

**HOUSE . . . . . No. 4047**

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**The Commonwealth of Massachusetts**

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HOUSE OF REPRESENTATIVES, April 6, 2009.

The committee on Ways and Means, to whom was referred the Bill Modernizing the Transportation Systems of the Commonwealth (Senate, No. 2024), reports recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place therefore the text contain in House document numbered 4047.

For the committee,

CHARLES A. MURPHY.

Text of an amendment recommended by the committee on Ways and Means to the Senate Bill Modernizing the Transportation Systems of the Commonwealth (Senate, No. 2024). April 6, 2009.

## The Commonwealth of Massachusetts

In the Year Two Thousand and Nine.

By striking out all after the enacting clause and inserting in place thereof the following:

1 SECTION 1. Section 17 of chapter 6 of the General Laws, as appearing in  
2 the 2006 Official Edition, is hereby amended by striking out, in line 13, the  
3 words “the Massachusetts aeronautics commission,”

4 SECTION 2. Sections 57, 58, and 59 of said chapter 6, as appearing in the  
5 2006 Official Edition, are hereby repealed.

6 SECTION 3. Section 8C of said chapter 6A, inserted by chapter 233 of the  
7 acts of 2008, is hereby amended by striking out the first paragraph and inserting  
8 in place thereof the following paragraph:-

9 (a) There shall be established a structurally deficient bridge improvement  
10 program coordination and oversight council. The council shall consist of a chair  
11 appointed by the governor, the secretary of administration and finance, the  
12 secretary of transportation and public works, the secretary of energy and  
13 environmental affairs, the director of the highway division of the department of  
14 transportation, and the commissioner of capital asset management and  
15 maintenance, or their designees.

16 SECTION 4. Sections 19, 19½, 19A, and 103 of said chapter 6A, as most  
17 recently amended by chapter 86 of the acts of 2008, are hereby repealed.

18 SECTION 5. Section 104 of chapter 6A of the General Laws, as inserted by  
19 section 3 of chapter 303 of the acts of 2008, is hereby repealed.

20 SECTION 6. The General Laws are hereby amended by inserting after  
21 chapter 6B the following new chapter:-

### 22 Chapter 6C

#### 23 Massachusetts Transportation and Infrastructure Authority

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

26 “Authority”, the Massachusetts Transportation and Infrastructure Authority  
27 established pursuant to section 2.

28 “Board”, the board of the Massachusetts Transportation and Infrastructure  
29 Authority established pursuant to section 2.

30 “Boston extension”, all roadways and tunnels for vehicular traffic that  
31 constitute that portion of interstate highway route 90 beginning at and including  
32 the interchange of interstate highway route 90 and state highway route 128 in the

33 town of Weston and ending in the city of Boston at the interchange of interstate  
34 highway route 90 and interstate highway route 93 and such additional highway  
35 and bridge components as the general court may from time to time determine and  
36 including such real property and any improvements thereon, personal property,  
37 equipment, licenses, appurtenances and interests in land acquired or leased in  
38 connection with or incident to the construction, ownership, operation,  
39 rehabilitation, reconstruction, improvement, repair, maintenance or  
40 administration of such roadways and tunnels as are necessary for their safe and  
41 efficient operation and maintenance or which are otherwise convenient or  
42 desirable to carry out the purposes of this chapter.

43 “Callahan tunnel”, the tunnel for vehicular traffic constructed under the  
44 provisions of chapter five hundred and ninety-eight of the acts of nineteen  
45 hundred and fifty-eight between the North End section of the city of Boston and  
46 the East Boston section of said city and including such real property and any  
47 improvements thereon, personal property, equipment, licenses, appurtenances  
48 and interests in land acquired or leased in connection with or incident to the  
49 construction, ownership, operation, rehabilitation, reconstruction, improvement,  
50 repair, maintenance or administration of such tunnel as are necessary for its safe  
51 and efficient operation and maintenance or which are otherwise convenient or  
52 desirable to carry out the purposes of this chapter.

53 “Central artery”, all roadways and tunnels for vehicular traffic constructed  
54 by the highway department that constitute that portion of interstate highway route  
55 93 beginning at a point immediately south of the Southampton street interchange,  
56 so-called, and continuing to and including the interchange of interstate highway  
57 route 93 and Massachusetts avenue in the South End section of the city of Boston  
58 and continuing to and including the interchange of interstate highway route 90  
59 and interstate highway route 93 in the South Bay section of the city of Boston,  
60 so-called, and continuing to and including the interchange of state highway route  
61 1 and interstate highway route 93 in the Charlestown section of the city of Boston  
62 including, but not limited to, the so-called Charles river crossing portion of  
63 interstate highway route 93 and such additional highway and bridge components  
64 as the general court may from time to time determine, but excluding the central  
65 artery north area.

66 “Central artery” shall also include such real property and any improvements  
67 thereon, personal property, equipment, licenses, appurtenances and interests in  
68 land acquired or leased in connection with or incident to the construction,  
69 ownership, operation, rehabilitation, reconstruction, improvement, repair,  
70 maintenance or administration of such roadways and tunnels as are necessary for  
71 their safe and efficient operation and maintenance or which are otherwise  
72 convenient or desirable to carry out the purposes of this chapter.

73 “Central artery north area”, all roadways and tunnels for vehicular traffic  
74 constructed by the highway department consisting of a portion of state highway  
75 route 1 beginning at, but not including, the southern boundary of the Tobin  
76 memorial bridge and continuing to the interchange of interstate highway route 93  
77 and state highway route 1, including such real property and any improvements  
78 thereon, personal property, equipment, licenses, appurtenances and interests in  
79 land acquired or leased in connection with or incident to the construction,  
80 ownership, operation, rehabilitation, reconstruction, improvement, repair,  
81 maintenance or administration of such roadways and tunnels as are necessary for  
82 their safe and efficient operation and maintenance or which are otherwise  
83 convenient or desirable to carry out the purposes of this chapter.

84 "Cost", as applied to any project of the authority any or all costs, whenever  
85 incurred, of carrying out and placing such projects in operation, including,  
86 without limiting the generality of the foregoing, amounts for the following:  
87 acquisition, construction expansion improvement and rehabilitation of facilities;  
88 acquisition of real or personal property; demolitions and relocations; labor,  
89 materials, machinery and equipment; services of architects, engineers and  
90 environmental and financial experts and other consultants; feasibility studies,  
91 plans, specifications and surveys; interest prior to and during the carrying out of  
92 any project and for a reasonable period thereafter; reserves for debt service or  
93 other capital or current expenses; costs of issuance; and working capital,  
94 administrative expenses; legal expenses and other expenses necessary or  
95 incidental to the aforesaid, to the financing thereof and to the issuance therefor of  
96 bonds under the provisions of this act.

97 "Costs of issuance", any amounts payable or reimbursable directly or  
98 indirectly by the authority and related to the sale and issuance of bonds and the  
99 investment of the proceeds thereof and of revenues securing the same including,  
100 without limiting the generality of the foregoing, printing costs, filing and  
101 recording fees, fees and charges of trustees, depositories, authenticating agents  
102 and paying agents, legal and auditing fees and charges, financial consultant fees,  
103 costs of credit ratings, premiums for insurance of the payment of bonds and fees  
104 payable for letters or lines of credit or other credit facilities securing bonds,  
105 underwriting or placement costs, fees and charges for execution, transportation  
106 and safekeeping of bonds, costs and expenses of refunding and other costs, fees  
107 and charges in connection with the foregoing.

108 "Current expenses", the authority's current expenses, whether or not  
109 annually recurring, of maintaining, repairing and operating the assets under the  
110 possession, custody and control of the authority and engaging in other activities  
111 authorized by this chapter including, without limiting the generality of the  
112 foregoing, amounts for administrative expenses of the authority including costs

113 of salaries and benefits, as provided in this chapter, cost of insurance, payments  
114 for engineering, financial, accounting, legal and other services rendered to the  
115 authority, taxes upon the authority or its income, operations or property and  
116 payments in lieu of such taxes, costs incurred or payable by the authority with  
117 respect to the assets under the possession, custody and control of the authority,  
118 costs of issuance not financed in the cost of a project, and other current expenses  
119 required or permitted by law to be paid by the authority , including the funding of  
120 reasonable reserves for upgrading, maintenance, repair, replacements, insurance,  
121 emergency contingencies or operations.

122 “Department”, the department of transportation.

123 “Fund”, the Massachusetts Transportation and Infrastructure Fund  
124 established pursuant to section 4.

125 “Independent agencies”, shall include, without limitation, the Massachusetts  
126 bay transportation authority, the Massachusetts port authority, the Woods Hole,  
127 Martha’s Vineyard, and Nantucket steamship authority, and the Massachusetts  
128 association of regional transit authorities.

129 “Massachusetts Port Authority”, the Massachusetts Port Authority  
130 established pursuant to chapter 465 of the acts of 1956.

131 “Massachusetts Bay Transportation Authority”, the Massachusetts Bay  
132 Transportation Authority established pursuant to chapter 161A of the General  
133 Laws.

134 “Metropolitan highway system”, the integrated system of roadways, bridges,  
135 tunnels, overpasses, interchanges, parking facilities, entrance plazas, approaches,  
136 connecting highways, service stations, restaurants, tourist information centers  
137 and administration, storage, maintenance and other buildings that the authority  
138 owns, constructs or operates and maintains pursuant to the provisions of this  
139 chapter which consists of the Boston extension, the Callahan tunnel, the central  
140 artery, the central artery north area, the Sumner tunnel and the Ted Williams  
141 tunnel and any additional highway, tunnel and bridge components as the General  
142 Court may from time to time determine.

143 “Metropolitan highway system revenues”, (i) all rates, fees, tolls, rentals or  
144 other charges and other earned income and receipts as derived from or with  
145 respect to the ownership, operation, lease, rent or other use or disposition of the  
146 metropolitan highway system or any part thereof; and (ii) all other funds received  
147 by the authority, from whatever source, relating to the metropolitan highway  
148 system.

149 “Notes or bonds”, the notes, bonds or other evidences of indebtedness of the  
150 authority issued pursuant to this chapter.

151 “Revenues”, all charges and other receipts derived by the authority from  
152 operation of the assets under the possession, custody and control of the authority

153 and all other activities or properties of the including, without limiting the  
154 generality of the foregoing, proceeds of grants, gifts or appropriations to the  
155 authority, investment earnings and proceeds of insurance or condemnation, and  
156 the sale or other disposition of real or personal property.

157 “Secretary”, the secretary of the department of transportation.

158 “State agencies”, shall include, without limitation the department, the  
159 department of conservation and recreation, and such other state agencies as may  
160 be involved in transportation related functions from time to time.

161 “State highway system”, all roadways, bridges, tunnels, overpasses,  
162 interchanges, parking facilities, entrance plazas, approaches, connecting  
163 highways, service stations, restaurants, tourist information centers and  
164 administration, storage, maintenance and other buildings that the authority owns,  
165 constructs or operates and maintains pursuant to the provisions of this chapter  
166 and any additional highway, tunnel and bridge components as the General Court  
167 may from time to time determine.

168 “State public transit system”, all publicly funded modes of transportation,  
169 but not including roads and bridges.

170 “Sumner tunnel”, the vehicular tunnel under Boston harbor, heretofore  
171 constructed and financed by the city of Boston under the provisions of chapter  
172 two hundred and ninety-seven of the acts of nineteen hundred and twenty-nine,  
173 including such real property and any improvements thereon, personal property,  
174 equipment, licenses, appurtenances and interests in land acquired or leased in  
175 connection with or incident to the construction, ownership, operation,  
176 rehabilitation, reconstruction, improvement, repair, maintenance or  
177 administration of such tunnel as are necessary for its safe and efficient operation  
178 and maintenance or which are otherwise convenient or desirable to carry out the  
179 purposes of this chapter.

180 “Ted Williams tunnel”, all or any segments of the roadways, bridges,  
181 viaducts and tunnels for vehicular traffic constructed by the highway department  
182 that constitute the interstate highway route 90 extension and its connecting  
183 roadways and tunnels, including (i) the harbor tunnel crossing beneath Boston  
184 harbor, beginning at and including the interchanges of state highway route 1A  
185 and the Logan airport access and egress roadways with interstate highway route  
186 90 and continuing beneath Boston harbor to and including the interchange of  
187 interstate highway route 90 and South Boston Bypass road, but excluding the  
188 Logan airport access and egress roadways owned by the port authority on March  
189 first, nineteen hundred and ninety-seven and any additional access and egress  
190 roadways acquired by the Massachusetts Port Authority after March first,  
191 nineteen hundred and ninety-seven; (ii) the seaport access highway, so-called  
192 beginning at the interchange of interstate highway routes 90 and 93 and

193 continuing to the interchange of interstate highway route 90 and South Boston  
194 Bypass road; and (iii) South Boston Bypass road, a portion of which is also  
195 known as South Boston Haul road, beginning at the interchange of interstate  
196 highway route 93 and South Boston Bypass road and continuing to the  
197 interchange of the seaport access highway, so-called, in the South Boston section  
198 of the city of Boston, including such real property and any improvements  
199 thereon, personal property, equipment, licenses, appurtenances and interests in  
200 land acquired or leased by the highway department in connection with or incident  
201 to the construction, ownership, operation, rehabilitation, reconstruction,  
202 improvement, repair, maintenance or administration of such roadways and  
203 tunnels as are necessary for their safe and efficient operation and maintenance or  
204 which are otherwise convenient or desirable to carry out the purposes of this  
205 chapter.

206 “Tobin memorial bridge”, the bridge formerly known as the Mystic river  
207 bridge in Chelsea.

208 “Turnpike”, the limited access express toll highway, designated as interstate  
209 highway route 90, and all bridges, tunnels, overpasses, underpasses,  
210 interchanges, parking facilities, entrance plazas, approaches, connecting  
211 highways, service stations, restaurants, tourist information centers and  
212 administration, storage, maintenance and other buildings that the authority may  
213 own, construct or operate and maintain pursuant to the provisions of this chapter  
214 and any additional highway, tunnel and bridge components as the general court  
215 may from time to time determine, extending from the town of West Stockbridge  
216 on the commonwealth’s border with New York state to, but not including, the  
217 interchange of interstate highway route 90 and state highway route 128 in the  
218 town of Weston.

219 “Turnpike corridor”, the cities and towns of the commonwealth from the  
220 New York state border to state highway route 128 through which the turnpike  
221 runs and municipalities contiguous to such cities and towns.

222 “Turnpike revenues”, (i) all rates, fees, tolls, rentals or other charges and  
223 other earned income and receipts derived from or with respect to the ownership,  
224 operation, lease, rent or other use or disposition of the turnpike or any part  
225 thereof; and (ii) all other funds received by the authority, from whatever source,  
226 relating to the turnpike.

