The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND AND THIRTEEN

AN ACT AN ACT FINANCING IMPROVEMENTS TO THE COMMONWEALTH'S TRANSPORTATION SYSTEM.

Whereas, the deferred operation of this act would tend to defeat its purposes, which is to forthwith finance improvements to the commonwealth's transportation system, 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:

SECTION 1. To provide for a program of transportation development and improvements, the sums set forth in sections 2 to 2G, inclusive, for the several purposes and subject to the conditions specified in this act, are hereby made available, subject to the laws regulating the disbursement of public funds; provided, that the amounts specified in an item or for a particular project may be adjusted in order to facilitate projects authorized in this act. The sums appropriated in this act shall be in addition to any amounts previously appropriated and made available for these purposes.

SECTION 2.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Highway Division

6121-1314 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

NOTE. — Use ONE side of paper ONLY. DOUBLE SPACE. Insert additional leaves, if necessary.

essential to these projects; 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

.....$2,400,000,000

SECTION 2A.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Highway Division

6121-1317 For the design, construction and repair of, or improvements to, non-federally-aided roadway and bridge projects and for the nonparticipating portion of federally-aided projects; provided, that the department may use these funds for the purchase and rehabilitation of facilities, heavy equipment and other maintenance equipment; provided further, that not less than $429,755,000 shall be expended for the design, construction and repair of, or improvements to pedestrian, bicycle and multi use pathways; and provided further, that the amounts specified in this item or for a particular project may be adjusted in order to facilitate projects relating to the design, construction, repair or improvement to non-federally-aided roadway

projects.....$4,366,755,000

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENT

Department of Conservation and Recreation

2890-7020 For the design, construction, reconstruction, repair, improvement, or rehabilitation of department of conservation and recreation parkways, boulevards, and related appurtenances and equipment including, but not limited to, the costs of engineering and other services for those projects rendered by department of conservation and recreation consultants; provided, that all work funded by this item shall be carried out according to standards developed by the department of conservation and recreation pursuant to historic parkways preservation treatment guidelines to protect the scenic and historic integrity of the bridges and parkways under its control.....$250,000,000

SECTION 2B

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Local Aid

6122-1323 For the construction and reconstruction of town and county ways as described in clause (b) of the second paragraph of section 4 of chapter 6C of the General Laws; provided, that a city or town shall comply with the procedures established by the Massachusetts Department of Transportation; provided further, that a city or town may appropriate for these projects amounts not in excess of the amount provided to the city or town under this item, preliminary notice of which shall be provided by the department to the city or town not later than April 1 of each year; provided further, that the appropriation shall be considered as an available fund upon approval of the commissioner of revenue under section 23 of chapter 59 of the General Laws; and provided further, that the commonwealth shall reimburse a city or town under this item subject to the availability of funds as provided in section 9B of chapter

29 of the General Laws, after receipt by the department of a request for reimbursement from the city or town, which request shall include certification by the city or town that actual expenses have been incurred on projects eligible for reimbursement under this item, and that the work has been completed to the satisfaction of the city or town according to the specifications of the project and in compliance with applicable laws and procedures established by the department; and provided further, that an amount not to exceed $50,000,000 may be used for the design and acquisition of a town and county ways pavement management system.....$3,411,014,530

SECTION 2C.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Rail and Transit Division

6622-1305 For the purposes of chapter 161B of the General Laws, including the purchase and rehabilitation of rolling stock, related assets and support equipment necessary to safely serve transit passengers, construction and rehabilitation of regional transit authority operations and passenger facilities, and purchase of related appurtenances and tools.....$500,000,000

6622-1382 For the purposes of implementing the mobility assistance program under section 13 of chapter 637 of the acts of 1983 and regional intercity bus and intermodal service; provided, that funds may also be used for transportation planning, design, permitting, acquisition of interests in land and engineering for bus and other transit projects $24,000,000

