

HOUSE No. 4798

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 18, 2022.

The committee on Transportation to whom was referred the message from His Excellency the Governor recommending legislation relative to Massachusetts's transportation resources and climate (House, No. 4561), reports recommending that the accompanying bill (printed in House, No. 4798) ought to pass.

For the committee,

WILLIAM M. STRAUS.

HOUSE No. 4798

The Commonwealth of Massachusetts

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

An Act relative to Massachusetts’s transportation resources and climate.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to finance forthwith improvements to the commonwealth’s environmental and transportation infrastructure, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience., therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 investments to make the commonwealth’s
2 transportation system more reliable, address deferred maintenance and modernize and expand the
3 system and for a program for public alternative fueling and electric vehicle charging
4 infrastructure, the sums set forth in sections 2 to 2J, inclusive, for the several purposes and
5 subject to the conditions specified in this act, are hereby made available, subject to the laws
6 regulating the disbursement of public funds; provided, however, that the amounts specified in an
7 item or for a particular project may be adjusted in order to facilitate projects authorized in this
8 act. The sums made available in this act shall be in addition to any amounts previously made
9 available for these purposes.

10 SECTION 2.

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MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Highway Division

6121-2214. For projects on the interstate and non-interstate federal highway system; provided, that funds may be expended for the costs of these projects including, but not limited to, the nonparticipating portions of these projects and the costs of engineering and other services essential to these projects; provided further, that funds may be expended for bicycle, pedestrian and other multi-modal facilities, electric vehicle charging infrastructure; provided further, that funds may be expended for the costs of projects and programs included in the Infrastructure and Investment in Jobs Act of 2021 (IIJA) also known as the Bipartisan Infrastructure Law (BIL), Public Law No. 117-58; provided further, that notwithstanding this act or any other general or special law to the contrary, the department shall not enter into any obligations for projects which are eligible to receive federal funds under this act unless state matching funds exist which have been specifically authorized and are sufficient to fully fund the corresponding state portion of the federal commitment to fund these obligations; and provided further, that the department shall only enter into obligations for projects under this act based upon a prior or anticipated future commitment of federal funds and the availability of corresponding state funding authorized and appropriated for this use by the general court for the class and category of project for which this obligation applies..... \$2,812,457,157

SECTION 2A.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Highway Division

32 6121-2217. For the design, construction and repair of, or improvements to, non-federally
 33 aided roadway and bridge projects and for the nonparticipating portion of federally-aided
 34 projects; provided, that the department may use these funds for the purchase and rehabilitation of
 35 facilities, heavy equipment and other maintenance equipment; provided further, that the
 36 department may use these funds for multi-modal facilities; provided further, that the amounts
 37 specified in this item for a particular project or use, if any, may be adjusted in order to facilitate
 38 other projects relating to the design, construction, repair or improvement to non-federally aided
 39 roadway and bridge projects; provided further, that in connection with any reconstruction of the
 40 Boston extension, as defined in section 1 of chapter 6C, funds shall be expended for the
 41 reconstruction and replacement of bridges that span said Boston extension between mile markers
 42 130 and 131; and provided further, that funds may be expended for the costs of projects and
 43 programs included in the Infrastructure and Investment in Jobs Act of 2021 (IIJA) also known as
 44 the Bipartisan Infrastructure Law (BIL), Public Law No. 117-
 45 58.....\$1,270,000,000

46 6121-2257. For the construction, reconstruction, resurfacing, repair and improvement of
 47 pavement and surface conditions on non- federally aided roadways, including, but not limited to,
 48 state numbered routes and municipal roadways; provided, that expenditures from this item may
 49 include the costs of engineering, design, permitting, climate change adaptation and resilience,
 50 and other services essential to projects under this item.....\$85,000,000

51 SECTION 2B.

52 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

53 *Highway Division*

54 6121-2228. For the construction, reconstruction, resurfacing, repair and improvement of
55 pavement and surface conditions on municipal roadways; provided, that expenditures from this
56 item may include the costs of engineering, design, permitting, climate change adaptation and
57 resilience and other services essential to projects under this item; provided further, that funds
58 may be expended from this item for matching grants to municipalities; provided further, that the
59 department may use these funds for improving the condition of bicycle and pedestrian
60 accommodations related to such roadway projects consistent with principles of the complete
61 streets program established under chapter 90I of the General Laws when feasible; provided
62 further, that in connection with a grant under this item, a city or town shall comply with the
63 procedures established by the department with respect to municipal roadways in the pavement
64 improvement program.....\$25,000,000

65 6121-2238. For the complete streets program established under chapter 90I of the
66 General Laws, as amended for complete streets grants to municipalities.....\$20,000,000