227 Section 2. (a) There is hereby created a body politic and corporate to be  
228 known as the Massachusetts Transportation and Infrastructure Authority. The  
229 authority is hereby constituted a public instrumentality and the exercise by the  
230 authority of the powers conferred by this chapter shall be considered to be the  
231 performance of an essential governmental function.

232 The authority is hereby placed in the executive office of the governor but  
233 shall not be subject to the supervision or control of said office, or of any board,  
234 bureau, department, or other center of the commonwealth, except as specifically  
235 provided in this chapter.

236 (b) The authority shall be governed and its corporate powers exercised by a  
237 board of directors. The authority shall consist of the governor, who shall serve as  
238 chairperson, and 4 additional members appointed by the governor for a term of 3  
239 years, 2 of whom shall be experts in the field of public or private transportation  
240 finance; 1 of whom shall have practical experience in transportation planning and  
241 policy; and 1 of whom shall be a registered civil engineer with at least 10 years  
242 experience. Any person appointed to fill a vacancy in the office of a member of  
243 the board shall be appointed in a like manner and shall serve for only the  
244 unexpired term of such member. Any member shall be eligible for  
245 reappointment. Any member may be removed from his appointment by the  
246 governor for cause. The board shall annually elect 1 of its members to serve as  
247 vice-chairperson and 1 to serves as treasurer. The Governor may appoint a  
248 designee pursuant to section 6A of chapter 30; provided, however that said  
249 designee shall not be an employee of the authority, department or any division  
250 thereof.

251 (c) Four directors shall constitute a quorum and the affirmative vote of a  
252 majority of directors present at a duly called meeting if a quorum is present shall  
253 be necessary for any action to be taken by the board. Any action required or  
254 permitted to be taken at a meeting of the directors may be taken without a  
255 meeting if all of the directors' consent in writing to such action and such written  
256 consent is filed with the records of the minutes of the meetings of the board. Such  
257 consent shall be treated for all purposes as a vote at a meeting. Each director shall  
258 make full disclosure, under subsection (d), of his financial interest, if any, in  
259 matters before the board by notifying the state ethics commission, in writing, and  
260 shall abstain from voting on any matter before the board in which he has a  
261 financial interest, unless otherwise permissible under chapter 268A.

262 (d) The provisions of chapter 268A shall apply to all ex-officio directors or  
263 their designees and employees of the authority. The provisions of chapter 268A  
264 shall apply to all other directors of the authority, except that the authority may  
265 purchase from, sell to, borrow from, loan to, contract with or otherwise deal with  
266 any person in which any director of the authority is in any way interested or  
267 involved; provided, however, that such interest or involvement is disclosed in  
268 advance to the members of the board and recorded in the minutes of the board;  
269 and provided, further, that no director having such an interest or involvement  
270 may participate in any decision of the board relating to such person. Employment

271 by the commonwealth or service in any agency thereof shall not be deemed to be  
272 such an interest or involvement.

273 (e) The board shall have the power to appoint and employ a secretary, and to  
274 fix his compensation and conditions of employment. The secretary shall be the  
275 chief executive, administrative and operational officer of the authority and the  
276 department and shall direct and supervise the administrative affairs and the  
277 general management of the authority and the department. The secretary shall  
278 appoint and employ a chief financial and accounting officer and may, subject to  
279 the general supervision of the board, employ other employees, consultants,  
280 agents, including legal counsel, and advisors, and shall attend meetings of the  
281 board. The chief financial and accounting officer of the authority shall be in  
282 charge of its funds, books of account and accounting records. No funds shall be  
283 transferred by the authority without the approval of the board and the signatures  
284 of the chief financial and accounting officer and the treasurer, as elected by the  
285 board pursuant to subsection (f).

286 (f) The board shall bi-annually elect 1 of its members as treasurer and 1 of  
287 its members as secretary. The secretary shall keep a record of the proceedings of  
288 the board and shall be custodian of all books, documents, and papers filed by the  
289 board and of its minute book and seal. The secretary shall cause copies to be  
290 made of all minutes and other records and documents of the authority and shall  
291 certify that such copies are true copies, and all persons dealing with the authority  
292 may rely upon such certification.

293 (g) All officers and employees of the authority having access to its cash or  
294 negotiable securities shall give bond to the authority at its expense in such  
295 amounts and with such surety as the board may prescribe. The persons required  
296 to give bond may be included in one or more blanket or scheduled bonds.

297 (h) Board members and officers who are not compensated employees of  
298 the authority shall not be liable to the commonwealth, to the authority or to any  
299 other person as a result of their activities, whether ministerial or discretionary, as  
300 such board members or officers except for willful dishonesty or intentional  
301 violations of law. Neither members of the authority nor any person executing  
302 bonds or policies of insurance shall be liable personally thereon or be subject to  
303 any personal liability or accountability by reason of the issuance thereof. The  
304 board of directors may purchase liability insurance for board members, officers  
305 and employees and may indemnify said persons against claims of others.

306 (i) The authority shall continue as long as it shall have bonds or  
307 insurance or guarantee commitments outstanding and until its existence is  
308 terminated by law. Upon the termination of the existence of the authority, all  
309 right, title and interest in and to all of its assets and all of its obligations, duties,

310 covenants, agreements and obligations shall vest in and be possessed, performed  
311 and assumed by the commonwealth.

312 (j) Any action of the authority may take effect immediately and need  
313 not be published or posted unless otherwise provided by law. Meetings of the  
314 authority shall be subject to section 11A1/2 of chapter 30A; but, said section  
315 11A1/2 shall not apply to any meeting of members of the authority serving ex  
316 officio in the exercise of their duties as officers of the commonwealth so long as  
317 no matters relating to the official business of the authority are discussed and  
318 decided at the meeting. The authority shall be subject to all other provisions of  
319 said chapter 30A, and records pertaining to the administration of the authority  
320 shall be subject to section 42 of chapter 30 and section 10 of chapter 66. All  
321 moneys of the authority shall be considered to be public funds for purposes of  
322 chapter 12A. The operations of the authority shall be subject to chapter 268A and  
323 chapter 268B and all other operational or administrative standards or  
324 requirements to the same extent as the office of the state treasurer.

325 Section 3. (a) The authority shall have all powers necessary or convenient to  
326 carry out and effectuate its purposes, including, without limiting the generality of  
327 the foregoing, the power:

328 (1) to adopt and amend bylaws, regulations and procedures for the  
329 governance of its affairs and the conduct of its business for the administration  
330 and enforcement of this chapter; provided, however, that regulations adopted by  
331 the authority shall be adopted pursuant to chapter 30A;

332 (2) to adopt an official seal and a functional name;

333 (3) to delegate to the department any powers granted to the authority by  
334 this chapter necessary for the commonwealth to be in compliance with 23 U.S.C  
335 section 302;

336 (4) to maintain offices at places within the commonwealth as it may  
337 determine and to conduct meetings of the authority in accordance with the by-  
338 laws of the authority and the second paragraph of section 59 of chapter 156B;

339 (5) to direct, operate, administer, and implement the programs of roadway,  
340 general aviation, rail and transit, and vehicular registration and regulation, and, in  
341 cooperation with the department for the design, construction, repair,  
342 maintenance, capital improvement, development, and planning of the  
343 transportation facilities throughout the department, as appropriate;

344 (6) to direct, coordinate, and supervise the administration of the department  
345 to promote economy and efficiency and to leverage federal funding and private  
346 sector investment;

347 (7) to develop and administer a long-term state-wide transportation plan for  
348 the commonwealth that includes planning for intermodal and integrated  
349 transportation;

- 350 (8) to develop and administer procedures to be used for transportation  
351 project selection;
- 352 (9) to establish criteria, including criteria that will result in the reduction of  
353 greenhouse gases, for project selection to be used in the procedures developed  
354 pursuant to clause (7);
- 355 (10) to enter into agreements and transactions with federal, state and  
356 municipal agencies and other public institutions and private individuals,  
357 partnerships, firms, corporations, associations and other entities on behalf of the  
358 department;
- 359 (11) to institute and administer the Massachusetts Transportation and  
360 Infrastructure Fund for the purposes of making appropriations, allocations, grants  
361 or loans to leverage development and investments in transportation investment;
- 362 (12) to sue and be sued in its own name, plead and be impleaded;
- 363 (13) to own, construct, maintain, repair, reconstruct, improve, rehabilitate,  
364 use, police, administer, control and operate the state highway system or any part  
365 thereof; provided, however, that the provisions of chapter 91 shall not apply to  
366 the authority, except for any parts or areas thereof subject to said chapter 91 on  
367 March 1, 1997;
- 368 (14) to acquire sites abutting the state highway system and to construct or  
369 contract for the construction of buildings and appurtenances for gasoline stations,  
370 restaurants, parking facilities, tourist information centers and other services and  
371 to lease such facilities in such manner and under such terms as it may determine;
- 372 (15) to issue bonds, notes and other evidences of indebtedness as provided  
373 in this chapter;
- 374 (16) to appoint officers and employees and to engage accountants,  
375 architects, attorneys, engineers, planners, real estate experts and other consultants  
376 as may be necessary in its judgment to carry out the purposes of this act and fix  
377 their compensation;
- 378 (17) to acquire real and personal property, or any interest in real or personal  
379 property, by gift, purchase, transfer, foreclosure, lease or otherwise including  
380 rights or easements; to hold, sell, assign, lease, encumber, mortgage or otherwise  
381 dispose of any real or personal property, or any interest therein, or mortgage any  
382 interest owned by it or under its control, custody or in its possession; to release or  
383 relinquish any right, title, claim, lien, interest, easement or demand however  
384 acquired, including any equity or right of redemption in property foreclosed by it;  
385 to take assignments of leases and rentals, proceed with foreclosure actions, or  
386 take any other actions necessary or incidental to the performance of its corporate  
387 purposes;
- 388 (18) to place and maintain or grant permission by easement or otherwise to  
389 any public utility, corporation or person to place and maintain on or under or

390 within the state highway system or any part thereof, ducts, pipes, pipelines,  
391 mains, conduits, cables, wires, towers, poles or other structures to be so located  
392 as not to interfere with the safe and convenient operation and maintenance of the  
393 state highway system and to contract with any such public utility, corporation or  
394 person for such permission on such terms and conditions as may be fixed by the  
395 authority;

396 (19) to designate the locations and establish, limit and control such points of  
397 ingress to and egress from the state highway system as may be necessary,  
398 convenient or desirable in the judgment of the authority to insure the proper  
399 operation and maintenance of the state highway system and to prohibit entrance  
400 to the state highway system from any point or points not so designated;

401 (20) to (i) construct grade separations at locations where the state highway  
402 system intersect with or abut public highways or rail lines and to change and  
403 adjust the lines and grades of such highways or rail lines so as to accommodate  
404 the same to the design of such grade separation; and (ii) change the location of  
405 any portion of any public highway or rail line which intersects or abuts the state  
406 highway system in order to improve the safety or efficiency of the state highway  
407 system; provided, however, that if the authority shall find it necessary to change  
408 the location of a public highway, it shall reconstruct the same in as good a  
409 condition as the original highway and at such location as the authority deems  
410 most favorable; provided, however, that all costs incident to construction,  
411 realignment or reconstruction conducted pursuant to this clause shall be borne by  
412 the authority;

413 (21) to enter upon any lands, waters and premises in the commonwealth,  
414 after 30 days' notice by registered or certified mail and without the necessity of  
415 any judicial orders or other legal proceedings, for the purpose of making surveys,  
416 soundings, drillings and examinations as the authority may deem necessary,  
417 convenient or desirable for carrying out the purposes of this chapter and such  
418 entry shall not be deemed a trespass nor shall an entry for such purposes be  
419 deemed an entry under any condemnation proceedings which may be then  
420 pending; provided, however, that the authority shall provide reimbursement for  
421 any actual damage resulting to such lands, waters and premises as a result of such  
422 activities; and provided further, that the commonwealth hereby consents to the  
423 use of all lands owned by it, including lands lying underwater, which are deemed  
424 by the authority to be necessary, convenient or desirable for the construction,  
425 operation or maintenance of the state highway system;

426 (22) to make and enter into all contracts and agreements necessary,  
427 convenient or desirable in the performance of its duties and the execution of its  
428 powers under this chapter; provided, however, that sections 26 to 29, inclusive,  
429 and sections 44A to 44J, inclusive, of chapter 149 and sections 39F to 39M,

430 inclusive, of chapter 30 shall apply to contracts of the authority to the same  
431 extent and in the same manner as they are applicable to the commonwealth;  
432 provided, however, that notwithstanding the provisions of this clause, the  
433 authority may, with the approval of the secretary of the executive office of  
434 administration and finance, without competitive bids and notwithstanding the  
435 provisions of any general or special law to the contrary, award a contract,  
436 otherwise subject to this section, limited to the performance of emergency repairs  
437 necessary to preserve the safety of persons or property;

438 (23) to invest any funds held in reserves or sinking funds, or the  
439 Massachusetts Transportation Infrastructure Fund, or any funds not required for  
440 immediate disbursement, in such investments as may be provided in any  
441 financing document relating to the use of such funds, or, if not so provided, as the  
442 board may determine;

443 (24) to review and recommend changes in laws, rules, programs, and  
444 policies of the state and its agencies and subdivisions to further transportation  
445 financing, infrastructure and development within the commonwealth;

446 (25) to appear in its own behalf before boards, commissions, departments or  
447 other agencies of municipal, state or federal government;

448 (26) to obtain insurance;

449 (27) to apply for and accept subventions, grants, loans, advances and  
450 contributions from any source of money, property, labor or other things of value,  
451 to be held, used and applied for its corporate purposes;

452 (28) to adopt a fiscal year to conform with the fiscal year of the  
453 commonwealth;

454 (29) to receive and apply its revenues to the purposes of the authority  
455 without appropriation or allotment by the commonwealth or any political  
456 subdivision thereof;

457 (30) to enter into agreements with other parties, including, without limiting  
458 the generality of the foregoing, government agencies, municipalities, authorities,  
459 private transportation companies, railroads, and other concerns, providing (i) for  
460 construction, operation and use of any mass transportation facility and equipment  
461 held or later acquired by the authority; provided, that any agreement entered into  
462 by the authority for the construction or acquisition of mass transportation  
463 facilities or equipment of more than \$1,000,000, which is financed in whole or in  
464 part from the proceeds of bonds the debt service payments on which are assisted  
465 by the commonwealth or made from the dedicated revenue source, shall not  
466 become effective until approved by the secretary of the executive office of  
467 administration and finance;; (ii) for joint or cooperative operation of any mass  
468 transportation facility and equipment with another party; (iii) for operation and  
469 use of any mass transportation facility and equipment for the account of the