6622-1380 For the purpose of implementing rail improvements under 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.....$80,000,000

SECTION 2D.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Massachusetts Bay Transportation Authority

6621-1308 For the purpose of implementing rail improvements under chapter 161C 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, construction of stations, signals and electrical systems, and for heavy rail, light rail and bus projects which projects shall include the Red Line, Orange Line, Green Line, and system-wide bus service; and provided further, that the department may use these funds for the purchase and rehabilitation of heavy equipment and other maintenance equipment $3,382,000,000

SECTION 2E.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Aeronautics Division

6820-1301 For the implementation of the airport improvement program under chapter 6C of the General Laws.....$178,000,000

SECTION 2F.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Registry of Motor Vehicles Division

6420-1317 For the implementation of the registry of motor vehicles modernization and improvement program under chapter 6C of the General Laws.....$150,000,000

SECTION 2G.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Rail and Transit Division

6622-1381 For the purpose of implementing South Coast Rail improvements; provided, that funds may be used for transportation planning, design, permitting and engineering, acquisition of interests in land, vehicle procurement, construction, construction of stations, and right-of-way acquisition.....$1,791,483,000

6622-1382 For the purpose of implementing the Green Line Extension improvements; provided, that funds may be used for transportation planning, design, permitting and engineering, acquisition of interests in land, vehicle procurement, construction, construction of stations, and right-of-way acquisition.....$1,327,517,000

6622-1383 For the purpose of implementing South Station improvements; provided, that funds may be used for transportation planning, design, permitting and engineering, acquisition of interests in land, vehicle procurement, construction, construction of stations, and right-of-way acquisition.....$850,000,000

6622-1384 For the purpose of implementing rail improvements under chapter 161C of the General Laws; provided, that funds may be used for transportation planning, design, permitting and engineering, acquisition of interests in land, vehicle procurement, construction, construction of stations and right-of-way acquisition for rail projects, including Springfield to Worcester service, Boston to Cape Cod service and Pittsfield to New York City service $497,000,000

SECTION 2H.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Office of the Secretary

6720-1307 For the acquisition of information technology and related expenses including, but not limited to, renovation of the operations center and intelligent transportation systems and the development of an asset management system required under section 6 of chapter 6C of the General Laws $146,500,000

SECTION 3. To meet the expenditures necessary in carrying out section 2, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $432,000,000. All bonds issued by the

commonwealth under this section shall be designated on their face, The Way Forward Transportation Improvement Act of 2013, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under Section 3 of Article LXII of the Amendments to the Constitution. All bonds shall be payable not later than June 30, 2053. All interest and payments on account of principal on these obligations shall be payable from the Commonwealth Transportation Fund. Unless the governor makes a request under section 20 of chapter 29 of the General Laws, bonds and interest thereon issued under this section shall be general obligations of the commonwealth.

SECTION 4. To meet the expenditures necessary in carrying out section 2A, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $4,616,755,000. All bonds issued by the commonwealth under this section shall be designated on their face, The Way Forward Transportation Improvement Act of 2013, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under Section 3 of Article LXII of the Amendments to the Constitution. All bonds shall be payable not later than June 30, 2053. All interest and payments on account of principal on these obligations shall be payable from the Commonwealth Transportation Fund. Unless the governor makes a request under section 20 of chapter 29 of the General Laws, bonds and interest thereon issued under this section shall be general obligations of the commonwealth.

SECTION 5. To meet the expenditures necessary in carrying out section 2B, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $3,411,014,530. All bonds issued by the commonwealth under this section shall be designated on their face, The Way Forward Transportation Improvement Act of 2013, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under Section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2053. All interest and payments

on account of principal on these obligations shall be payable from the Commonwealth Transportation Fund. Unless the governor makes a request under section 20 of chapter 29 of the General Laws, bonds and interest thereon issued under this section shall be general obligations of the commonwealth.