67 6921-2110 For grants to transportation management associations; provided, that grants
68 shall be expended on services that reduce vehicle congestion and improve air quality and that
69 enhance transportation demand management activities, including, but not limited to, the
70 following: (i) the marketing and promotion of existing and new park-and-ride and existing and
71 new carpooling and van pooling alternatives; (ii) the operation and coordination of bus and
72 shuttle services between existing transportation facilities, major employment centers and
73 commercial and retail centers; and (iii) the underwriting of active marketing and outreach
74 programs to support such services.....\$25,000,000

75 SECTION 2C.

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MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Rail and Transit Division

6621-2217. For the purpose of implementing rail improvements pursuant to chapter 161C of the General Laws; provided, that funds may also be used for transportation planning, design, permitting, acquisition of interests in land and engineering for rail projects, including the industrial rail access program; provided further, that not less than \$6,000,000 per fiscal year shall be expended for said industrial rail access program; provided further, that the department may use funds from this item for the costs of engineering and other services essential to these projects; and provided further, that the department may use these funds for a particular project or use may be adjusted in order to facilitate other projects, if any.....\$82,000,000

6622-2217. For the purposes of chapter 161B of the General Laws, including, but not limited to, projects that may maintain and improve the overall condition, reliability and resiliency of regional transit networks and facilities, including the purchase and rehabilitation of rolling stock, low or no emission vehicles and other infrastructure and equipment required to support such rolling stock, related assets and support equipment, rehabilitation of regional transit authority facilities, including maintenance, and passenger facilities and purchase of related appurtenances, equipment, technology and tools; provided, that funds may be expended for the purchase or rehabilitation of vehicles of all sizes to better reflect and accommodate rider demand; provided further, that funds may be expended for the costs of projects and programs included in the Infrastructure and Investment in Jobs Act of 2021 (IIJA) also known as the Bipartisan Infrastructure Law (BIL), Public Law No. 117-58.....\$64,900,000

SECTION 2D.

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MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Office of the Secretary

6621-2208. For the purpose of implementing sustainable transit system modernization investments and rail improvements pursuant to chapter 161A of the General Laws; provided, that funds may be used for transportation planning, design, permitting and engineering, right- of-way acquisition, acquisition of interests in land, vehicle procurement, construction and climate change adaptation and resilience improvements, including, without limitation, construction, reconstruction, retrofitting, resilience, efficiency improvements and modernization of stations, signals, tracks, power and electrical systems, planning, design, permitting and engineering, acquisition of interests in and rights to land, construction and reconstruction, improvement, expansion, renovation, repair, relocation and equipping of maintenance and storage facilities, including, but not limited to, technology to support and service battery electric, hybrid and other low emission transit vehicles; and for heavy rail, light rail and bus projects, which projects shall include, but shall not be limited to, the red line, orange line, green line, silver line and blue line, including feasibility and planning studies and capital support for pilot services; provided further, that funds may be used for modernizing the bus fleet and associated infrastructure of the Massachusetts Bay Transportation Authority system, including, but not limited to, implementation of the so-called Better Bus Project; provided further, that funds may be used for the purpose of implementing the green line transformation program including, but not limited to, planning, design and procurement of rolling stock including, but not limited to, Green Line Type 10 vehicles, to improve service and reliability, enhance rider accessibility and increase capacity; provided further, that funds may be used for the purchase and rehabilitation of heavy equipment and other maintenance equipment; provided further, that funds may be used for safety,

121 accessibility and security equipment and improvements, energy efficiency, climate change
122 adaptation and emergency preparedness, bicycle and pedestrian access improvements and so-
123 called “last mile” capital improvements; provided further, that final assembly of the orange line
124 and red line non-pilot production vehicles, as defined within the Massachusetts Bay
125 Transportation Authority’s procurement of said vehicles, shall take place in the commonwealth;
126 provided further, that the relative weight of all the criteria used for the selection of the red line
127 and orange line vehicle proposals shall be determined by the Massachusetts Bay Transportation
128 Authority; provided further, that funds may be expended for the costs of projects and programs
129 included in the Infrastructure and Investment in Jobs Act of 2021 (IIJA) also known as the
130 Bipartisan Infrastructure Law (BIL), Public Law No. 117-
131 58.....\$1,375,000,000

132 SECTION 2E.

133 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

134 *Aeronautics Division*

135 6820-2217. For the airport improvement program pursuant to section 39A of chapter 90
136 of the General Laws, including, but not limited to, aeronautics safety and modernization
137 improvements; provided, that funds may be expended for the costs of projects and programs
138 included in the Infrastructure and Investment in Jobs Act of 2021 (IIJA) also known as the
139 Bipartisan Infrastructure Law (BIL), Public Law No. 117-58.....\$114,100,000