470 authority, for the account of another party or for their joint account; or (iv) for the  
471 acquisition of any mass transportation facility and equipment of another party  
472 where the whole or any part of the operations of such other party takes place  
473 within the area constituting the authority; provided further, that any such other  
474 party may enter into any such agreements, subject to such provisions of law as  
475 may be applicable; and provided further, that any agreement with a private  
476 company under this chapter which is to be financed from the proceeds of bonds  
477 or bond anticipation notes and which provides for the rendering of transportation  
478 service by such company and for financial assistance to such company by  
479 subsidy, lease or otherwise shall include such service quality standards for such  
480 service as the authority may deem appropriate and shall not bind the authority for  
481 a period of longer than one year from its effective date, but this shall not prohibit  
482 agreements for longer than one year if the authority's obligations thereunder are  
483 subject to annual renewal or annual cancellation by the board's authority; and  
484 provided further, that such agreements may provide for cash payments for  
485 services rendered, but not more than will permit any private company a  
486 reasonable return;

487 (31) to establish transit facilities and related infrastructure, including  
488 terminals, stations, access roads, and parking, pedestrian access facilities and  
489 bicycle parking and access facilities as may be deemed necessary and desirable;  
490 and provided further, that the authority may charge reasonable fees for the use of  
491 such facilities as it may deem desirable;

492 (32) to lend money to and to acquire or hold obligations issued by public  
493 bodies or other users at such prices and in such manner as the authority shall  
494 deem advisable and sell such bonds acquired or held by it at prices without  
495 relation to cost and in such manner as the authority shall deem advisable and to  
496 secure its own issues of bonds with such obligations held by it, all as provided in  
497 section xx;

498 (33) to act, together with the department, as the central entity and  
499 coordinating organization for transportation initiatives on behalf of the  
500 commonwealth and to work in collaboration with governmental entities, bodies,  
501 centers, institutes and facilities to advance the commonwealth's interests and  
502 investments in transportation;

503 (34) to enter into agreements with public and private entities that deal  
504 primarily with transportation and infrastructure development, in order to  
505 distribute and provide leveraging of monies or services for the purposes of  
506 furthering transportation development in the commonwealth and promoting  
507 overall economic growth within the commonwealth by fostering collaboration  
508 and investments in transportation initiatives in the commonwealth;

509 (35) to provide and pay for such advisory services and technical assistance  
510 as may be necessary or desired to carry out the purposes of this chapter;

511 (36) to establish and collect such fees and charges as the authority without  
512 further appropriation shall determine to be reasonable and consistent with this  
513 chapter; and to receive and apply revenues from fees and charges to the purposes  
514 of the authority or allotment by the commonwealth or any political subdivision  
515 thereof;

516 (37) to disburse, appropriate, grant, loan or allocate funds for the purposes  
517 of investing in transportation initiatives as directed in this chapter;

518 (38) to provide assistance to local entities, local authorities, public bodies  
519 and private corporations for the purposes of maximizing opportunities for  
520 transportation and development initiatives in the commonwealth;

521 (39) to prepare, publish and distribute, with or without charge, as the  
522 authority may determine, such studies, reports and bulletins and other material as  
523 the authority deems appropriate;

524 (40) to exercise any other powers of a corporation organized under chapter  
525 156B;

526 (41) to take any actions necessary or convenient to the exercise of any  
527 power or the discharge of any duty provided for by this chapter;

528 (42) to enter into agreements or other transactions with any person,  
529 including without limitation any public entity or other governmental  
530 instrumentality or agency in connection with its powers and duties under this  
531 chapter; and

532 (43) to delegate any of the foregoing powers to an undersecretary or to a  
533 director having charge of an administrative unit within the department.

534 Section 4. There shall be established and placed within the authority a  
535 separate fund to be known as the Massachusetts Transportation and Infrastructure  
536 Fund which shall be used for financing transportation-related purposes of the  
537 Massachusetts Transportation and Infrastructure Authority. The secretary shall be  
538 authorized to enter into agreements with the Massachusetts bay transportation  
539 authority, the Massachusetts port authority, the regional transit authorities, and,  
540 for so long as it shall continue to exist, the Massachusetts turnpike authority, to  
541 commit any funds generated from fares, fees, tolls, or any other revenue sources  
542 including, but not limited to, from federal sources of these authorities to the fund.  
543 There shall be credited to the fund all turnpike revenues and other toll and non-  
544 toll revenue collected by the authority after assumption of the assets, obligations,  
545 and liabilities of the Massachusetts turnpike authority, all tolls collected by the  
546 authority after transfer of the Tobin memorial bridge by the Massachusetts port  
547 authority to the authority, all refunds and rebates made on account of  
548 expenditures on ways by the authority, any revenues from appropriations or other

549 monies authorized by the general court and specifically designated to be credited  
550 to the fund, any gifts, grants, private contributions, investment income earned on  
551 the fund's assets, all monies received by the authority for the sale or lease of  
552 property, all monies received by the authority in satisfaction of claims by the  
553 authority for damage to highway and bridge safety signs, signals, guardrails,  
554 curbing and other highway and bridge related facilities, and other receipts of the  
555 authority. Money remaining in the fund at the end of the year shall not revert to  
556 the General Fund.

557 The fund, which shall be under the control of the authority and not subject to  
558 appropriation, shall be used as follows:

559 (a) For expenditure, under the direction of authority, for maintaining,  
560 repairing, improving and constructing town and county ways and bridges,  
561 sidewalks adjacent to such ways and bridges, bikeways and other projects  
562 eligible for funding as a transportation enhancement project as described in the  
563 Intermodal Surface Transportation Efficiency Act of 1991, P.L. 102-240, salt  
564 storage sheds, bikeways and public use off-street parking facilities related to  
565 mass transportation, for engineering services and expenses related to highway  
566 transportation enhancement and mass transportation purposes, for care, repair,  
567 storage, replacement, purchase and long-term leasing of road building machinery,  
568 equipment and tools, for the erection and maintenance of direction signs and  
569 warning signs and for necessary or beneficial improvements to unpaved town and  
570 county ways together with any money which any town or county may appropriate  
571 for such purposes to be used on the same ways, sheds, bikeways, bridges,  
572 machinery, equipment, tools and facilities. Such engineering services, including  
573 surveying services, shall only be performed by architectural, engineering or  
574 surveying firms prequalified by the authority; provided, however, that a  
575 municipality may seek a waiver of this requirement from the authority if the  
576 municipality demonstrates to the satisfaction of the Authority that it is cost  
577 prohibitive to use a prequalified firm. Such ways, sheds, bikeways, bridges,  
578 machinery, equipment, tools and facilities shall remain town or county ways,  
579 sheds, bikeways, bridges, machinery, equipment, tools and facilities. The  
580 authority shall withhold or withdraw the unexpended balance of any funds  
581 assigned by it under this subdivision if the town fails to comply with the official  
582 standards for traffic control established by the authority or with any provision of  
583 a traffic control agreement negotiated between the authority and the town, as  
584 required by the United States Secretary of Commerce under section 109 of Title  
585 23 of the United States Code. In this subdivision the word "town" shall include  
586 city;

587 (b) For expenditure, under the direction of the authority, for maintaining,  
588 repairing and improving state highways and bridges, including bridges and

589 appurtenances managed until July 1, 2009 by the department of conservation and  
590 recreation, and for the turnpike and the metropolitan highway system managed  
591 until its dissolution by the Massachusetts turnpike authority;

592 (c) For expenditure, under the direction of said authority, in addition to  
593 federal aid payments received under section 30 of chapter 81, for construction of  
594 state highways;

595 (d) For expenditure, under the direction of said authority, for engineering  
596 services and expenses, for care, repair, storage, replacement and purchase of road  
597 building machinery and tools, for snow removal, for the erection and  
598 maintenance of direction signs and warning signs and for the care of shrubs and  
599 trees on state highways, and for expenses incidental to the foregoing or incidental  
600 to the purposes specified in subdivisions (a), (b) or (c) of this clause;

601 (e) For expenditure for the operations of the authority, the department of  
602 transportation and any divisions within the authority;

603 (f) For contributions to regional transit authorities under section 23 of  
604 chapter 161B of the General Laws;

605 (g) For expenditure, under the direction of the authority, for infrastructure  
606 improvements to transportation facilities throughout the commonwealth;

607 (h) For regional expenditure, under the direction of the authority, for  
608 highway division projects in the five geographic regions of the commonwealth  
609 consistent with the boundaries of the five highway division districts as existing  
610 on July 1, 2009; provided that the commonwealth's total five year capital  
611 expenditures for road and bridge projects in any region, including but not limited  
612 to expenditures made from the fund, shall not be less than 75 per cent of the  
613 following number: the annual percentage of the total motor vehicle fuel tax  
614 generated by that region multiplied by the highway division's 5 year historic  
615 capital expenditures, excluding personnel costs;

616 (i) For expenditures to meet any debt obligations of the authority following  
617 the dissolution of the Massachusetts turnpike authority and assumption of assets,  
618 obligations, and liabilities by the authority;

619 (j) For expenditure for highway field services and transportation support  
620 programs, including but not limited to, state police highway patrols and accident  
621 teams;

622 (l) For any other expense of the authority necessary to carry out its purposes.

623 Section 5. (a) The authority shall be organized and shall function as a single  
624 state agency for administrative purposes including, but not limited to, for the  
625 purposes of the accounting and financial system of the commonwealth. The  
626 secretary shall, notwithstanding the provisions of any general or special law to  
627 the contrary, identify and consolidate administrative activities and functions  
628 common to the separate offices, divisions, and authorities within the authority

629 and may designate such functions “core administrative functions” in order to  
630 improve administrative efficiency and preserve fiscal resources. Common  
631 functions that shall be designated core administrative functions shall include, but  
632 shall not be limited to, human resources, financial management, information  
633 technology, legal, procurement, and asset management. All employees  
634 performing functions so designated and approved shall be employed directly by  
635 the secretary. The authority shall make such services available to the offices,  
636 divisions, and authorities within the department.

637 The authority may enter into agreements under section 22A and 22B of  
638 chapter 7 and in all respects not governed by general or special laws expressly  
639 made applicable to the authority shall adhere to good business practices to be  
640 determined by the authority in its procurement of equipment, materials, property,  
641 supplies and services.

642 (b) On December 15 and at 6-month intervals thereafter, the secretary shall  
643 report to the joint committee on transportation, the house and senate committees  
644 on bonding, capital expenditures and state assets and the house and senate  
645 committees on ways and means on the authority’s progress in implementing the  
646 requirements of this section, the capital expenditures made by the authority in  
647 implementing the requirements of this section and on the administrative savings  
648 that have been achieved through the implementation of the requirements of this  
649 section.

650 (c) The secretary shall appoint a manager to serve as director of system  
651 integration, whose primary responsibility shall be to develop a plan and oversee  
652 the implementation of the merger and integration of the organizations and assets  
653 comprising the authority.

654 Section 6. (a) The secretary shall operate and administer an office of  
655 performance management and innovation within the authority that shall, without  
656 limitation, administer this section. The authority and its divisions shall report to  
657 the office of performance management and innovation with regard to setting  
658 goals and establishing performance measures to improve the authority and  
659 divisions’ operations and the delivery of transportation services and projects in  
660 the commonwealth.

661 (b) The secretary shall establish a performance measurement system for the  
662 divisions of the authority, which shall establish program goals, measure program  
663 performance against those goals and report publicly on progress to improve the  
664 effectiveness of transportation design and construction, service delivery and  
665 policy decision-making. Performance measurements shall include, for at least the  
666 then current fiscal year and the previous 5 fiscal years, all modes of  
667 transportation. Performance measurements shall include the number of projects  
668 completed, the percentage of projects completed early or on time, the percentage

669 of projects completed under budget or on-budget, the number of projects in  
670 construction phase and the percentage of projects advertised early or on time.  
671 Performance measurements shall include usage information for all modes of  
672 transportation, including measures of throughput, utilization and ridership. This  
673 information shall be presented with measurements of congestion, on-time  
674 performance, if appropriate, and incidents that have caused delays or closures.  
675 Performance measurements shall include assessments of maintenance  
676 performance by asset class, mode and region, including a breakdown of highway  
677 pavement, bridge and track, for subway, commuter and commonwealth-owned  
678 freight rail, by condition level, with an explanation of current year and future  
679 year planned maintenance expenditures and their expected result. Reporting on  
680 planned maintenance programming shall include an assessment of the categories  
681 of maintenance-related activity as described in the American Association of  
682 Highway and Transportation Officials' Maintenance Manual for Roadways and  
683 Bridges. The division of roads and bridges shall expand and enhance its project  
684 information system and shall develop additional means to establish a centralized  
685 system, available on the internet, to document performance measurements and  
686 the progress and status of all planning, design, construction and maintenance  
687 projects undertaken by the authority, and all road and bridge projects of any city  
688 or town that are funded, in whole or in part, by the commonwealth. A  
689 municipality shall have access to the system at no cost, shall enter such  
690 information into the system as may be required by the division of roads and  
691 bridges and shall otherwise fully participate in the system as a condition of  
692 receiving financial assistance from the commonwealth. All information in the  
693 project information system shall be a public record unless otherwise exempted by  
694 law. A report of the project information system and performance measurements  
695 shall be published annually and made available to the public not later than  
696 December 31. The report shall also be filed annually with the clerks of the senate  
697 and house of representatives, the chairs of the house and senate committees on  
698 ways and means and the senate and house chairs of the joint committee on  
699 transportation. The performance measurement system shall require each division  
700 to develop a strategic plan for program activities and performance goals. The  
701 system shall require annual program performance reports which shall be  
702 submitted to the house and senate committees on ways and means and the joint  
703 committee on transportation.

704 (c) The office of performance management and innovation shall be  
705 charged with evaluating the goals and measures established by the authority and  
706 its divisions and monitoring the results reported. The office shall recommend  
707 changes to proposed goals and measures as are appropriate to align goals and  
708 measures with the strategic priorities of the secretary. The office shall report

709 regularly to the public on the progress the authority and its divisions are making  
710 at achieving stated goals. The office shall be responsible for the establishment  
711 and, in cooperation with each of the divisions, operation of an asset management  
712 system for all departments and shall report regularly on the condition of assets  
713 and infrastructure. Reports on performance shall include measures of: (i)  
714 maintenance activity and results; (ii) usage on all modes of transportation; (iii)  
715 operational performance; and (iv) planning, design and construction, including  
716 on-time and on-budget project delivery.

717 The office shall annually publish a “Scorecard” identifying the number  
718 of projects actively under construction and those completed in the previous year  
719 by type, value and location, and those planned for the following year.  
720 Notwithstanding any other provision of law, the office shall determine the  
721 appropriate measures and standards of performance in all categories and  
722 reporting on performance trends.