SECTION 6. To meet the expenditures necessary in carrying out section 2C, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $604,000,000. All bonds issued by the commonwealth under this section shall be designated on their face, The Way Forward Transportation Improvement Act of 2013, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under Section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2053. All interest and payments on account of principal on these obligations shall be payable from the Commonwealth Transportation Fund. Unless the governor makes a request under section 20 of chapter 29 of the General Laws, bonds and interest thereon issued under this section shall be general obligations of the commonwealth.

SECTION 7. To meet the expenditures necessary in carrying out section 2D, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $3,382,000,000. All bonds issued by the commonwealth under this section shall be designated on their face, The Way Forward Transportation Improvement Act of 2013, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under Section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2053. All interest and payments on account of principal on these obligations shall be payable from the Commonwealth Transportation Fund. Unless the governor makes a request under section 20 of chapter 29 of the General Laws, bonds and interest thereon issued under this section shall be general obligations of the commonwealth.

SECTION 8. To meet the expenditures necessary in carrying out section 2E, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $178,000,000. All bonds issued by the commonwealth under this section shall be designated on their face, The Way Forward Transportation Improvement Act of 2013, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under Section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2053. All interest and payments on account of principal on these obligations shall be payable from the Commonwealth Transportation Fund. Unless the governor makes a request under section 20 of chapter 29 of the General Laws, bonds and interest thereon issued under this section shall be general obligations of the commonwealth.

SECTION 9. To meet the expenditures necessary in carrying out section 2F, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $150,000,000. All bonds issued by the commonwealth under this section shall be designated on their face, The Way Forward Transportation Improvement Act of 2013, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under Section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2053. All interest and payments on account of principal on these obligations shall be payable from the Commonwealth Transportation Fund. Unless the governor makes a request under section 20 of chapter 29 of the General Laws, bonds and interest thereon issued under this section shall be general obligations of the commonwealth.

SECTION 10. To meet the expenditures necessary in carrying out section 2G, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $3,802,241,500. All bonds issued by the commonwealth under this section shall be designated on their face, The Way Forward Transportation

Improvement Act of 2013, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under Section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2053. All interest and payments on account of principal on these obligations shall be payable from the Commonwealth Transportation Fund. Unless the governor makes a request under section 20 of chapter 29 of the General Laws, bonds and interest thereon issued under this section shall be general obligations of the commonwealth.

SECTION 11. To meet the expenditures necessary in carrying out section 2H, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $146,500,000. All bonds issued by the commonwealth under this section shall be designated on their face, The Way Forward Transportation Improvement Act of 2013, and shall be issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to the general court under Section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2043. All interest and payments on account of principal on these obligations shall be payable from the Commonwealth Transportation Fund. Unless the governor makes a request under section 20 of chapter 29 of the General Laws, bonds and interest thereon issued under this section shall be general obligations of the commonwealth.

SECTION 12. Notwithstanding any general or special law to the contrary, in carrying out sections 2 to 2H, inclusive, and all other provisions of this act, the Massachusetts Department of Transportation may enter into contracts, agreements, or transactions that may be appropriate with other federal, state, local or regional public agencies or authorities. The contracts, agreements, or transactions may relate to such matters as the department shall determine including, without limitation, the research, design, layout, construction, reconstruction or management of construction of all or a portion of these projects. In relation to any such contracts, agreements, or transactions the department may advance monies to these agencies or authorities, without prior expenditure by the agencies or authorities, and the agencies and

authorities may accept monies necessary to carry out these agreements, but the department shall certify to the comptroller the amounts so advanced, and these agreements shall contain provisions satisfactory to the department for the accounting of monies expended by any other agency or authority. All monies not expended under these agreements shall be credited to the account of the department from which they were advanced.