140 SECTION 2F.

141 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

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Office of the Secretary

6720-2217. For transportation planning and programming related to all modes, including, but not limited to, active transportation, bicycle and pedestrian travel, rail and transit and automobiles and associated assets including, but not limited to, roads, bridges, transit facilities, shared-use paths and bicycle and pedestrian and other multi-modal facilities essential to the provision of transportation services for system users; provided, that funds may be expended for the maintenance, improvement and expansion of shared use paths and support for multi-modal networks that may enhance mobility or promote sustainable modes of transportation across the commonwealth; provided further, that funds may be expended for the acquisition of information technologies that will support department data and asset management initiatives; provided further, that funds may be expended for compliance with federal mandates and other statutory requirements including modal studies to help establish the framework for the department to adopt policies and programs to enhance delivery of services within all modes; provided further, that funds may be expended to reduce energy usage, enhance climate change resilience, adaptation and mitigation and support reduction of greenhouse gas emissions from transportation; provided further, that this item may be used to support and leverage municipal, quasi-public, nonprofit and private investments.....\$145,000,000

6720-2258. For a public realm improvement program; provided, that funds shall be used for the purpose of grants to municipalities for improvements to sidewalks, curbs, streets, and parking spaces to create additional capacity for pedestrians and cyclists and reimagine and repurpose street space in response to the 2019 novel coronavirus to support public health, safe mobility and renewed commerce.....\$10,000,000

164 SECTION 2G.

165 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

166 *Office of the Secretary*

167 6720-2215. For projects funded with discretionary federal grant funds for eligible
168 projects in the federal highway system, federal transit system, federal aviation administration
169 system or federal rail system; provided, that funds may be expended for the costs of these
170 projects including, but not limited to, the nonparticipating portions of these projects and the costs
171 of engineering and other services essential to these projects; provided further, that funds may be
172 expended for bicycle, pedestrian and other multi-modal facilities, electric vehicle charging
173 infrastructure; provided further, that funds may be expended for the costs of projects and
174 programs provided for in the Infrastructure and Investment in Jobs Act of 2021 (IIJA) also
175 known as the Bipartisan Infrastructure Law (BIL), Public Law No. 117-58; provided further, that
176 notwithstanding this act or any other general or special law to the contrary, the department shall
177 not enter into any obligations for projects which are eligible to receive federal funds under this
178 act unless state matching funds exist which have been specifically authorized and are sufficient
179 to fully fund the corresponding state portion of the federal commitment to fund these obligations;
180 provided further, that on public works projects funded under this item where the amount of
181 construction costs under any contract awarded is likely to exceed \$1,000,000, not less than 20
182 per cent of the total hours of employees receiving an hourly wage who are directly employed on
183 the site of the project by the contractor or a subcontractor and who are subject to the prevailing
184 wage, shall be performed by apprentices in bona fide apprentice training programs as provided in
185 sections 11H and 11I of chapter 23 of the General Laws that are approved by the division of

186 apprentice standards in the executive office of labor and workforce development; and provided
187 further, that the department shall only enter into obligations for projects under this act based
188 upon a prior or anticipated future commitment of federal funds and the availability of
189 corresponding state funding authorized and appropriated for this use by the general court for the
190 class and category of project for which this obligation applies.....\$3,500,000,000

191 SECTION 2H.

192 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

193 *Rail and Transit Division*

194 6622-2214. For the purposes of implementing the mobility assistance program pursuant
195 to section 13 of chapter 637 of the acts of 1983 and regional intercity bus and intermodal service;
196 provided, that funds may also be used for transportation planning, design, permitting, acquisition
197 of interests in land and engineering for bus and other transit projects; provided further, that funds
198 may be expended for the costs of projects and programs included in the Infrastructure and
199 Investment in Jobs Act of 2021 (IIJA) also known as the Bipartisan Infrastructure Law (BIL),
200 Public Law No. 117-58.....\$25,501,000

201 SECTION 2I.

202 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

203 *Office of the Secretary*

204 2000-2030. For the purposes of developing and implementing programs to promote,
205 establish or expand public alternative fueling stations and electric vehicle charging infrastructure,
206 the development and implementation of incentive programs promoting e-bikes and public

207 transportation, replacement of high-emissions vehicles, electric vehicles for hire and carsharing,
208 electric school buses, electric short-haul freight and delivery trucks, and other pilot projects that
209 focus on equity and inclusion while reducing emissions; provided that such funds may be used to
210 support community organizations and local programs which reduce vehicle emissions; provided
211 further, that not less than \$25,000,000 shall be expended for grants under the MassEVIP Direct
212 Current Fast Charging Program; and provided further, that funds may be expended for the costs
213 of projects and programs provided for in the Infrastructure and Investment in Jobs Act of 2021
214 (IIJA) also known as the Bipartisan Infrastructure Law (BIL), Public Law No. 117-
215 58.....\$150,000,000