723 The office will be responsible to report publicly and transparently and  
724 to make all reports available through an on-line system.

725 The secretary shall use the performance criteria established in this section to  
726 determine the quality of service of all private entities, including commuter rail  
727 providers, that perform transportation services on behalf of the authority. The  
728 results of such performance measures shall be criteria used in negotiating any  
729 contracts.

730 Section 7. Unless otherwise required under section 6A of chapter 31 or any  
731 other general or special law to the contrary, the secretary shall design and  
732 implement a program for performance evaluation of employees. The sole purpose  
733 of the program shall be the improvement of the performance of individual  
734 employees and the authority and, notwithstanding any general or special law to  
735 the contrary, all information compiled by said program shall be confidential shall  
736 not be public records under section 10 of chapter 66 or clause Twenty-sixth of  
737 section 7 of chapter 4. The authority may consult with individuals and  
738 organizations and may contract for technical assistance for the purpose of the  
739 program to the extent it deems necessary.

740 Section 8. All moneys received pursuant to the provisions of this chapter,  
741 whether as proceeds from the issue of refunding bonds or as revenues or  
742 otherwise, shall be deemed to be trust funds to be held and applied solely as  
743 provided in this chapter. The resolution authorizing the refunding bonds or the  
744 trust agreement securing such notes or bonds shall provide that any officer with  
745 whom, or any bank or trust company with which, such moneys shall be deposited  
746 shall act as trustee of such moneys and shall hold and apply the same for the  
747 purposes hereof, subject to such regulations as this chapter and such resolution or  
748 trust agreement may provide.

749 Section 9. (a) There shall be within the authority, but not subject to the  
750 control of said authority, an office for taxpayer advocacy. The governor shall  
751 appoint a director of the office of taxpayer advocacy for a term of 6 years. The  
752 governor may remove the director only for cause including, but not limited to,  
753 any violations of the provisions of section 27, and shall fill any vacancy for the  
754 unexpired term. The director shall devote his full time and attention to the duties  
755 of his office.

756 (b) The office for taxpayer advocacy shall monitor the quality, efficiency  
757 and integrity of the authority's operating and capital programs and seek to  
758 prevent, detect and correct fraud, waste and abuse in the expenditure of public or  
759 private transportation funds.

760 (c) The director may appoint such persons as he shall deem necessary to  
761 perform the functions of the office of taxpayer advocacy, provided that the  
762 provisions of chapter 31 and section 9A of chapter 30 shall not apply to any  
763 person holding any such appointment. Employees of the office for taxpayer  
764 advocacy shall have experience with accounting, auditing, financial analysis,  
765 applicable law, business management, and public administration and shall devote  
766 their full-time efforts to the unit and shall not be assigned direct operating  
767 responsibilities. Every person so appointed to any position in the office of  
768 taxpayer advocacy shall have experience and skill in the field of such position.  
769 So far as practicable in the judgment of the secretary, appointments to such  
770 positions shall be made by promoting or transferring employees of the  
771 commonwealth serving in positions which are classified under chapter 31, and  
772 such appointments shall at all times reflect the professional needs of the  
773 administrative unit affected. If an employee serving in a position which is  
774 classified under chapter 31 or in which an employee has tenure by reason of  
775 section 9A of chapter 30 of the General Laws shall be appointed to a position  
776 within this office which is not subject to the provisions of chapter 31 of the  
777 General Laws, the employee shall upon termination of his service in such  
778 position be restored to the position which he held immediately prior to such  
779 appointment; provided, however, that his service in such position shall be  
780 determined by the civil service commission in accordance with the standards  
781 applied by said commission in administering chapter 31. Such restoration shall be  
782 made without impairment of his civil service status or tenure under section 9A of  
783 chapter 30 of the General Laws and without loss of seniority, retirement or other  
784 rights to which uninterrupted service in such prior position would have entitled  
785 him. During the period of such appointment, each person so appointed from a  
786 position in the classified civil service shall be eligible to take any competitive  
787 promotional examination for which he would otherwise have been eligible.

788 (d) The director may report and refer his findings to the Inspector General  
789 so that he may conduct an investigation pursuant to chapter 12A and the results  
790 of said investigation may be referred to the attorney general for appropriate  
791 action.

792 Section 10. There shall be within the authority an office of transportation  
793 planning which shall oversee and administer the planning responsibilities of the  
794 department, and which shall be under the supervision and control of the  
795 secretary. The secretary shall appoint an executive director who shall be skilled  
796 and experienced in the field of transportation planning and shall not be subject to  
797 chapter 31 or to section 9A of chapter 30. Said director may be removed for  
798 cause by the secretary. Said office shall serve as the principal source of  
799 transportation planning for state-level transportation projects, and shall develop  
800 the commonwealth's transportation-related programs as more particularly set  
801 forth in this section. In addition, the office of transportation planning shall work  
802 in coordination with regional planning agencies in the commonwealth, and shall  
803 serve as the principal source of transportation planning for local and regional  
804 transportation projects. Said office shall conduct research, surveys,  
805 demonstration projects and studies in cooperation with the federal government,  
806 said regional planning agencies, regional transit authorities, municipalities, other  
807 governmental agencies, and appropriate private organizations in order to support  
808 local and regional planning, deliver transportation programs, and execute  
809 demonstration projects.

810 Said office of transportation planning shall be responsible for the  
811 preparation of a comprehensive and coordinated intermodal transportation plan  
812 for the Commonwealth. Said plan shall include planning to improve and maintain  
813 facilities and equipment for all modes of transportation in the Commonwealth,  
814 including highways and roads, passenger rail and other public transportation,  
815 freight rail, aviation, shipping, pedestrian facilities, bicycle facilities, and water  
816 transportation. Said plan shall ensure an equitable allocation of investments in  
817 transportation across the regions of the commonwealth. Said plan shall include  
818 any program for the disposition of capital assets. Said plan shall include  
819 transportation improvement projects for the department of transportation and all  
820 of its constituent divisions and authorities that own or operate transportation  
821 facilities, including the Massachusetts bay transportation authority, the regional  
822 transit authorities, and the Massachusetts port authority. Said plan shall be  
823 developed in consultation with said divisions and authorities, the Commonwealth  
824 development coordinating council, the metropolitan planning organizations, the  
825 regional planning agencies, and the transportation finance commission. Said plan  
826 shall be prepared in coordination with comprehensive urban development plans  
827 and in cooperation with said other agencies so far as practicable.

828           The office of transportation planning shall be responsible for planning and  
829 programs that promote sustainable transportation, and that will: (i) maintain and  
830 expand transportation options that maximize mobility, reduce congestion,  
831 conserve fuel, and improve air quality; (ii) prioritize alternative modes including  
832 rail, bus, boat, rapid and surface transit, shared-vehicle and shared-ride services,  
833 bicycling, and walking; and (iii) invest strategically in existing and new  
834 passenger and freight transportation infrastructure that supports sound economic  
835 development consistent with established smart growth objectives. The office of  
836 transportation planning shall be responsible for bicycle and pedestrian planning,  
837 water transportation planning, and the management of transportation programs  
838 promoting congestion mitigation and air quality improvements, travel options,  
839 safe routes to school, alternative fuels, and other planning initiatives and  
840 programs that promote sustainable transportation.

841           The office of transportation planning shall be responsible for research and  
842 planning in support of the implementation of chapter 21N of the General Laws  
843 and chapter 298 of the acts of 2008. The office shall undertake planning and  
844 research tasks and coordinate with the executive office of energy and  
845 environmental affairs on issues related to historic, current, and projected future  
846 transportation-generated emissions of carbon dioxide and other greenhouse gases  
847 and technology, policy, and legal issues related to developing and implementing  
848 market-based compliance mechanisms for transportation-generated greenhouse  
849 gases.

850           The office of transportation planning shall conduct plans and work with the  
851 divisions, municipalities, other public agencies, private organizations, and other  
852 parties as appropriate in order to ensure consideration for equitable bicycle and  
853 pedestrian access in the planning and development of all transportation facilities.  
854 Consistent with the most current edition of the MassHighway Project  
855 Development and Design Guide, or its successor, the office of transportation  
856 planning shall give consideration in the design, construction, and maintenance of  
857 transportation facilities for all new construction and reconstruction projects,  
858 including resurfacing, restoring and rehabilitation improvement projects, to  
859 ensure safe and contiguous routes for all users, including individuals of all ages  
860 and abilities, pedestrians, bicyclists, transit vehicles and riders, and motorists.

861           The office of transportation planning shall work with other commonwealth  
862 agencies to identify measures that agencies can take to facilitate fuel  
863 conservation, travel demand management for agency employees, and sustainable  
864 transportation, to develop programs that consolidate and promote these measures  
865 in a user-friendly manner, and to provide programmatic support to help other  
866 Commonwealth agencies implement these measures.

867           The office of transportation planning shall utilize life-cycle cost modeling  
868 for all projects. Life-cycle costs shall mean all relevant costs of a transportation  
869 asset's lifespan including, but not limited to, planning, study, design, purchase or  
870 lease, operation, maintenance, repair, replacement and disposal. The department  
871 shall utilize life-cycle cost modeling during the project planning and selection  
872 processes for all of its divisions, agencies, and authorities, as defined herein.  
873 Life-cycle cost information shall be presented as part of the public disclosure  
874 process in all project planning documents in equal proportion to initial delivery  
875 cost estimates. Project planning shall include the identification of funding to  
876 minimize life-cycle costs throughout the life of each asset.

877           Section 11. Every 5 calendar years, beginning not later than April 30, 2010,  
878 the secretary shall, after conducting public hearings, prepare and publish in the  
879 Massachusetts Register a comprehensive state transportation plan for the 5  
880 succeeding fiscal years, beginning with the period of fiscal year 2011 to 2015,  
881 inclusive. The plan shall be consistent with such priorities as may be established  
882 by legislation. Said plan shall be designed to ensure construction and  
883 maintenance of a safe, sound and efficient public highway, road and bridge  
884 system, to relieve congestion, to reduce greenhouse gas emissions, particulates  
885 and other pollutants, and to improve the quality of life in the commonwealth by  
886 promoting economic development and employment in the commonwealth by  
887 meeting, cost effectively, the diverse transportation needs of all residents of the  
888 commonwealth, including urban, suburban and rural populations. Said plan shall  
889 also include an engineering assessment to anticipate highway, road and bridge  
890 needs throughout the commonwealth as determined by objective engineering  
891 measurements of condition, safety and service. The secretary shall consult with  
892 the executive office of environmental affairs and the executive office of  
893 economic affairs in the development of said plan. Said plan shall provide for  
894 meeting not less than 5 per cent annually of the estimated construction,  
895 reconstruction and repair needs of public highways and bridges of the  
896 commonwealth, its counties, cities and towns, estimated as follows. Before the  
897 secretary publishes or updates said plan, the Massachusetts Transportation and  
898 Infrastructure Authority shall determine and certify to the secretary its estimate  
899 of the total value of all construction, reconstruction and repair needs of the  
900 commonwealth's highway and bridge infrastructure. The total value estimate  
901 shall be based on satisfying current safety and maintenance standards of the  
902 Federal Highway Administration and the American Association of State  
903 Highway and Transportation Officials. The estimate shall be substantiated by  
904 documented objective engineering estimates which shall be made available for  
905 public review.

906           The department and the authority shall report annually, not later than  
907 February 1, to the house and senate committees on ways and means and the joint  
908 committee on transportation on their compliance with the plan and their efforts to  
909 satisfy the 5 per cent requirement of the preceding paragraph.

910           Section 12. The authority shall develop and implement a single integrated  
911 asset management system to oversee and coordinate the maintenance,  
912 preservation, reconstruction and investment of all of the assets in its possession,  
913 custody and control. The authority may use programs and services offered by the  
914 division of capital asset management and maintenance and the information  
915 technology division to aid in its development of an integrated asset management  
916 system as long as, in the judgment of the authority, such programs and services  
917 compare favorably with those available from private vendors and are offered at  
918 competitive prices.

919           Section 13. (a) There shall be within the authority an office of transition  
920 management which shall perform such functions as the secretary may determine  
921 in relation to the administration, implementation and enforcement of  
922 transportation restructuring; provided, however, that the office shall: (i)  
923 recommend to the secretary rules and regulations to facilitate the orderly  
924 expeditious transfer of assets and functions from the former executive office of  
925 transportation and public works, the Massachusetts Turnpike Authority, the  
926 Massachusetts Bay Transportation Authority, the Massachusetts Port Authority,  
927 the department of conservation and recreation and the department of highways  
928 authority; (ii) develop administrative processes to assure continuity of  
929 employment and operations during the transitions; (iii) recommend legislation to  
930 resolve issues or assist government agencies with the transition of transportation  
931 agencies; and (iv) report at least quarterly to the governor and the chairs of the  
932 joint committee on transportation on the progress of the transition.

933           (b) The office of transition management shall make such plans and  
934 arrangements as may be necessary to ensure the efficient integration of: (i) the  
935 Massachusetts turnpike authority's functions, assets, liabilities, and obligations;  
936 (ii) the Tobin memorial bridge owned and operated by the Massachusetts port  
937 authority; and (iii) the vehicular bridges and appurtenances under the control of  
938 the department of conservation and recreation, to the authority pursuant to this  
939 act.

940           Management/Administration

941           Section 14. The authority may charge and collect and from time to time fix  
942 and revise tolls for transit over the turnpike and the different parts or sections  
943 thereof, subject to such classifications of vehicles and manners of collection as  
944 the authority determines desirable and subject to section 3. Such tolls shall be so  
945 fixed and adjusted as to provide, at a minimum, funds sufficient with other

946 revenues, if any, to pay (a) costs incurred in furtherance of this chapter related to  
947 the turnpike including, but not limited to, the cost of owning, maintaining,  
948 repairing, reconstructing, improving, rehabilitating, policing, using,  
949 administering, controlling and operating the turnpike; and (b) the principal of,  
950 redemption premium, if any, and the interest on notes or bonds relating to the  
951 turnpike as the same shall become due and payable and to create and maintain  
952 reserves established for any of the authority's corporate purposes. Such tolls shall  
953 not be subject to supervision, regulation, approval or disapproval by any  
954 department, division, commission, board, bureau or agency of the commonwealth  
955 or any political subdivision thereof. The authority shall maintain the  
956 confidentiality of all information including, but not limited to, photographs or  
957 other recorded images and credit and account data, relative to account holders  
958 who participate in its electronic toll collection system. Such information shall not  
959 be a public record and shall be used for enforcement purposes only with respect  
960 to toll collection regulations. An account holder may, upon written request to the  
961 authority, have access to all information pertaining solely to the account holder.  
962 For each violation of applicable authority regulations related to electronic toll  
963 collection, a violation notice shall be sent to the registered owner of the vehicle  
964 in violation. The notice shall include the registration number of the vehicle, the  
965 state of issuance of such registration and the date, time and place of the violation.  
966 The notice may be based in whole or in part upon inspection of any photographic  
967 or other recorded image of a vehicle and the written certification by a state police  
968 officer or other person employed by or under contract with the authority or its  
969 electronic toll collection system contractor that it is so based shall be prima facie  
970 evidence of the facts contained therein and shall be admissible in any  
971 administrative or judicial proceeding to adjudicate the liability for such violation.