SECTION 13. (a) Notwithstanding any other general or special law to the contrary, the Massachusetts Department of Transportation shall expend the sums authorized in sections 2, 2A, and 2B for the following purposes: projects for the laying out, construction, reconstruction, resurfacing, relocation or necessary or beneficial improvement of highways, bridges, bicycle paths or facilities, on- and off-street bicycle projects, sidewalks, telecommunications, parking facilities, auto-restricted zones, scenic easements, grade crossing eliminations and alterations of other crossings, traffic safety devices on state highways and on roads constructed under clause (b) of the second paragraph of section 4 of chapter 6C of the General Laws, highway or mass transportation studies, including, but not limited to, traffic, environmental or parking studies, the establishment of school zones under section 2 of chapter 85 of the General Laws, improvements on routes not designated as state highways without assumption of maintenance responsibilities and projects to alleviate contamination of public and private water supplies caused by the department's storage and use of snow removal chemicals which are necessary for the purposes of highway safety and for the relocation of persons or businesses or for the replacement of dwellings or structures including, but not limited to, providing last resort housing under federal law and any functional replacement of structures in public ownership that may be necessary for the foregoing purposes and for relocation benefits to the extent necessary to satisfy the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601 et seq., Pub. L. 97-646, 84 Stat. 1864 (1971), and to sell any structure the title to which has been acquired for highway purposes. Environmental studies conducted under this subsection may include an assessment of both existing and proposed highway rest stop facilities to determine the cost-effectiveness of sanitary facilities

that use zero pollution discharge technologies, including recycling greywater systems. When dwellings or other structures are removed in furtherance of any of these f projects, the excavations or cellar holes remaining shall be filled in and brought to grade within 1 month after the removal. In planning projects funded by said section 2A, consideration shall be made, to the extent feasible, to accommodate and incorporate provisions to facilitate the use of bicycles and walking as a means of transportation. Nothing in this section shall be construed to give rise to enforceable legal rights in any party or a cause of action or an enforceable entitlement as to the projects described in this section.

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

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

(d) In carrying out this section, the Massachusetts Department of Transportation may enter into contracts or agreements with cities to mitigate the effects of projects undertaken under this act and to undertake additional transportation measures within the city and may enter into contracts, agreements or transactions with other federal, state, local or regional public agencies, authorities, nonprofit organizations

or political subdivisions that may be necessary to implement these contracts or agreements with cities. Cities and other state, local or regional public agencies, authorities, nonprofit organizations or political subdivisions may enter into these contracts, agreements or transactions with the department. In relation to these agreements, the department may advance to these agencies, organizations or authorities, without prior expenditure by the agencies, organizations or authorities, monies necessary to carry out these agreements, but the department shall certify to the comptroller the amount so advanced, and all monies not expended under these agreements shall be credited to the account of the department from which they were advanced. The department shall report to the house and senate committees on ways and means on any transfers completed under this subsection.

SECTION 14. Notwithstanding any other general or special law to the contrary, the Massachusetts Department of Transportation shall take all necessary actions to secure federal highway or transportation assistance which is or may become available to the department including, but not limited to, actions authorized under or in compliance with Title 23 of the United States Code, the Surface Transportation Act of 1987, Pub. L. 100-17, the Intermodal Surface Transportation Efficiency Act of 1991, Pub. L. 102-240, the Transportation Equity Act for the 21st Century, Pub. L. 105-178, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Pub. L. 109-59, Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. Law 110-53 and any successor acts or reauthorizations of those acts, and actions such as filing applications for federal assistance, supervising the expenditure of funds under federal grants or other assistance agreements and making any determinations and certifications necessary or appropriate to the foregoing. If a federal law, administrative regulation or practice requires an action relating to federal assistance to be taken by a department, agency or other instrumentality of the commonwealth other than the Massachusetts Department of Transportation, the other department, agency or instrumentality shall take such action.

SECTION 15. Notwithstanding any other general or special law to the contrary, all construction contracts funded in whole or in part by the funds authorized by this act shall include a price adjustment clause for each of the following: fuel, both diesel and gasoline, asphalt, concrete and steel. A base price for each material shall be set by the awarding authority or agency and included in the bid documents at the time a project is advertised. The awarding authority or agency shall also identify in the bid documents the price index to be used for each material or supply. The adjustment clause shall provide for a contract adjustment to be made on a monthly basis when the monthly cost change exceeds plus or minus 5 per cent.