216 SECTION 2J.

217 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

218 *Office of the Secretary*

219 2000-2031. For the purposes of developing and implementing programs to promote,
220 establish or expand public alternative fueling stations and electric vehicle charging infrastructure,
221 the development and implementation of incentive programs promoting e-bikes and public
222 transportation, replacement of high-emissions vehicles, electric vehicles for hire and carsharing,
223 electric school buses, electric short-haul freight and delivery trucks, and other pilot projects that
224 focus on equity and inclusion while reducing emissions; provided that such funds may be used to
225 support community organizations and local programs which reduce vehicle emissions; provided
226 further, that funds may be expended for the costs of projects and programs provided for in the
227 Infrastructure and Investment in Jobs Act of 2021 (IIJA) also known as the Bipartisan
228 Infrastructure Law (BIL), Public Law No. 117-58.....\$50,000,000

229 SECTION 3. Section 40 of chapter 82 of the General Laws, as appearing in the 2020
230 Official Edition, is hereby amended by inserting, in lines 4-5, after the words "cable television
231 company," the following words:- "municipal traffic signal department,".

232 SECTION 4. Said section 40 of said chapter 82, as so appearing, is hereby further
233 amended by inserting the following two definitions after the definition of "Excavator":-

234 "Marking standards", the methods by which a company designates its facilities in
235 accordance with standards established by the Common Ground Alliance (CGA) and the
236 American Public Works Association.

237 "Non-mechanical means", shall mean excavation using any device or tool manipulated by
238 human power, including air vacuum, air blowing or similar methods of excavation designed to
239 minimize direct contact with utilities.

240 SECTION 5. Said section 40 of said chapter 82, as so appearing, is hereby further
241 amended by inserting the following definition after the definition of "Premark":-

242 "Professional Land Surveyor", shall have the same definition as set forth in section 81D
243 of chapter 112.

244 SECTION 6. Section 40A of said chapter 82, as so appearing, is hereby amended by
245 inserting after the first paragraph the following paragraph:

246 Any Professional Land Surveyor working on a preliminary design for a new facility or
247 renovation where excavation shall be necessary shall premark the proposed excavation and give
248 initial notice to the system.

249 SECTION 7. Section 40B of said chapter 82, as so appearing, is hereby amended by
250 inserting after the words "the excavator" the following words:- or Professional Land Surveyor

251 SECTION 8. Said section 40B of said chapter 82, as so appearing, is hereby further
252 amended by inserting the following sentence at the end thereof:-

253 A company shall conduct periodic audits to ensure the accuracy of the locating and
254 marking of facilities as well as its adherence to marking standards.

255 SECTION 9. Section 40E of said chapter 82, as so appearing, is hereby amended by
256 inserting the following sentence at the end thereof:-

257 The department of public utilities may require any person or company who does not
258 comply with the provisions of sections 40A to 40E to complete a "Dig Safe" training program in
259 lieu of a fine for a first offense.

260 SECTION 10. Section 7E of chapter 90 of the General Laws, as appearing in the 2020
261 Official Edition, is hereby amended by inserting, in line 68, after the word "registrar", the
262 following words:- , or (vii) a vehicle or equipment owned or used by the Massachusetts
263 Department of Transportation established by section 2 of chapter 6C in connection with
264 maintenance or construction activities in highway work zones at which a law enforcement officer
265 is present and only by the authority of a permit issued by the registrar,.

266 SECTION 11. Section 46 of Chapter 161A of the General Laws, as appearing in the 2020
267 Official Edition, is hereby amended by adding the following paragraph:

268 The authority shall provide adequate parking alternatives to commuters during any
269 demolition or reconstruction of any parking lots or parking garages owned or operated by the

270 authority. The authority shall consider (1) the number of spots being affected by the project and
271 (2) the average number of weekday commuters utilizing the parking facility, using ridership
272 levels from 2019, in order to determine how many alternative spots are required.