972 Section 15. The authority and its employees shall be subject chapter 150E  
973 and, for purposes of said chapter 150E, the authority shall be deemed to be an  
974 employer or public employer and a legislative body. The authority may  
975 designate a representative to act in its interest in labor relations matters with its  
976 employees. Rights and obligations under the most recent existing or expired  
977 collective bargaining agreements with respect to employees transferred to the  
978 authority and with respect to all employee organizations representing such  
979 employees at the time of transfer, except to the extent expressly inconsistent with  
980 this chapter, shall be assumed by, and imposed upon, the authority and  
981 employees transferred to the authority who are subject to such agreements shall  
982 continue to be represented by the employee organizations that are parties to such  
983 agreements until such time as they elect to be otherwise represented in  
984 accordance with said chapter 150E. Existing bargaining units shall remain in full  
985 force and effect for those employees transferred to the authority until the

986 expiration of the collective bargaining units covering those employees. Collective  
987 bargaining agreements in effect at the time of transfer shall continue in effect  
988 until their stated expiration date and successor negotiations shall be conducted  
989 and resolved between the authority and the employee organizations representing  
990 employees covered by such collective bargaining agreements in accordance with  
991 the chapter 150E and this chapter. The terms and conditions of expired collective  
992 bargaining agreements under renegotiation at the time of transfer shall be  
993 observed by the authority and the authority shall conclude and resolve  
994 negotiations for successor agreements with the employee organizations  
995 representing employees covered by such collective bargaining agreements in  
996 accordance with the said chapter 150E and this chapter.

997 Nothing in this section shall be construed as conferring upon the employees  
998 of the authority the right to strike, nor as detracting from the obligations of the  
999 authority and the employees to submit all grievances and other disputes to  
1000 arbitration.

1001 Section 16. The authority shall be deemed to be a public agency for  
1002 purposes of, and shall be subject to, 44A to 44H, inclusive, of chapter 149, and  
1003 section 39M of chapter 30, and shall comply with requirements applicable to an  
1004 independent public authority for publication of contract information in the central  
1005 register established pursuant to section 29A of chapter 9. The authority shall not  
1006 be subject to supervision under section 22 of chapter 7, but may enter into  
1007 agreements under 22A and 22B of said chapter 7 and in all respects not governed  
1008 by general or special laws expressly made applicable to the authority shall adhere  
1009 to good business practices to be determined by the authority in its procurement of  
1010 equipment, materials, property, supplies and services.

1011 Budget/Accounting

1012 Section 17. The authority shall, for the purposes of compliance with state  
1013 finance law, operate as a state agency as this term is defined in section 1 of  
1014 chapter 29 and shall be subject to the provisions applicable to agencies under the  
1015 control of the governor including, but not limited to, chapter 29, chapter 7A,  
1016 chapter 7, and chapter 10; provided further that the comptroller may identify any  
1017 additional instructions or actions necessary for the authority to manage fiscal  
1018 operations in the state accounting system and meet statewide and other  
1019 governmental accounting and audit standards. Unless otherwise exempted by law  
1020 or the applicable central service agency, the authority shall participate in any  
1021 other available commonwealth central services including, but not limited, to the  
1022 state payroll system pursuant to section 31 of chapter 29, and may purchase other  
1023 goods and services provided by state agencies in accordance with comptroller  
1024 provisions. This section shall not apply to the Massachusetts Bay Transportation  
1025 Authority, the Massachusetts Port Authority or the Regional Transit Authorities.

1026 The comptroller may chargeback the authority for the transition and ongoing  
1027 costs for participation in the state accounting and payroll systems and may retain  
1028 and expend such costs without further appropriation for the purposes of this  
1029 section.

1030 Section 18. Each fiscal year the authority shall submit an annual finance  
1031 plan to the secretary of administration and finance, and updates to such plan, in  
1032 accordance with guidance issued by said secretary.

1033 Bonding

1034 Section 19. (a) The authority may provide by resolution at one time or  
1035 from time to time for the issuance of bonds of the authority to refinance the  
1036 bonds issued prior to July 1, 2009 pursuant to chapter 81A and the financing  
1037 obligations of the Massachusetts turnpike authority relating to the turnpike and  
1038 the metropolitan highway system. Any such bonds will be special obligations of  
1039 the authority payable solely from monies credited to the fund. Bonds issued  
1040 pursuant to this section shall not be general obligations of the commonwealth or  
1041 any political subdivision thereof and shall not constitute a debt or a pledge of the  
1042 faith and credit of the commonwealth or any such political subdivision.

1043 (b) Bonds may be issued and sold in such manner and on such terms and  
1044 conditions as the authority may determine, with the approval of the secretary of  
1045 administration and finance. The bonds shall be signed by the chairperson and  
1046 treasurer of the authority or shall bear their facsimile signature and shall bear the  
1047 official seal of the authority or a facsimile thereof, attested to by the signature of  
1048 a duly appointed officer of the authority.

1049 (c) Bonds may be secured by a trust agreement entered into by the  
1050 authority, which trust agreement may pledge or assign all or part of the moneys  
1051 credited to the fund and rights to receive the same, whether existing or coming  
1052 into existence and whether held or thereafter acquired, and the proceeds thereof.  
1053 The authority may enter into additional security, insurance or other forms of  
1054 credit enhancement which may be secured on a parity or subordinate basis with  
1055 the bonds. A pledge in any such trust agreement or credit enhancement  
1056 agreement shall be valid and binding from the time such pledge shall be made  
1057 without any physical delivery or further act, and the lien of such pledge shall be  
1058 valid and binding as against all parties having claims of any kind in tort, contract  
1059 or otherwise, irrespective of whether such parties have notice thereof.

1060 Any such pledge shall be perfected by filing of the trust agreement or  
1061 credit enhancement agreement in the records of the authority, and no filing need  
1062 be made pursuant to chapter 106. Any such trust agreement or credit  
1063 enhancement agreement may establish provisions defining defaults and  
1064 establishing remedies and other matters relating to the rights and security of the  
1065 holders of the bonds or other secured parties as may be reasonable and proper,

1066 including provisions relating to the establishment of reserves, acceleration of  
1067 maturities, restrictions on the individual right of action by bondholders and  
1068 covenants setting forth the duties of and limitations on the authority, and may  
1069 also regulate the custody, investment and application of moneys.

1070 (d) Any such bonds shall be deemed to be investment securities pursuant to  
1071 chapter 106, shall be securities in which any public officer, fiduciary, insurance  
1072 company, financial institution or investment company may properly invest funds  
1073 and shall be securities which may be deposited with any public custodian for any  
1074 purpose for which the deposit of bonds is authorized by law.

1075 (e) Any such bonds, their transfer and the income therefrom, including profit  
1076 on the sale thereof, shall at all times be exempt from taxation by and within the  
1077 commonwealth.

1078 (f) The provisions hereof relating to bonds shall also be applicable to the  
1079 issuance of notes insofar as such provisions may be appropriate therefore.

1080 (g) Notwithstanding the foregoing, no existing rights of the holders of the  
1081 bonds issued by the Massachusetts turnpike authority pursuant to chapter 81A  
1082 shall be impaired hereby, and the authority, as successor in interest to the  
1083 Massachusetts turnpike authority, shall maintain the covenants of the trust  
1084 indentures pertaining to such bonds so long as such bonds shall remain  
1085 outstanding.

1086

1087 Legal

1088 Section 20 The office of the attorney general shall appear for the authority,  
1089 its divisions, departments, agencies, and officers, but not including the  
1090 Massachusetts bay transportation authority, the regional transit authorities and  
1091 the Massachusetts port authority and their officers, in all suits and other civil  
1092 proceedings in which the authority is a party or interested, or in which the official  
1093 acts and doings of said divisions, departments, agencies and officers are called  
1094 into question, to the same extent and in the same manner as provided to the  
1095 commonwealth and state departments, officers and commissions under section 3  
1096 of chapter 12. The and its divisions, departments and agencies, not including the  
1097 Massachusetts bay transportation authority, the regional transit authorities and  
1098 the Massachusetts port authority, shall be generally considered to be an agency of  
1099 the commonwealth for purposes of chapter 12.

1100 Section 21. (a) The authority may take by eminent domain in accordance  
1101 with the provisions of chapter 79 or any alternative method now or hereafter  
1102 provided by general law, any public land and any fee simple absolute or lesser  
1103 interest in private property or part thereof or rights therein as it may deem  
1104 necessary for carrying out the provisions of this chapter.

1105 (b) Whenever a parcel of private property so taken is used in whole or in  
1106 part for residential purposes, the owner of such parcel may, within 30 days of the  
1107 date of the authority's notice to vacate such parcel, appeal to the authority for a  
1108 postponement of the date set for such vacating, whereupon the authority shall  
1109 grant to the owner a postponement of 3 months from the date of such appeal;  
1110 provided, however, that the appeal for such postponement shall be in the form of  
1111 a written request to the authority sent by registered mail, return receipt requested;  
1112 and provided, further, that the provisions of section 40 of said chapter 79 shall  
1113 govern the rights of the authority and of any person whose property shall be so  
1114 taken.

1115 (c) The authority shall have power, in the process of constructing,  
1116 reconstructing, repairing, rehabilitating, improving, policing, using or  
1117 administering all or any part of the state highway system to take by eminent  
1118 domain pursuant to chapter 79, such land abutting the state highway system as it  
1119 may deem necessary or desirable for the purposes of removing or relocating all  
1120 or any part of the facilities of any public utility, including rail lines, and may  
1121 thereafter lease the same or convey an easement or any other interest therein to  
1122 such utility company upon such terms as it, in its sole discretion, may determine.  
1123 Notwithstanding the provisions of any general or special law to the contrary, the  
1124 relocation of the facilities of any public utility, including rail lines, in accordance  
1125 with the provisions of this section shall be valid upon the filing of the plans  
1126 thereof with the department of telecommunications and energy, if applicable.

1127 Section 22. Except as otherwise provided by law, any sale of real property  
1128 shall be awarded, after advertisement for bids, to the bidder who is the highest  
1129 responsible bidder. The authority shall have the right to reject all bids and to read  
1130 advertise for bids. Before any real property shall be so sold or conveyed, notice  
1131 that such real property is for sale shall be publicly advertised in two daily  
1132 newspapers of general circulation published in the city of Boston, and, if such  
1133 real property is located in any other city or town, in a newspaper of general  
1134 circulation published in such other city or town, once a week for three successive  
1135 weeks. Such advertisements shall state the time and place where all pertinent  
1136 information relative to the real property to be sold or conveyed may be obtained  
1137 and the time and place of opening the bids in answer to such advertisements and  
1138 that the authority reserves the right to reject any or all such bids. All bids in  
1139 response to advertisements shall be sealed and shall be publicly opened by the  
1140 authority. Said authority may require, as evidence of good faith, that a deposit of  
1141 a reasonable sum, to be fixed by the authority, accompany the proposals. The  
1142 provisions of this paragraph shall not be applicable to any sale of real property by  
1143 the authority to the commonwealth or any city, town or public instrumentality

1144 nor to a sale of real property which is determined by the authority to have a fair  
1145 market value of five thousand dollars or less.

1146 The authority may sell the buildings or other structures upon any lands taken  
1147 by it or may remove the same and shall sell, if a sale be practicable or, if not,  
1148 shall lease, if a lease be practicable, any lands or rights or interest in lands or  
1149 other property taken or purchased for the purposes of this chapter, whenever the  
1150 same shall, in the opinion of the authority, cease to be needed for such purpose.

1151 Notwithstanding the provisions of any general or special law to the contrary,  
1152 all counties, cities, towns and other political subdivisions and all public agencies,  
1153 authorities and commissions of the commonwealth are hereby authorized and  
1154 empowered to lease, lend, grant or convey to the authority at its request upon  
1155 such terms and conditions as the proper authorities of such counties, cities,  
1156 towns, political subdivisions, agencies, authorities and commissions may deem  
1157 reasonable and fair and without the necessity for any advertisement, order of  
1158 court or other action or formality, other than the regular and formal action of the  
1159 authorities concerned, any real property, improvements or personal property  
1160 which may be necessary or convenient to the effectuation of the authorized  
1161 purposes of the authority, including public roads, bridges and other real property,  
1162 improvements or personal property already devoted to public use.

1163 Section 23. Notwithstanding the provisions of chapters 134 and 147, if  
1164 money, goods or other property which has been abandoned, mislaid or lost on the  
1165 premises of the authority comes into the possession of said authority and remains  
1166 unclaimed for a period of 120 days, the authority may sell the same, excepting  
1167 money so unclaimed, at public auction after notice of such sale has been  
1168 published for three successive weeks in a newspaper published in the city or  
1169 town wherein such sale shall occur. The net proceeds of such sale, after  
1170 deducting the cost of storage and the expenses of the sale, and all money so  
1171 unclaimed, shall be paid into and become the property of the authority and may  
1172 be deposited in fund. If such property is in the possession of the authority and  
1173 remains unclaimed for a period of 120 and is of the value of three dollars or less,  
1174 the authority may donate the same to a charitable organization.

1175 Section 24. The superior court department of the trial court shall have  
1176 jurisdiction to enforce rights and duties created by the provisions of this chapter,  
1177 and on complaint of the authority may restrain violations of the authority's  
1178 regulations and otherwise enforce by any appropriate remedy, including without  
1179 limiting the generality of the foregoing, injunctive relief, the regulations,  
1180 licenses, permits, orders, penalties and charges of the authority. Penalties and  
1181 charges established by or under authorization of this chapter shall be collected for  
1182 the account of the authority and paid over to the authority. Except for rights of

1183 action expressly conferred upon the authority, no provision of this chapter shall  
1184 create private rights of action in enforcement proceedings.

1185 Section 25. The authority and its corporate existence shall continue until  
1186 terminated by law; provided, however, that no such law shall take effect so long  
1187 as the authority shall have bonds outstanding without adequate provision for the  
1188 complete payment or satisfaction thereof. Upon termination of the authority, the  
1189 title to all funds and other properties owned by it which remain after the payment  
1190 or satisfaction of all bonds of the authority shall vest in the commonwealth. The  
1191 obligations, debts and liabilities of the authority shall be assumed by and  
1192 imposed upon the commonwealth.

