section 20 of chapter 29 of the General Laws; provided
88 further, that in deciding whether to request the issuance of particular bonds as special
89 obligations, the governor shall take into account: (1) generally prevailing financial market
90 conditions; (2) the impact of each approach on the overall capital financing plans and needs of
91 the commonwealth; (3) any ratings assigned to outstanding bonds of the commonwealth and any
92 ratings expected to be assigned by any nationally-recognized credit rating agency to the bonds
93 proposed to be issued; and (4) any applicable provisions of a trust agreement or credit
94 enhancement agreement entered into pursuant to section 20 of said chapter 29. Bonds issued
95 under the authority of this section shall be excluded from the debt limit established in section
96 60A of chapter 29 of the General Laws.

97 SECTION 6. Section 2 of chapter 286 of the Acts of 2014 is hereby amended by striking
98 out item 6720-1336.

99 SECTION 7. Said section 2 of said chapter 286 is hereby further amended by inserting
100 after the header “MASSACHUSETTS DEPARTMENT OF TRANSPORTATION, Office of the
101 Secretary” the following item:-

102 6720-1336 For purposes of protection of the ecological integrity of buffer zones along the
103 highway mitigating the negative impacts of sound, air pollution, storm water drainage and
104 flooding; provided, that not less than \$110,000 shall be expended by the Massachusetts
105 Department of Transportation to purchase certain parcels of land in the town of Needham
106 adjacent to the state highway route 128 on Greendale avenue between Brookline street and Broad
107 Meadow road..... \$110,000

108 SECTION 8. To meet a portion of the expenditures necessary in carrying out section 2,
109 the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth
110 in an amount to be specified by the governor from time to time but not exceeding, in the
111 aggregate, \$135,000,000. All bonds issued by the commonwealth as aforesaid shall be
112 designated on their face, Transportation Improvement Loan Act of 2016, and shall be issued for
113 a maximum term of years, not exceeding 30 years, as the governor herein recommends to the
114 general court under section 3 of Article LXII of the Amendments to the Constitution; provided,
115 however, that all such bonds shall be payable not later than June 30, 2051. All interest and
116 payments on account of principal on such obligations shall be payable from the Commonwealth
117 Transportation Fund. Bonds and interest thereon issued under this section shall be general
118 obligations of the commonwealth.

119 SECTION 9. To meet the expenditures necessary in carrying out section 2A, the state
120 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an

121 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
122 \$50,000,000. All bonds issued by the commonwealth as aforesaid shall be designated on their
123 face, Small Bridge Preservation and Improvement Act of 2016, and shall be issued for a
124 maximum term of years, not exceeding 30 years, as the governor herein recommends to the
125 general court under section 3 of Article LXII of the Amendments to the Constitution; provided,
126 however, that all such bonds shall be payable not later than June 30, 2051. All interest and
127 payments on account of principal on such obligations shall be payable from the Commonwealth
128 Transportation Fund. Bonds and interest thereon issued under this section shall be general
129 obligations of the commonwealth.

130 SECTION 10. Notwithstanding any general or special law to the contrary, the bonds that
131 the state treasurer may issue pursuant to sections 8 and 9 of this act shall be issued for a term not
132 to exceed 30 years, as recommended by the governor in a message to the general court dated
133 March 31, 2016 under Section 3 of Article LXII of the Amendments to the Constitution. All such
134 bonds shall be payable not later than June 30, 2051, pursuant to Section 3 of Article LXII of the
135 Amendments to the Constitution.

136 SECTION 11. Notwithstanding any general or special law to the contrary, in carrying out
137 this act, the Massachusetts Department of Transportation may enter into contracts, agreements or
138 transactions that may be appropriate with other federal, state, local or regional public agencies or
139 authorities. The contracts, agreements or transactions may relate to such matters as the
140 department shall determine including, without limitation, the research, design, layout,
141 construction, reconstruction or management of construction of all or a portion of these projects.
142 In relation to any such contracts, agreements or transactions, the department may advance
143 monies to such agencies or authorities, without prior expenditure by the agencies or authorities,

144 and the agencies and authorities may accept monies necessary to carry out these agreements;
145 provided, however, the department shall certify to the comptroller the amounts so advanced and
146 these agreements shall contain provisions satisfactory to the department for the accounting of
147 monies expended by any other agency or authority. All monies not expended under these
148 contracts, agreements or transactions shall be credited to the account of the department from
149 which they were advanced.