273 SECTION 12. Notwithstanding the first sentence of subsection (a) of section 39M of
274 chapter 30 of the General Laws, the Massachusetts Department of Transportation Division of
275 Highways, as created by Section 37 of Chapter 6C of the General Laws, may procure as a pilot
276 program in the discretion of said Division, three public works projects pursuant to said section
277 39M of said Chapter 30 that are expected to interfere with the movement of traffic or the
278 traveling public through a bidding method known as cost-plus-time procurement that awards the
279 project to the responsible and eligible bidder with the lowest bid value after taking into account
280 the amount of time that the bidder has identified in the bid for completion of the project ;
281 provided, two of the three projects shall each have estimated values up to but not exceeding \$25
282 million, and one of the three projects shall have an estimated value up to but not exceeding \$50
283 million; provided further, prior to procuring each said pilot project, the Division shall have
284 secured all requisite permits, including, but not limited to, environmental, historical, and right of
285 way permits; provided further, said Division shall be responsible for utility relocations, police
286 details, and any delays resulting from unavailable materials; and, provided further, said Division
287 of Highways may reject any bid if it is in the public interest to do so. The Administrator of said
288 Division shall establish, in consultation with the office of the inspector general such additional
289 procurement requirements, procedures and project standards as are necessary to encourage full
290 competition and best construction practices. Prior to approving the procurement procedures
291 herein, the office of the inspector general shall seek input and comment on the procurement

292 procedures from the Construction Industries of Massachusetts, Inc. and American Council of
293 Engineering Companies.

294 The General Laws generally applicable to public works projects including, but not
295 limited to, sections 26, 27, 27A, 27B, 27C, 27D, 27F and 34A of chapter 149 of the General
296 Laws and sections 39F, 39G, 39H, 39J, 39K, 39M, but excluding the first sentence of subsection
297 (a) of said section 39M, 39N, 39O, 39P and 39R of chapter 30 of the General Laws shall apply to
298 all public works projects using the cost-plus-time bidding procurement method provided in this
299 section.

300 SECTION 13. Notwithstanding any general or special law to the contrary, capital
301 appropriations made pursuant to sections 2 to 2J, inclusive, shall be available for expenditure in
302 the 10 fiscal years following June 30 of the calendar year in which the appropriation is made and
303 any portion of such appropriation representing encumbrances outstanding on the records of the
304 comptroller's office at the close of the tenth fiscal year may be applied to the payment thereof
305 any time thereafter. The unencumbered balance shall revert to the commonwealth at the close of
306 the tenth fiscal year.

307 SECTION 14. Notwithstanding any general or special law to the contrary, in carrying out
308 this act, the Massachusetts Department of Transportation may enter into contracts, agreements or
309 transactions that may be appropriate with other federal, state, local or regional public agencies or
310 authorities. The contracts, agreements or transactions may relate to such matters as the
311 department shall determine including, without limitation, the research, design, layout,
312 construction, reconstruction or management of construction of all or a portion of these projects.
313 In relation to any such contracts, agreements or transactions, the department may advance

314 monies to such agencies or authorities, without prior expenditure by the agencies or authorities,
315 and the agencies and authorities may accept monies necessary to carry out these agreements;
316 provided, however, the department shall certify to the comptroller the amounts so advanced and
317 these agreements shall contain provisions satisfactory to the department for the accounting of
318 monies expended by any other agency or authority. All monies not expended under these
319 contracts, agreements or transactions shall be credited to the account of the department from
320 which they were advanced.

321 SECTION 15. (a) Notwithstanding any general or special law to the contrary, the
322 Massachusetts Department of Transportation shall expend the sums authorized in sections 2
323 through 2B, inclusive, and sections 2F and 2G, for the following purposes: any federally eligible
324 projects, projects for the laying out, construction, reconstruction, resurfacing, relocation or
325 necessary or beneficial improvement of highways, bridges, bicycle paths or facilities, on-street
326 and off-street bicycle projects, sidewalks, telecommunications, parking facilities, auto-restricted
327 zones, scenic easements, grade crossing eliminations and alterations of other crossings, traffic
328 safety devices on state highways and on roads constructed pursuant to clause (b) of the second
329 paragraph of section 4 of chapter 6C of the General Laws, highway or mass transportation
330 studies including, but not limited to, traffic, environmental or parking studies, the establishment
331 of school zones pursuant to section 2 of chapter 85 of the General Laws, improvements on routes
332 not designated as state highways without assumption of maintenance responsibilities, projects to
333 alleviate contamination of public and private water supplies caused by the department's storage
334 and use of snow removal chemicals which are necessary for the purposes of highway safety, for
335 the relocation of persons or businesses or for the replacement of dwellings or structures
336 including, but not limited to, providing last resort housing under federal law and any functional