SECTION 16. Notwithstanding any other general or special law to the contrary, section 61 and sections 62A to 62I, inclusive, of chapter 30, chapter 91 and section 40 of chapter 131 of the General Laws shall not apply to bridge projects of the Massachusetts Department of Transportation and the Massachusetts Bay Transportation Authority for the repair, reconstruction, replacement or demolition of existing state highway, authority and municipally-owned bridges, including the immediate approaches necessary to connect the bridges to the existing adjacent highway and rail system, in which the design is substantially the functional equivalent of, and in similar alignment to, the structure to be reconstructed or replaced, but said section 61 and said sections 62A to 62I, inclusive, of said chapter 30 shall apply to the repair, reconstruction, replacement or demolition project where the project requires a mandatory environmental impact report under 301 CMR 11.00, and all work shall be subject to the requirements of the then current edition of the Massachusetts Department of Transportation's Stormwater Handbook as approved by the department of environmental protection under applicable law. Notice shall be published in the Environmental Monitor of any application to the department of environmental protection for a water quality certification, and the work shall be subject to performance standards prescribed by the department of environmental protection under section 401 of the Federal Clean Water Act if applicable to the project. Notwithstanding any other provision of this section, said section 61 and said sections 62A to 62I, inclusive, of said chapter 30, said chapter 91 and said section 40 of said chapter 131 shall apply to any

portions of the bridge and roadway approaches to the crossing of the Charles river for the Central Artery/Tunnel Project. If any state highway, authority or municipal bridge crosses over a railroad right-of-way or railroad tracks, the department or authority, as applicable, shall seek the opinion of a railroad company, railway company or its assigns operating on the track of a necessary clearance between the track and the bridge, but the department and the authority and their agents or contractors may enter upon any right-of-way, land or premises of a railroad company or railway company or its assigns for purposes that the department or authority may consider necessary or convenient to carry out this section. If a flagman is needed to carry out the section, the railroad company, railway company or its assigns shall provide the flagman, the cost which shall be borne by the bridge project except in the case of a bridge transferred under chapter 634 of the acts of 1971. For the purposes of this section, "bridge" shall include any structure spanning and providing passage over water, railroad right-of-way, public or private way, other vehicular facility or other area. Any project exempted from any law under this section shall be subject to the public consultation process required by the then current version of the Massachusetts Department of Transportation's project development and design guidebook.

SECTION 17. Chapter 6C of the General Laws, as appearing in the 2010 Official Edition is hereby amended by striking out section 44 and inserting in place thereof the following section:-

Section 44. (a) The division of highways may provide functional replacement of real property in public ownership whenever the division has acquired such property, in whole or in part, under this chapter or when such property is significantly and adversely affected as a result of the acquisition of property for a highway or highway-related project and whenever the division determines that functional replacement is necessary and in the public interest. For the purposes of this section, "functional replacement" shall mean the replacement, pursuant to chapter 7, requiring authorization of the general court prior to disposition of real property, including either land or facilities thereon, or both, which shall provide equivalent utility. For the purposes of this section "real property in public ownership" shall mean any present or future

interest in land, including rights of use, now existing or hereafter arising, held by an agency, authority, board, bureau, commission, department, division or other unit, body, instrumentality or political subdivision of the commonwealth. This section shall not constitute authorization by the general court as required by said chapter 7.