1193 Miscellaneous

1194 Section 26. (a) All state, county and municipal agencies, instrumentalities,  
1195 commissions and authorities of the commonwealth may undertake activities,  
1196 programs and projects in conjunction with the authority in furtherance of the  
1197 purposes of this act, including without limiting the generality of the foregoing, to  
1198 join in investigations and studies, and to grant applications and applications for  
1199 project approvals.

1200 (b) Except with respect to real property acquired or held for purposes  
1201 described in Article XCVII of the Amendments to the Constitution, all local  
1202 bodies and all public agencies, instrumentalities, commissions and authorities of  
1203 the commonwealth, are hereby authorized and empowered to lease, lend, grant or  
1204 convey to the authority upon such terms and conditions as the proper authorities  
1205 of such public bodies, public agencies, instrumentalities, commissions and  
1206 authorities of the commonwealth may deem appropriate and without the  
1207 necessity of any action or formality other than the regular and formal action of  
1208 said public bodies, agencies, instrumentalities, commissions and authorities of  
1209 the commonwealth any interest in any real or personal property which may be  
1210 necessary or convenient to effect the purposes of the authority.

1211 Section 27. The secretary, undersecretaries, commissioners, and directors of  
1212 the department shall be sworn to the faithful performance of their official duties.  
1213 Each secretary, undersecretary, commissioner, and director shall conduct  
1214 themselves in a manner so as to render decisions that are fair and impartial and in  
1215 the public interest; avoid impropriety and the appearance of impropriety in all  
1216 matters under their jurisdiction; avoid all prohibited communications; require  
1217 staff and personnel subject to their direction and control to observe the same  
1218 standards of fidelity and diligence; disqualify themselves from proceedings in  
1219 which their impartiality might reasonably be questioned; refrain from financial or  
1220 business dealings which would tend to reflect adversely on impartiality, although  
1221 the secretary, undersecretaries, commissioners, and directors may hold and  
1222 manage investments which are not incompatible with the duties of their office or

1223 the provisions of this section; conform to such additional rules as may be  
1224 prescribed by the secretary from time to time.

1225 Section 28. The provisions of chapter twelve A of the General laws shall  
1226 apply to the authority.

1227 Section 29. The books of the authority shall be subject to a biennial audit by  
1228 the auditor of the commonwealth.

1229 Section 30. (a) The authority shall, in addition to any other reports required  
1230 pursuant to this chapter, annually submit to the governor, the chairman of the  
1231 senate ways and means committee, the chairman of the house ways and means  
1232 committee, the secretary of administration and finance, and the comptroller  
1233 within 90 days after the end of its fiscal year a complete and detailed report  
1234 which shall include, without limitation: audited financial statements by an  
1235 independent accounting firm relating to the operations, properties, and capital  
1236 facility expenditures, including costs of land acquisitions, of the authority  
1237 maintained in accordance with generally accepted accounting principles so far as  
1238 applicable, and audited by an independent certified public accountant firm.

1239 (b) Every five years thereafter, the authority shall submit to the governor,  
1240 the president of the senate, the speaker of the house of representatives, the  
1241 chairman of the senate committee on ways and means, the chairman of the house  
1242 committee on ways and means and the chairmen of the joint committee on  
1243 transportation a progress report on the authority's attainment of its statutory  
1244 purposes. Each such five-year progress report shall be prepared by the authority  
1245 with the assistance of an independent citizen panel which shall include persons  
1246 selected by the authority and approved by the respective advisory boards who are  
1247 experienced in environmental protection, civil engineering and public  
1248 management and finance. Said reports shall include recommendations concerning  
1249 the future activities of the authority including, but not limited to, changes in the  
1250 provisions of this act or the authority's administrative procedures necessary or  
1251 desirable for improving the delivery of services. The costs of preparing the  
1252 reports of said authority shall be provided for in the current expense budgets of  
1253 said authority.

1254 Section 31. (a) The exercise of the powers granted by this chapter shall be in  
1255 all respects for the benefit of the people of the commonwealth and for the  
1256 improvement of their health and living conditions and as the operation and of the  
1257 authority shall constitute the performance of essential governmental functions,  
1258 the authority shall not be required to pay any taxes or assessments, except as  
1259 otherwise provided by this chapter and the notes or bonds issued under this  
1260 chapter, their transfer and the income therefrom, including any profit made on the  
1261 sale thereof, at all times shall be free from taxation by and within the  
1262 commonwealth.

1263 (b) The lands and tangible personal property of the authority shall be  
1264 deemed to be public property used for essential public and governmental  
1265 purposes and shall be exempt from taxation and from betterments and special  
1266 assessments.

1267 Department of Transportation

1268 Section 32. (a) There shall be within the authority a department of  
1269 transportation and infrastructure which shall be under the supervision, direction  
1270 and control the secretary. The secretary shall be appointed by the board pursuant  
1271 to section 2(e). The secretary shall be the executive and administrative head of  
1272 the department and shall be responsible for administering and enforcing the  
1273 provisions of law relative to the department and to each administrative unit  
1274 thereof. The secretary shall act as the executive officer in all matters pertaining to  
1275 the administration, management, operation, regulation, planning, fiscal and  
1276 policy development functions and affairs of the departments, agencies,  
1277 commissions, offices, boards, divisions, and other agencies within the executive  
1278 office. The secretary shall serve at the pleasure of the board, shall receive such  
1279 salary as may be determined by law, and shall devote his full time to the duties of  
1280 his office. In the case of an absence or vacancy in the office of the secretary, or in  
1281 the case of disability as determined by the board, the board may designate an  
1282 acting secretary to serve as secretary until the vacancy is filled or the absence or  
1283 disability ceases. The acting secretary shall have all the powers and duties of the  
1284 secretary and shall have similar qualifications as the secretary.

1285 (b) The department shall contain the following administrative units: the  
1286 highway division, the mass transit division, the aeronautics division, the division  
1287 of constituent and municipal services; and the division of motor vehicles, to be  
1288 known as the registry of motor vehicles.

1289 (c) The secretary shall, notwithstanding the provisions of chapter 30 and  
1290 section 9A of chapter 31 and subject to the approval of the governor, appoint 5  
1291 undersecretaries: 1 of whom shall be the undersecretary for highways and shall  
1292 be a person of skill and experience in the fields of highway management and  
1293 public works; 1 of whom shall be the undersecretary for mass transit and shall be  
1294 a person of skill and experience in the fields of rail transportation or mass transit;  
1295 1 of whom shall be the undersecretary for aeronautics and shall be a person of  
1296 skill and experience in the field of aeronautics; 1 of whom shall be the  
1297 undersecretary for constituent and municipal services who shall be a person of  
1298 skill and experience in management; and 1 of whom shall be the undersecretary  
1299 for motor vehicle enforcement, who shall be known as the registrar of motor  
1300 vehicles and shall be a person of skill and experience in management and motor  
1301 vehicle law. Each undersecretary shall receive such salary as the secretary shall

1302 determine, subject to the approval of the board, and shall devote his full time to  
1303 the duties of his office.

1304 (d) Subject to appropriation and consistent with subsection (e), the secretary  
1305 may appoint such persons as he shall deem necessary to perform the functions of  
1306 the department, provided, however, that section 9A of chapter 30 and chapter 31  
1307 shall not apply to any person holding any such appointment. Every person so  
1308 appointed to any position in the department shall have experience and skill in the  
1309 field of such position. So far as practicable in the judgment of the secretary,  
1310 appointments to such positions in the executive office shall be made by  
1311 promoting or transferring employees of the commonwealth serving in positions  
1312 which are classified under said chapter 31, and such appointments shall at all  
1313 times reflect the professional needs of the administrative unit affected. If an  
1314 employee serving in a position which is classified under said chapter 31 or in  
1315 which an employee has tenure by reason of said section 9A of chapter 30 shall be  
1316 appointed to a position within this office which is not subject to the provisions of  
1317 said chapter 31, the employee shall upon termination of his service in such  
1318 position be restored to the position which he held immediately prior to such  
1319 appointment; provided, however, that his service in such position shall be  
1320 determined by the civil service commission in accordance with the standards  
1321 applied by said commission in administering said chapter 31. Such restoration  
1322 shall be made without impairment of his civil service status or tenure under said  
1323 section 9A of chapter 30 and without loss of seniority, retirement or other rights  
1324 to which uninterrupted service in such prior position would have entitled him.  
1325 During the period of such appointment, each person so appointed from a position  
1326 in the classified civil service shall be eligible to take any competitive promotional  
1327 examination for which he would otherwise have been eligible.

1328 Section 33. (a) The department of transportation shall serve as the principal  
1329 agency of the executive department for the following purposes: (1) developing,  
1330 coordinating, administering and managing transportation policies, planning and  
1331 programs related to design, construction, maintenance, operations and financing;  
1332 (2) supervising and managing the organization and conduct of the business  
1333 affairs of the divisions, agencies, commissions, offices, boards, divisions, and  
1334 other entities within the department to improve administrative efficiency and  
1335 program effectiveness and to preserve fiscal resources; (3) developing and  
1336 implementing effective policies and programs to assure the coordination and  
1337 quality of roadway, transit, airport and port infrastructure and security provided  
1338 by the secretary and all of the divisions, agencies, commissions, offices, boards,  
1339 divisions, authorities and other entities within the department.

1340 (b) The following state agencies shall be within the department of  
1341 transportation: the highway division, including the government center

1342 commission established by section 1 of chapter 635 of the acts of 1960, the mass  
1343 transit division, the aeronautics division, the division of constituent and  
1344 municipal services, the registry of motor vehicles division and all other state  
1345 agencies within the department, except the division of motorboats and the  
1346 division of waterways. The Massachusetts Bay Transportation Authority, the  
1347 Massachusetts Port Authority, the Massachusetts Turnpike Authority and any  
1348 regional transportation authorities established under chapter 161 or 161B shall  
1349 also be within the jurisdiction of the department.

1350 (d) Subject to the approval of the board the secretary may: (1) operate and  
1351 administer the programs of roadway design, construction, repair, maintenance,  
1352 capital improvement, development, and planning through the division of  
1353 highways and other agencies within the department, as appropriate; (2)  
1354 coordinate and supervise the administration of the department and its agencies to  
1355 promote economy and efficiency and to leverage federal funding; (3) develop, in  
1356 consultation with the commonwealth development coordinating council, and  
1357 administer a long-term state-wide transportation plan for the commonwealth that  
1358 includes planning for intermodal and integrated transportation; (4) develop, based  
1359 on a public hearing process, procedures to be used for transportation project  
1360 selection; (5) establish criteria for project selection to be used in the procedures  
1361 developed pursuant to clause (4); (6) enter into agreements with commissions,  
1362 offices, boards, divisions, authorities and other entities within the department to  
1363 improve divisions, agencies, administrative efficiency and program effectiveness  
1364 and to preserve fiscal resources; (7) pursuant to chapter 30A, make, amend and  
1365 repeal rules and regulations for the management and administration of the  
1366 department and agencies within the department; (8) execute all instruments  
1367 necessary for carrying out the business of the department and its agencies; (9)  
1368 acquire, own, hold, dispose of, lease and encumber property in the name of the  
1369 department and its agencies; (10) enter into agreements and transactions with  
1370 federal, state and municipal agencies and other public institutions and private  
1371 individuals, partnerships, firms, corporations, associations and other entities on  
1372 behalf of the department or its agencies; and (11) apply for and accept funds,  
1373 including grants, on behalf of the commonwealth in accordance with applicable  
1374 law. The secretary may delegate any of the foregoing powers to an officer having  
1375 charge of a division, office, division or other administrative unit within the  
1376 executive office.

1377 (f) The secretary shall collaborate with other state agencies to reduce  
1378 greenhouse gas emissions to achieve the greenhouse gas emission limits  
1379 established in chapter 21N.

1380 Section 34. (a) The secretary may from time to time, subject to  
1381 appropriation, establish within the department such administrative units as may

1382 be necessary for the efficient and economical administration of the department,  
1383 and when necessary for such purpose, may abolish any such administrative unit,  
1384 or may merge any two or more units, as the secretary deems advisable. The  
1385 secretary shall prepare and keep current a statement of the organization of the  
1386 department, of the assignment of its functions to its various administrative units,  
1387 offices and employees, and of the places at which and the methods whereby the  
1388 public may receive information or make requests. Such statement shall be known  
1389 as the department's description of organization. A current copy of the description  
1390 of organization shall be kept on file in the office of the secretary of state and in  
1391 the office of the secretary of administration.

1392 Section 35. The secretary shall apply for, accept and expend, subject to  
1393 appropriation, on behalf of the commonwealth, any gift, loan or grant-in-aid from  
1394 the federal government, or any agency or instrumentality thereof for  
1395 demonstration projects and programs as may become available to the  
1396 commonwealth for the purpose of energy conservation for improved  
1397 transportation management systems or for improved transportation management  
1398 systems.

1399 Section 36. There shall be established within the authority a healthy  
1400 transportation compact. The secretary and the secretary of health and human  
1401 services shall work cooperatively to adopt best practices to increase efficiency to  
1402 achieve positive health outcomes through the coordination of land use,  
1403 transportation and public health policy. The compact shall consist of the  
1404 secretary, or his designee, the secretary of health and human services, or his  
1405 designee, the secretary of energy and environmental affairs, or his designee, the  
1406 undersecretary of transportation for highways, or his designee, the undersecretary  
1407 of transportation for mass transit, or his designee, and the commissioner of public  
1408 health, or his designee,.

1409 The secretary and the secretary of health and human services, or their  
1410 designees, shall serve as co-chairpersons of the compact. The chairpersons shall  
1411 convene and preside at meetings of the compact, determine the agenda of the  
1412 compact, direct its work and as appropriate to particular subject matters, establish  
1413 and direct subgroups of the compact, which shall consist exclusively of the  
1414 compact's members. The compact shall: (i) promote inter-secretariat cooperation  
1415 and the establishment of a healthy transportation policy, including appropriate  
1416 mechanisms to minimize duplication and overlap of state and federal programs  
1417 and services; (ii) develop a healthy transportation framework that increases  
1418 access to healthy transportation alternatives that reduce greenhouse gas  
1419 emissions, improves access to services for persons with mobility limitations and  
1420 increases opportunities for physical activities; (iii) develop methods to increase  
1421 bicycle and pedestrian travel, incorporate the principles, findings and

1422 recommendations of the Massachusetts bicycle transportation plan and establish  
1423 a framework for implementation of the Bay State Greenway Network; (iv)  
1424 develop and implement, in consultation with the bicycle and pedestrian advisory  
1425 board established in section 11A of chapter 21A, administrative and procedural  
1426 mechanisms, including the promulgation of rules and regulations, consistent with  
1427 the most current edition of the Project Development and Design Guide, or its  
1428 successor, to encourage the construction of complete streets, designed and  
1429 operated to enable safe access for pedestrians, bicyclists, motorists and bus riders  
1430 of all ages to safely move along and across roadways in urban and suburban  
1431 areas; (v) establish methods to implement the use of health impact assessments to  
1432 determine the effect of transit projects on public health and vulnerable  
1433 populations; (vi) facilitate access to the most appropriate, cost-effective  
1434 transportation services within existing resources for persons with mobility  
1435 challenges; (vii) expand service offerings for the Safe Routes to Schools  
1436 program; (viii) explore opportunities and encourage the use of public-private  
1437 partnerships with private and non-profit institutions; (ix) seek to establish an  
1438 advisory council with private and non-profit advocacy groups as the compact  
1439 sees fit; (x) institute a health impact assessment for use by planners,  
1440 transportation administrators, public health administrators and developers; and  
1441 (xi) develop and implement a method for monitoring progress on achieving the  
1442 goals of this section and provide any other recommendations that would, in the  
1443 judgment of the compact, advance the principles set forth in this section.