337 replacement of structures in public ownership that may be necessary for the foregoing purposes
338 and for relocation benefits to the extent necessary to satisfy the requirements of the Uniform
339 Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601 et
340 seq., Public Law 97-646 and to sell any structure the title to which has been acquired for
341 highway purposes; provided further, that funds may be expended for the costs of projects and
342 programs provided for in the Infrastructure and Investment in Jobs Act of 2021 (IIJA) also
343 known as the Bipartisan Infrastructure Law (BIL), Public Law No. 117-58. Environmental
344 studies conducted pursuant to this subsection may include an assessment of both existing and
345 proposed highway rest stop facilities to determine the cost-effectiveness of sanitary facilities that
346 use zero- pollution discharge technologies, including recycling greywater systems. When
347 dwellings or other structures are removed in furtherance of any of these projects, the excavations
348 or cellar holes remaining shall be filled in and brought to grade within 1 month after the removal.
349 In planning projects funded by section 2A, consideration shall be made, to the extent feasible, to
350 accommodate and incorporate provisions to facilitate the use of bicycles and walking as a means
351 of transportation. Nothing in this section shall be construed to give rise to enforceable legal
352 rights in any party or a cause of action or an enforceable entitlement as to the projects described
353 in this section.

354 (b) Funds authorized in sections 2A and 2B shall, except as otherwise specifically
355 provided in this act, be subject to the first paragraph of section 6 and sections 7 and 9 of chapter
356 718 of the acts of 1956, if applicable, and, notwithstanding any general or special law to the
357 contrary, may be used for the purposes stated in this act in conjunction with funds of cities,
358 towns and political subdivisions.

359 (c) The Massachusetts Department of Transportation may: (i) expend funds made
360 available by this act to acquire from a person by lease, purchase, eminent domain pursuant to
361 chapter 79 of the General Laws or otherwise, land or rights in land for parking facilities adjacent
362 to a public way to be operated by the department or under contract with an individual; (ii)
363 expend funds made available by this act for the acquisition of van-type vehicles used for multi-
364 passenger, commuter- driven carpools and high-occupancy vehicles including, but not limited to,
365 water shuttles and water taxis; and (iii) pursuant to all applicable state and federal laws and
366 regulations, exercise all powers and do all things necessary and convenient to carry out this act.

367 (d) The Massachusetts Department of Transportation may enter into contracts or
368 agreements with cities to mitigate the effects of projects undertaken pursuant to this act and to
369 undertake additional transportation measures within the city and may enter into contracts,
370 agreements or transactions with other federal, state, local or regional public agencies, authorities,
371 nonprofit organizations or political subdivisions that may be necessary to implement these
372 contracts or agreements with cities. Cities and other state, local or regional public agencies,
373 authorities, nonprofit organizations or political subdivisions may enter into these contracts,
374 agreements or transactions with the department. In relation to these agreements, the department
375 may advance to these agencies, nonprofit organizations, political subdivisions or authorities,
376 without prior expenditure by the agencies, nonprofit organizations, political subdivisions or
377 authorities, monies necessary to carry out these agreements; provided, however, that the
378 department shall certify to the comptroller the amount so advanced and all monies not expended
379 under these agreements shall be credited to the account of the department from which they were
380 advanced. The department shall report to the house and senate committees on ways and means
381 on any transfers completed pursuant to this subsection.

382 SECTION 16. Notwithstanding any general or special law to the contrary, the
383 Massachusetts Department of Transportation shall take all necessary actions to secure federal
384 highway or transportation assistance that is or may become available to the department
385 including, but not limited to, actions authorized pursuant to or in compliance with any of the
386 following: Title 23 of the United States Code; the Surface Transportation and Uniform
387 Relocation Act of 1987, Public Law 100-17; the Intermodal Surface Transportation Efficiency
388 Act of 1991, Public Law 102-240; the Transportation Equity Act for the 21st Century, Public
389 Law 105-178; the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy
390 for Users, Public Law 109-59; Implementing Recommendations of the 9/11 Commission Act of
391 2007, Public Law 110-53; the Moving Ahead for Progress in the 21st Century Act of 2012,
392 Public Law 112-141; Fixing America’s Surface Transportation Act of 2015, Public Law 114-94;
393 Infrastructure and Investment in Jobs Act of 2021 (IIJA) also known as the Bipartisan
394 Infrastructure Law (BIL), Public Law No. 117-58 and any successor or reauthorizations of those
395 acts, and such actions, including filing applications for federal assistance, supervising the
396 expenditure of funds under federal grants or other assistance agreements, and making any
397 determinations and certifications necessary or appropriate to the foregoing. If a federal law,
398 administrative regulation or practice requires an action relating to federal assistance to be taken
399 by a department, agency or other instrumentality of the commonwealth other than the
400 Massachusetts Department of Transportation, the other department, agency or instrumentality
401 shall take such action.