(b) Whenever the division determines it is necessary that a utility or utility facility, as defined under federal law, be relocated because of construction of a project which is to be reimbursed federally, in whole or in part, or which is to be paid by the commonwealth, in whole or in part, such facility shall be relocated by the division or by the owner thereof in accordance with an order from the division. Failure to comply with an order from the division shall be subject to enforcement under chapter 81. The division shall reimburse the owner of such utility or utility facility for the cost of relocation subject to the limitations in subsection (e) and in accordance with the following formula: for any utility facility that is to be reimbursed federally, in whole or in part, and for any utility facility that does not qualify for federal reimbursement, the division shall reimburse the owner at least 50 per cent of the costs of relocating the utility facility.

(c) Any relocation of facilities carried out under this section which is not performed by employees of the owner shall be subject to sections 26 to 27F inclusive of chapter 149.

(d) Notwithstanding any general or special law to the contrary, any utility facility that is required to be relocated because of the construction of a project federally funded under the Federal-Aid Highway Act of 1982 and the Federal-Aid Highway Act of 1987 may be relocated temporarily above ground during the construction of the project.

(e) A utility relocation shall be eligible for reimbursement under this section only if it is completed to the satisfaction of the division within target dates established by the division and in

accordance with design criteria set forth by the division for the relocation in a manner that facilitates the timely completion of the affected project.

SECTION 18. Section 5 of chapter 161A of the General Laws, as so appearing, is hereby amended by striking out subsection (l) and inserting in place thereof the following subsection:-

(l) Whenever the authority determines it is necessary that a utility or utility facility, as defined under federal law, be relocated because of construction of a project which is to be reimbursed federally, in whole or in part, or which is to be paid by the commonwealth, in whole or in part, such facility shall be relocated by the authority or by the owner thereof in accordance with an order from the authority. The authority shall reimburse the owner of such utility facility for the cost of relocation subject to the limitations in paragraph (e) and in accordance with the following formula: for any utility facility that is to be reimbursed federally, in whole or in part, and for any utility facility that does not qualify for federal reimbursement, the authority shall reimburse the owner at least 50 per cent of the costs of relocating the utility or utility facility.

(i) Any relocation of facilities carried out under this section which is not performed by employees of the owner shall be subject to sections 26 to 27F, inclusive, of chapter 149.

(ii) Notwithstanding any general or special law to the contrary, any utility facility that is required to be relocated because of the construction of a project federally funded under the Federal-Aid Highway Act of 1982 and the Federal-Aid Highway Act of 1987 may be relocated temporarily above ground during the construction of the project.

SECTION 19. Appropriations made in this act shall be available for expenditure in the 10 fiscal years following June 30 of the calendar year in which the appropriation is made and any portion of such

appropriation representing encumbrances outstanding on the records of the comptroller's bureau at the close of such tenth fiscal year may be applied to the payment thereof any time thereafter. The unencumbered balance shall revert to the commonwealth at the close of such tenth fiscal year.

SECTION 20. The secretary of administration and finance and secretary of transportation shall submit a report on the progress of any projects funded under this act and included in the department's five-year capital investment plan to the clerks of the senate and house of representatives, the chairs of the senate and house committees on ways and means, and the senate and house chairs of the joint committee on bonding, capital expenditures and state assets. The report shall include, but not be limited to: the previous year planned spending, previous year spending, current year planned spending, current year spending to date, original estimated total project cost, project description and location of the project. The report shall be submitted on June 30 and December 31 of each year for a period of 8 years after the effective date of this act.

SECTION 21. Notwithstanding any general or special law to the contrary, the unexpended balances of all capital accounts authorized in chapter 86 of the acts of 2008, chapter 233 of the acts of 2008, chapter 303 of the acts of 2008, chapter 10 of the acts of 2011, chapter 133 of the acts of 2012 and chapter 242 of the acts of 2012 which otherwise would revert on June 30, 2013, but which are necessary to fund obligations during fiscal year 2014, are hereby re-authorized through June 30, 2014.

SECTION 22. The secretary of transportation may authorize the transfer of funds from items of appropriation within individual sections of this bill to another item of appropriation within the same section of this bill. The aggregate amount of all such transfers shall not exceed $200,000,000 in a single fiscal year.