1444 Section 37. There shall be established by the department a Massachusetts  
1445 mobility compact, which shall be headed and coordinated by the secretary. The  
1446 department, and all state and independent agencies shall be members of the  
1447 compact. The compact shall improve the delivery of transportation services in the  
1448 Commonwealth by communicating regularly and more effectively and by  
1449 adopting a cooperative and coordinated approach to transportation planning,  
1450 design, construction, operation and maintenance aimed principally at: (1)  
1451 increasing mobility for people and goods within and through the Commonwealth  
1452 in a safe, secure, environmentally sustainable and efficient manner; (2)  
1453 promoting and adopting administrative efficiency and program improvement  
1454 initiatives between and among transportation agencies and authorities; and (3)  
1455 sharing best practice techniques for implementation across transportation modes.

1456 Members of the compact may issue purchase or work orders and execute  
1457 contracts between and among themselves for the purpose of accomplishing the  
1458 objectives of this section without regard to any procurement requirements;  
1459 provided, however, that nothing in this section shall exempt the department or an  
1460 independent or state agency from the public construction bidding statutes  
1461 including, but not limited to, chapter 30, chapter 149 and chapter 149A.

1462 The secretary shall conduct regular meetings of the members of the  
1463 compact.

1464 Section 38. (a) The department shall utilize life-cycle cost modeling for all  
1465 projects. Life-cycle costs shall mean all relevant costs of a transportation asset's  
1466 lifespan including, but not limited to, planning, study, design, purchase or lease,  
1467 operation, maintenance, repair, replacement and disposal. The department shall  
1468 utilize life-cycle cost modeling during the project planning and selection process  
1469 for all of its constituent agencies, as defined in subsection (b) of section 19.

1470 (b) Life-cycle cost information shall be presented as part of the public  
1471 disclosure process in all project planning documents in equal proportion to initial  
1472 delivery cost estimates. Project planning shall include the identification of  
1473 funding to minimize life-cycle costs throughout the life of each asset.

1474 Section 39. The secretary shall annually submit a complete and detailed  
1475 report of the department's activities within 90 days after the end of the fiscal year  
1476 to the clerk of the house of representatives, the clerk of the senate, the chairs of  
1477 the joint committee on transportation and the chairs of the house and senate  
1478 committees on ways and means.

1479 Division on Highways

1480 Section 40. As used in section 40 through 51, inclusive, the following words  
1481 shall, unless the context clearly requires otherwise, have the following  
1482 meanings:-

1483 "Department", the department of transportation.

1484 "Division", the division of highways.

1485 "Secretary", the secretary of the department of transportation.

1486 "Undersecretary", the undersecretary of transportation for highways.

1487 Section 41. There shall be within the department a Massachusetts division of  
1488 highways, which shall perform such functions as the secretary may determine in  
1489 relation to the administration, implementation, and enforcement of the  
1490 department's authority over state highways. The division shall be under the  
1491 supervision and control of the undersecretary. The undersecretary shall be the  
1492 executive and administrative head of the division and shall be responsible for  
1493 administering and enforcing the provisions of law relative to the division and to  
1494 each administrative unit thereof. The duties given to the undersecretary in this  
1495 chapter and in any other general or special law shall be exercised and discharged  
1496 subject to the direction, control and supervision of the secretary.

1497 Section 42. The division shall be responsible for the administration and  
1498 enforcement of chapter 81, and for the administration and management of the  
1499 state highway system. The division shall: (1) administer the design, construction,  
1500 reconstruction, repair, rehabilitation, improvement, operation, and maintenance  
1501 of roads and bridges within the commonwealth; (2) enter into any contracts and

1502 agreements necessary or desirable to carry out its purposes; (3) make, and from  
1503 time to time revise, regulations for the conduct of the business of the division,  
1504 and all regulations otherwise required by law; (4) collaborate with other agencies  
1505 and authorities as may be appropriate in fields related to transportation,  
1506 development, public safety and security; (5) prepare and submit to the governor,  
1507 the board and the general court an annual report containing in substance the  
1508 description of the organization of the division, and with the approval of the  
1509 secretary, reviewing the work of the division, recommending legislation and  
1510 other action by the governor and the general court, and (6) submit such other  
1511 reports as the secretary or the General Court may require from time to time.

1512 Section 43 The division shall be responsible for the administration and  
1513 enforcement of chapter 81, and for the administration and management of the  
1514 state highway system and the Tobin Memorial Bridge. The division shall: (1)  
1515 administer the design, construction, reconstruction, repair, rehabilitation,  
1516 improvement, operation, and maintenance of roads and bridges within the  
1517 commonwealth; (2) enter into any contracts and agreements necessary or  
1518 desirable to carry out its purposes; (3) make, and from time to time revise,  
1519 regulations for the conduct of the business of the division, and all regulations  
1520 otherwise required by law; (4) collaborate with other agencies and authorities as  
1521 may be appropriate in fields related to transportation, development, public safety  
1522 and security; (5) prepare and submit to the governor, the board and the general  
1523 court an annual report containing in substance the description of the organization  
1524 of the division, and with the approval of the secretary, reviewing the work of the  
1525 division, recommending legislation and other action by the governor and the  
1526 general court, and (6) submit such other reports as the secretary or the General  
1527 Court may require from time to time.

1528 Section 44. The division shall be responsible for the administration and  
1529 enforcement of chapter 81, and for the administration and management of the  
1530 state highway system, the Tobin memorial bridge and the metropolitan highway  
1531 system. The division shall: (1) administer the design, construction,  
1532 reconstruction, repair, rehabilitation, improvement, operation, and maintenance  
1533 of roads and bridges within the commonwealth; (2) enter into any contracts and  
1534 agreements necessary or desirable to carry out its purposes; (3) make, and from  
1535 time to time revise, regulations for the conduct of the business of the division,  
1536 and all regulations otherwise required by law; (4) collaborate with other agencies  
1537 and authorities as may be appropriate in fields related to transportation,  
1538 development, public safety and security; (5) prepare and submit to the governor,  
1539 the board and the general court an annual report containing in substance the  
1540 description of the organization of the division, and with the approval of the  
1541 secretary, reviewing the work of the division, recommending legislation and

1542 other action by the governor and the general court, and (6) submit such other  
1543 reports as the secretary or the General Court may require from time to time.

1544 Section 45 (a) The undersecretary may from time to time, subject to  
1545 appropriation and the approval of the secretary, establish within the division such  
1546 administrative units, district or other offices as may be necessary for the efficient  
1547 and economical administration of the division, and when necessary for such  
1548 purpose, may abolish any such administrative unit, or may merge any two or  
1549 more units, as the undersecretary deems advisable; provided, however, that the  
1550 undersecretary shall establish the following units: highway engineering, highway  
1551 construction, and highway maintenance. Each such unit shall be under the  
1552 direction, control, and supervision of the undersecretary. The undersecretary  
1553 shall assign to all officials, agents, and employees of the units their respective  
1554 duties. The undersecretary shall prepare and keep current a statement of the  
1555 organization of the division, of the assignment of its functions to its various  
1556 administrative units, offices and employees, and of the places at which and the  
1557 methods whereby the public may receive information or make requests. Such  
1558 statement shall be known as the division's description of organization. A current  
1559 copy of the description of organization shall be kept on file in the office of the  
1560 secretary of state and in the office of the secretary of administration.

1561 (b) The undersecretary may appoint and remove without regard to  
1562 chapter 31, but with the approval of the secretary, a chief engineer; 5 deputy  
1563 chief engineers; an assistant chief engineer; a highway and structures engineer; a  
1564 bridge engineer; highway engineers; district highway engineers; a general  
1565 counsel to serve in the office of the commissioner; a director to serve in the  
1566 division of administrative services; 4 executive assistants to the commissioner; a  
1567 personnel director; a director of the right of way bureau; and a director of public  
1568 information. The total number of appointments to be made by the commissioner  
1569 under this paragraph shall not exceed 35. No person holding an appointment  
1570 under this paragraph shall be subject to chapter 31 or section 9A of chapter 30.  
1571 Nothing in this section shall be deemed to exempt the positions named herein  
1572 from sections 45 to 50, inclusive, of said chapter 30. So far as practicable in the  
1573 judgment of the commissioner, appointments to said positions not classified  
1574 under said chapter 31 shall be made by promoting employees of the  
1575 commonwealth serving in positions so classified. Any person appointed to the  
1576 position of chief engineer, deputy chief engineer, assistant chief engineer,  
1577 highway and structures engineer, bridge engineer, highway engineer or district  
1578 highway engineer, shall be a person of experience and skill as an engineer and  
1579 shall be: (i) an employee of the division holding an office or position classified  
1580 under said chapter 31 with permanent status of senior civil engineer or higher;  
1581 (ii) a registered professional engineer; or (iii) a person who has received the

1582 degree of bachelor of science in an appropriate engineering discipline from an  
1583 accredited college or university. Where an employee of the commonwealth  
1584 having permanent status in a position classified under or having tenure by reason  
1585 of section 9A of said chapter 30 is so promoted to such unclassified position,  
1586 upon termination of service in such unclassified position the employee shall be  
1587 restored to the position from which he was promoted; or to a position equivalent  
1588 thereto in the salary grade in the same state agency; or if he had been promoted in  
1589 accordance with said chapter 31 during promotion in the unclassified position, to  
1590 the position to which he was so promoted or to a position equivalent thereto in  
1591 salary grade in the same state agency. In cases of restoration under said chapter  
1592 31, or under said section 9A of said chapter 30, such restoration shall be without  
1593 impairment of civil service status or tenure under said section 9A, and without  
1594 loss of the seniority, retirement and other rights to which uninterrupted service in  
1595 the position would have entitled the employee; provided, however, that if his  
1596 service in such unclassified position has been terminated for cause, the  
1597 employee's right to be restored shall be determined by section 43 of said chapter  
1598 31. During the period of such appointment the person so appointed shall be  
1599 eligible to take any competitive promotional examination for which he or she  
1600 would otherwise have been eligible.

1601 Section 46. (a) The undersecretary shall establish a procedure for  
1602 recommending to the secretary approval or disapproval of all contracts, including  
1603 specifications, made by the division, and any changes, alterations, amendments,  
1604 or modifications thereof and for contract appeals of all claims made under any  
1605 contract with the division with the exception of claims subject to section 39Q of  
1606 chapter 30. Any person aggrieved by a decision of the secretary acting in regard  
1607 to contract appeals may bring suit against the commonwealth for recovery of  
1608 damages based on such claim under the provisions of chapter 258.

1609 To assist the secretary and undersecretary in performing this function, the  
1610 governor may appoint and remove a person of legal training and experience, who  
1611 shall be a member of the bar of the commonwealth, to the position of hearing  
1612 examiner. The hearing examiner shall devote full time during business hours to  
1613 the duties of his position. The position shall be classified in accordance with  
1614 section 45 of chapter 30 and the salary shall be determined in accordance with  
1615 section 46C of said chapter 30. The secretary may refer any dispute concerning  
1616 contracts, contract specifications or the execution of contracts not subject to the  
1617 aforesaid section 39Q of said chapter 30 to the hearing examiner for a report on  
1618 the matter including a recommendation as to the disposition of the dispute.

1619 The hearing examiner shall hear all claims by contractors from  
1620 determinations of the division with the exception of claims subject to said section  
1621 39Q of said chapter 30; and shall, after hearing, render to the secretary a report of

1622 the matter including a recommendation as to the disposition of the claim. Said  
1623 examiner shall at the request of the contractor or of the division or on his own  
1624 motion summon witnesses and require the production of books and records and  
1625 take testimony under oath. Such reports shall be maintained as public records in a  
1626 place and form fully accessible to the public.

1627 Section 47. With the approval of the personnel administrator, the  
1628 commissioner may establish in the department a program of engineering  
1629 internship and, may recruit qualified persons to serve in the department as  
1630 highway engineer interns.

1631 The number of persons employed in the department as highway engineer  
1632 interns shall at no time exceed seven, nor may such highway engineer interns  
1633 employed by the department be placed in a salary grade higher than that of a  
1634 junior civil engineer in the department.

1635 No person shall be appointed or employed as a highway engineer intern  
1636 except upon requisition made by the commissioner and upon certification by the  
1637 personnel administrator from an eligible list prepared in accordance with the  
1638 provisions of chapter thirty-one and the rules made thereunder; provided, that the  
1639 administrator shall establish such eligible list before June first in each calendar  
1640 year by holding a competitive examination which shall be open only to persons  
1641 who, as candidates for the degree of bachelor of science in engineering are  
1642 enrolled in at least the junior year as students in any college of the  
1643 commonwealth, or are Massachusetts residents attending a college of recognized  
1644 standing outside the commonwealth, and to persons who, within the four years  
1645 next preceding, have been awarded the degree of bachelor of science in  
1646 engineering from a college of recognized standing. The eligible list established  
1647 each year shall expire upon the establishment of the eligible list in the following  
1648 year. No person shall be certified for appointment as a highway engineer intern  
1649 unless he has been awarded the degree of bachelor of science in engineering.

1650 Upon appointment as a highway engineer intern, made in accordance with  
1651 chapter thirty-one of the General Laws and the rules made thereunder, the  
1652 appointee shall sign an agreement binding him to serve as highway engineer  
1653 intern for a minimum of two years unless his employment is sooner terminated  
1654 by the commissioner. It shall be the duty of the commissioner to rotate the  
1655 assignments of each intern during his period of employment in order that he may  
1656 acquire diversified experience in the engineering programs of the department.

1657 The names of persons appointed as highway engineer interns shall be  
1658 entered in order of date of appointment on a list to be known as "Highway  
1659 Engineer Intern List" in the division of civil service.