402 SECTION 17. Notwithstanding any general or special law to the contrary, the
403 unexpended balances of all capital accounts authorized in chapter 86 of the acts of 2008, chapter
404 233 of the acts of 2008, chapter 303 of the acts of 2008, chapter 10 of the acts of 2011, chapter

405 133 of the acts of 2012, chapter 242 of the acts of 2012, chapter 79 of the acts of 2014, chapter
406 209 of the acts of 2018, chapter 16 of the acts of 2019, which otherwise would revert on or
407 before June 30, 2022, but which are necessary to fund obligations during fiscal years 2022 to
408 2026, inclusive, are hereby reauthorized through June 30, 2026.

409 SECTION 18. To meet any or all expenditures necessary in carrying out item 6121-2214
410 of section 2, the state treasurer shall, upon request of the governor, issue and sell bonds of the
411 commonwealth in an amount to be specified by the governor from time to time but not
412 exceeding, in the aggregate, \$611,800,000. All bonds issued by the commonwealth pursuant to
413 this section shall be designated on their face, Commonwealth Infrastructure Improvement Act of
414 2022 and shall be issued for a maximum term of years, not exceeding 30 years, as the governor
415 may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to
416 the Constitution. All such bonds shall be payable not later than June 30, 2062. All interest and
417 payments on account of principal on these obligations shall be payable from the General Fund or
418 the Commonwealth Transportation Fund.

419 SECTION 19. To meet any or all expenditures necessary in carrying out sections 2A to
420 2B, inclusive, the state treasurer shall, upon request of the governor, issue and sell bonds of the
421 commonwealth in an amount to be specified by the governor from time to time but not
422 exceeding, in the aggregate, \$1,425,000,000. All bonds issued by the commonwealth pursuant to
423 this section shall be designated on their face, Commonwealth Infrastructure Improvement Act of
424 2022, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor
425 may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to
426 the Constitution. All such bonds shall be payable not later than June 30, 2062. All interest and

427 payments on account of principal on these obligations shall be payable from the General Fund or
428 the Commonwealth Transportation Fund.

429 SECTION 20. To meet the expenditures necessary in carrying out section 2C, the state
430 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
431 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
432 \$146,900,000. All bonds issued by the commonwealth pursuant to this section shall be
433 designated on their face, Commonwealth Infrastructure Improvement Act of 2022, and shall be
434 issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to
435 the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution.
436 All such bonds shall be payable not later than June 30, 2052. All interest and payments on
437 account of principal on these obligations shall be payable from the General Fund or the
438 Commonwealth Transportation Fund.

439 SECTION 21. To meet the expenditures necessary in carrying out section 2D, the state
440 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
441 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
442 \$1,375,000,000. All bonds issued by the commonwealth under this section shall be designated on
443 their face, Commonwealth Infrastructure Improvement Act of 2022 and shall be issued for a
444 maximum term of years, not exceeding 30 years, as the governor may recommend to the general
445 court pursuant to section 3 of Article LXII of the Amendments to the Constitution. All such
446 bonds shall be payable not later than June 30, 2062. Bonds and interest thereon issued under this
447 section shall be general obligations of the commonwealth; provided, however, that any bonds
448 issued by the state treasurer under this section shall, upon the request of the governor, be issued
449 as special obligation bonds pursuant to section 20 of chapter 29 of the General Laws; provided

450 further, that in deciding whether to request the issuance of particular bonds as special
451 obligations, the governor shall take into account: (i) generally prevailing financial market
452 conditions; (ii) the impact of each approach on the overall capital financing plans and needs of
453 the commonwealth; (iii) any ratings assigned to outstanding bonds of the commonwealth and any
454 ratings expected to be assigned by any nationally-recognized credit rating agency to the bonds
455 proposed to be issued; and (iv) any applicable provisions of a trust agreement or credit
456 enhancement agreement entered into pursuant to said section 20 of said chapter 29. All special
457 obligation revenue bonds issued pursuant to this section shall be designated on their face,
458 Commonwealth Rail Enhancement Act of 2022 and shall be issued for a maximum term of years,
459 not exceeding 30 years, as the governor may recommend to the general court pursuant to section
460 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds
461 shall be payable not later than June 30, 2062. All interest and payments on account of these
462 obligations shall be payable from the Commonwealth Transportation Fund and shall be payable
463 solely in accordance with said section 20 of said chapter 29, and such bonds shall not be
464 included in the computation of outstanding bonds for purposes of the limit imposed by the
465 second paragraph of section 60A of chapter 29 of the General Laws, nor shall debt service with
466 respect to such bonds be included in the computation of the limit imposed by section 60B of said
467 chapter 29.

468 SECTION 22. To meet the expenditures necessary in carrying out section 2E, the state
469 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
470 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
471 \$114,100,000. All bonds issued by the commonwealth pursuant to this section shall be
472 designated on their face, Commonwealth Infrastructure Improvement Act of 2022 and shall be

473 issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to
474 the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution.
475 All such bonds shall be payable not later than June 30, 2052. All interest and payments on
476 account of principal on these obligations shall be payable from the General Fund or the
477 Commonwealth Transportation Fund.

478 SECTION 23. To meet the expenditures necessary in carrying out section 2F, the state
479 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
480 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
481 \$155,000,000. All bonds issued by the commonwealth pursuant to this section shall be
482 designated on their face, Commonwealth Infrastructure Improvement Act of 2022 and shall be
483 issued for a maximum term of years, not exceeding 10 years, as the governor may recommend to
484 the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution.
485 All such bonds shall be payable not later than June 30, 2042. All interest and payments on
486 account of principal on these obligations shall be payable from the General Fund or the
487 Commonwealth Transportation Fund.

488 SECTION 24. To meet any or all expenditures necessary in carrying out section 2G, the
489 state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in
490 an amount to be specified by the governor from time to time but not exceeding, in the aggregate,
491 \$1,750,000,000. All bonds issued by the commonwealth pursuant to this section shall be
492 designated on their face, Commonwealth Infrastructure Improvement Act of 2022 and shall be
493 issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to
494 the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution.
495 All such bonds shall be payable not later than June 30, 2062. All interest and payments on

496 account of principal on these obligations shall be payable from the General Fund or the
497 Commonwealth Transportation Fund.

498 SECTION 25. To meet the expenditures necessary in carrying out section 2H, the state
499 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
500 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
501 \$8,300,000. All bonds issued by the commonwealth pursuant to this section shall be designated
502 on their face, Commonwealth Infrastructure Improvement Act of 2022 and shall be issued for a
503 maximum term of years, not exceeding 30 years, as the governor may recommend to the general
504 court pursuant to section 3 of Article LXII of the Amendments to the Constitution. All such
505 bonds shall be payable not later than June 30, 2062. All interest and payments on account of
506 principal on these obligations shall be payable from the General Fund or the Commonwealth
507 Transportation Fund.

508 SECTION 26. To meet the expenditures necessary in carrying out section 2I, the state
509 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
510 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
511 \$150,000,000. All bonds issued by the commonwealth pursuant to this section shall be
512 designated on their face, Commonwealth Infrastructure Improvement Act of 2022 and shall be
513 issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to
514 the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution.
515 All such bonds shall be payable not later than June 30, 2052. All interest and payments on
516 account of principal on these obligations shall be payable from the General Fund or the
517 Commonwealth Transportation Fund.

518 SECTION 27. To meet the expenditures necessary in carrying out section 2J, the state
519 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
520 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
521 \$50,000,000. All bonds issued by the commonwealth pursuant to this section shall be designated
522 on their face, Commonwealth Infrastructure Improvement Act of 2022 and shall be issued for a
523 maximum term of years, not exceeding 20 years, as the governor may recommend to the general
524 court pursuant to section 3 of Article LXII of the Amendments to the Constitution. All such
525 bonds shall be payable not later than June 30, 2052. All interest and payments on account of
526 principal on these obligations shall be payable from the General Fund or the Commonwealth
527 Transportation Fund.

528 SECTION 28. Notwithstanding any general or special law to the contrary, bonds and
529 interest thereon issued under sections 18 through 27, inclusive, of this act shall be general
530 obligations of the commonwealth; provided, however, that any bonds issued by the state
531 treasurer under said sections 18 through 27, inclusive, shall, upon the request of the governor, be
532 issued as special obligation bonds pursuant to section 20 of chapter 29 of the General Laws;
533 provided further, that in deciding whether to request the issuance of particular bonds as special
534 obligations, the governor shall take into account: (1) generally prevailing financial market
535 conditions; (2) the impact of each approach on the overall capital financing plans and needs of
536 the commonwealth; (3) any ratings assigned to outstanding bonds of the commonwealth and any
537 ratings expected to be assigned by any nationally-recognized credit rating agency to the bonds
538 proposed to be issued; and (4) any applicable provisions of a trust agreement or credit
539 enhancement agreement entered into pursuant to said section 20 of said chapter 29. All interest
540 and payments on account of obligations issued under this section as special obligation bonds

541 pursuant to said section 20 of said chapter 29 shall be payable from the Commonwealth
542 Transportation Fund solely in accordance with said section 20 of said chapter 29, and such
543 bonds shall not be included in the computation of outstanding bonds for purposes of the limit
544 imposed by the second paragraph of section 60A of said chapter 29, nor shall debt service with
545 respect to such bonds be included in the computation of the limit imposed by section 60B of said
546 chapter 29.