1660 Upon completion of two years of employment as interns under agreements  
1661 provided for in this section, persons shall be eligible without further examination

1662 for appointment as junior civil engineers providing a vacancy exists in said title  
1663 in the department and, upon requisition of the commissioner, the names of such  
1664 persons shall be certified for appointment by the personnel administrator from  
1665 the Highway Engineer Intern List, in accordance with the rules of the civil  
1666 service commission, except that the basis of certification shall be the order of  
1667 appointment to such Highway Engineer Intern List.

1668 Section 48. The commissioner may establish a co-operative engineer  
1669 program and may enter into agreements with colleges of recognized standing  
1670 within the commonwealth, including colleges which have summer programs,  
1671 which have established a curriculum leading to a degree of bachelor of science in  
1672 engineering on a so-called co-operative basis, contemplating regularly rotating  
1673 work activity in the field of engineering and an equal period of classroom  
1674 training. He may employ persons enrolled as candidates for the degree of  
1675 bachelor of science in engineering in any such colleges to serve in the department  
1676 in the position of student engineer, provided that the position of student engineer  
1677 shall be in a grade lower than that of junior civil engineer in the department, and  
1678 provided that at no time shall the number of persons employed in the department  
1679 as student engineers exceed eight. Upon completion of not less than two years of  
1680 employment as student engineer, a person shall be eligible to apply for the  
1681 examination for highway engineer intern. No person shall be employed as a  
1682 student engineer for more than six years.

1683 Section 49. (a) There shall be within the department a real estate appraisal  
1684 review board. The board shall consist of not less than 3 nor more than 5  
1685 members to be appointed by the governor, 2 of whom shall be certified general  
1686 real estate appraisers licensed by the board of real estate appraisers pursuant to  
1687 section 92 of chapter 13. Members of the board shall be appointed for terms of 3  
1688 years or until a successor is appointed. Members shall be eligible to be  
1689 reappointed and may be compensated at a rate to be determined by the  
1690 department. Members of the board shall be state employees for the purposes of  
1691 chapter 268A. A chairman of the board shall be elected annually from the  
1692 membership. The department shall provide administrative support to the council  
1693 as requested. In the event of a vacancy on the board, the governor shall appoint a  
1694 new member consistent with this section to fulfill the remainder of the unexpired  
1695 term.

1696 (b) The department shall not purchase or acquire by eminent domain any  
1697 real property or any interest in real property with a value in excess of \$300,000  
1698 without the written approval of the board.

1699 (c) The board shall meet periodically, but not less than twice each year. The  
1700 board shall keep a public record of all meetings, votes and other business.

1701 (d) The board shall submit an annual report of its activities during the  
1702 preceding fiscal year not later than September 1 to the governor, the secretary of  
1703 the executive office of transportation and public works, the commissioner, the  
1704 chairs of the joint committee on transportation and the chairs of the house and  
1705 senate committees on ways and means.

1706 Section 50. (a) The department of highways may provide functional  
1707 replacement of real property in public ownership whenever the department has  
1708 acquired such property in whole or in part under this chapter or when such  
1709 property is significantly and adversely affected as a result of the acquisition of  
1710 property for a highway or highway-related project and whenever the department  
1711 determines that functional replacement is necessary and in the public interest.  
1712 For the purposes of this section, "functional replacement" shall mean the  
1713 replacement, pursuant to chapter 7, requiring authorization of the general court  
1714 prior to disposition of real property, including either land or facilities thereon, or  
1715 both, which will provide equivalent utility, and "real property in public  
1716 ownership" shall mean any present or future interest in land, including rights of  
1717 use, now existing or hereafter arising, held by an agency, authority, board,  
1718 bureau, commission, department, division or other unit, body, instrumentality or  
1719 political subdivision of the commonwealth. This section shall not constitute  
1720 authorization by the general court as required by said chapter 7.  
1721

1722 (b) Whenever the department determines it is necessary that a utility or  
1723 utility facility, as defined under federal law, be relocated because of construction  
1724 of a project which is to be reimbursed federally in whole or in part, then such  
1725 facility shall be relocated by the department or by the owner thereof in  
1726 accordance with an order from the department; provided, however, that the  
1727 commonwealth shall reimburse the owner of such utility or utility facility for the  
1728 cost of relocation subject to the limitations in subsections (e) and (f) and in  
1729 accordance with the following formula: (1) for any utility facility that is to be  
1730 reimbursed federally in whole or in part, the department shall reimburse the  
1731 owner to the extent that the cost of relocating the utility facility is reimbursed by  
1732 the federal government; and (2) for the relocation of any utility facility over  
1733 \$50,000 that does not qualify for federal reimbursement, the department may  
1734 reimburse the owner in accordance with the owner's ability to meet the following  
1735 schedule: if the utility performs the relocation in a manner consistent with the  
1736 department's policies and not later than the target date established by the  
1737 department for the project, the department shall reimburse the utility at least 50  
1738 per cent but not more than 80 per cent of the costs of relocating the utility  
1739 facility. Failure to comply with an order from the department shall be subject to  
1740 enforcement under chapter 81 of the General Laws.

1741 (c) Any relocation of facilities carried out under this section which is not  
1742 performed by employees of the owner shall be subject to section 27 of chapter  
1743 149 of the General Laws.

1744 (d) Notwithstanding any general or special law to the contrary, any utility  
1745 facility that is required to be relocated because of the construction of a project  
1746 federally funded under the Federal-Aid Highway Act of 1982 and the Federal-  
1747 Aid Highway Act of 1987 may be relocated temporarily above ground during the  
1748 construction of the project.

1749  
1750 (e) The total cost to the commonwealth for reimbursements for utility  
1751 relocations under this section that are not reimbursed federally in whole or in part  
1752 shall not exceed \$10,000,000, annually, and shall not be credited toward the costs  
1753 of the annual statewide road and bridge program.

1754 (f) A utility relocation shall be eligible for reimbursement under this section  
1755 only if it is completed to the satisfaction of the department within target dates  
1756 established by the department and in accordance with design criteria set forth by  
1757 the department for the relocation in a manner that facilitates the timely  
1758 completion of the affected project.

1759 Section 51 [Underground utility relocation]. Notwithstanding section 4F or  
1760 any other general or special law to the contrary, the commonwealth, through the  
1761 department of highways, may reimburse the owner of an underground utility or  
1762 utility facility whenever such underground utility or utility facility has been  
1763 relocated because of construction of a project which is to be reimbursed federally  
1764 in whole or in part. The reimbursement authorized herein shall be to the extent  
1765 that the cost of relocating the facility is reimbursed by the federal government.

1766 Mass Transit Division

1767 Section 52. As used in sections 52 through 55, inclusive, the following  
1768 words shall, unless the context clearly requires otherwise, have the following  
1769 meanings:-

1770 “Department”, the department of transportation.

1771 “Division”, the Massachusetts transit division.

1772 “Secretary”, the secretary of the department of transportation.

1773 “Undersecretary”, the undersecretary of transportation for mass transit.

1774 Section 53 . There shall be within the department a Massachusetts transit  
1775 division, which shall perform such functions as the secretary may determine in  
1776 relation to the administration, implementation, and enforcement of the executive  
1777 office’s authority over mass transit systems. The division shall be under the  
1778 supervision and control of the undersecretary. The undersecretary shall be the  
1779 executive and administrative head of the division and shall be responsible for  
1780 administering and enforcing the provisions of law relative to the division and to

1781 each administrative unit thereof. The duties given to the undersecretary in this  
1782 chapter and in any other general or special law shall be exercised and discharged  
1783 subject to the direction, control and supervision of the secretary.

1784 Section 54. The division shall be responsible for overseeing, coordinating,  
1785 and planning all transit and rail matters throughout the commonwealth. The  
1786 division shall administer and manage: the freight and rail programs of the  
1787 department pursuant to chapter 161C and the intercity bus capital assistance  
1788 program pursuant to chapter 161D. The division shall oversee and coordinate the  
1789 activities of the Massachusetts bay transportation authority established pursuant  
1790 to chapter 161A, the regional transit authorities and regional transit authority  
1791 council established pursuant to 161B. The division shall take such steps as may  
1792 be necessary to provide for the development, promotion, preservation and  
1793 improvement of an adequate, safe, efficient and convenient rail system for the  
1794 movement of passengers. In carrying out the purposes of this section, the division  
1795 shall seek to encourage and develop rail services which promote and maintain the  
1796 economic well-being of citizens and which preserve the environment and the  
1797 natural resources.

1798 Section 55. The undersecretary may from time to time, subject to  
1799 appropriation and the approval of the secretary, establish within the division such  
1800 administrative units as may be necessary for the efficient and economical  
1801 administration of the division, and when necessary for such purpose, may abolish  
1802 any such administrative unit, or may merge any two or more units, as the  
1803 undersecretary deems advisable; provided, however, that the undersecretary shall  
1804 establish the following units: highway engineering, highway construction,  
1805 highway maintenance. Each such unit shall be under the direction, control, and  
1806 supervision of the director. The director shall assign to all officials, agents, and  
1807 employees of the units their respective duties. The undersecretary shall prepare  
1808 and keep current a statement of the organization of the division, of the  
1809 assignment of its functions to its various administrative units, offices and  
1810 employees, and of the places at which and the methods whereby the public may  
1811 receive information or make requests. Such statement shall be known as the  
1812 division's description of organization. A current copy of the description of  
1813 organization shall be kept on file in the office of the secretary of state and in the  
1814 office of the secretary of administration.

1815 RMV Division

1816 Section 56. As used in sections 56 through 58, inclusive, the following  
1817 words shall, unless the context clearly requires otherwise, have the following  
1818 meanings:-

1819 "Department", the department of transportation.

1820 "Division", the division of motor vehicles.

1821 “Secretary”, the secretary of the department of transportation.

1822 “Undersecretary”, the undersecretary of transportation for motor vehicles.

1823 Section 57. There shall be within the department a division of motor  
1824 vehicles, to be known as the registry of motor vehicles, which shall perform such  
1825 functions as the secretary may determine in relation to the administration,  
1826 implementation, and enforcement of the department’s authority over motor  
1827 vehicles. The division shall be under the supervision and control of the  
1828 undersecretary, who shall be known as the registrar of motor vehicles. The  
1829 undersecretary shall be the executive and administrative head of the division and  
1830 shall be responsible for administering and enforcing the provisions of law  
1831 relative to the division and to each administrative unit thereof. The duties given  
1832 to the undersecretary in this chapter and in any other general or special law shall  
1833 be exercised and discharged subject to the direction, control and supervision of  
1834 the secretary. The undersecretary shall appoint a deputy registrar, assistant to the  
1835 registrar, hearings officers, and supervising inspectors and may appoint such  
1836 other officers and employees as may be necessary to carry out the work of the  
1837 division. In the event of a vacancy in the office of registrar, his powers and duties  
1838 shall be exercised and performed by the deputy registrar until a registrar is duly  
1839 qualified.

1840 Section 58. The undersecretary may from time to time, subject to  
1841 appropriation and the approval of the secretary, establish within the division such  
1842 administrative units as may be necessary for the efficient and economical  
1843 administration of the division, and when necessary for such purpose, may abolish  
1844 any such administrative unit, or may merge any two or more units, as the  
1845 undersecretary deems advisable. The undersecretary shall assign to all officials,  
1846 agents, and employees of the units their respective duties. The undersecretary  
1847 shall prepare and keep current a statement of the organization of the division, of  
1848 the assignment of its functions to its various administrative units, offices and  
1849 employees, and of the places at which and the methods whereby the public may  
1850 receive information or make requests. Such statement shall be known as the  
1851 division’s description of organization. A current copy of the description of  
1852 organization shall be kept on file in the office of the secretary of state and in the  
1853 office of the secretary of administration.

1854 Aeronautics Division

1855 Section 59. As used in sections 59 through 62, inclusive, the following  
1856 words shall, unless the context clearly requires otherwise, have the following  
1857 meanings:-

1858 “Department”, the department of transportation.

1859 “Division”, the Massachusetts aeronautics division.

1860 “Secretary”, the secretary of the department of transportation.

1861 “Undersecretary”, the undersecretary of transportation for aeronautics.

1862 Section 60. There shall be within the department a Massachusetts  
1863 aeronautics division, which shall perform such functions as the secretary may  
1864 determine in relation to the administration, implementation, and enforcement of  
1865 the executive office’s authority over aviation. The division shall be under the  
1866 supervision and control of the undersecretary. The undersecretary shall be the  
1867 executive and administrative head of the division and shall be responsible for  
1868 administering and enforcing the provisions of law relative to the division and to  
1869 each administrative unit thereof. The duties given to the undersecretary in this  
1870 chapter and in any other general or special law shall be exercised and discharged  
1871 subject to the direction, control and supervision of the secretary.

1872 Section 61. The division shall be responsible for the administration and  
1873 enforcement of sections 35 through 52, inclusive, of chapter 90 and other laws  
1874 relating to aeronautics.

1875 Section 62. The undersecretary may from time to time, subject to  
1876 appropriation and the approval of the secretary, establish within the division such  
1877 administrative units as may be necessary for the efficient and economical  
1878 administration of the division, and when necessary for such purpose, may abolish  
1879 any such administrative unit, or may merge any two or more units, as the  
1880 undersecretary deems advisable. The undersecretary shall assign to all officials,  
1881 agents, and employees of the units their respective duties. The undersecretary  
1882 shall prepare and keep current a statement of the organization of the division, of  
1883 the assignment of its functions to its various administrative units, offices and  
1884 employees, and of the places at which and the methods whereby the public may  
1885 receive information or make requests. Such statement shall be known as the  
1886 division’s description of organization. A current copy of the description of  
1887 organization shall be kept on file in the office of the secretary of state and in the  
1888 office of the secretary of administration.

1889 Division of Constituent and Municipal Services

1890 Section 63. As used in sections 63 through 70, inclusive, the following  
1891 words shall, unless the context clearly requires otherwise, have the following  
1892 meanings:-

1893 “Department”, the department of transportation.

1894 “Division”, the division of constituent and municipal services.

1895 “Secretary”, the secretary of the department of transportation.

1896 “Undersecretary”, the undersecretary of transportation for constituent and  
1897 municipal services.

1898 Section 64. There shall be within the department a division of constituent  
1899 and municipal services, which shall perform such functions as the secretary may  
1900 determine in relation to the administration, implementation, and enforcement of

1901 the department's authority over, and outreach to, municipalities and constituents  
1902 of the department. The division shall be under the supervision and control of the  
1903 undersecretary. The undersecretary shall be the executive and administrative  
1904 head of the division and shall be responsible for administering and enforcing the  
1905 provisions of law relative to the division and to each administrative unit thereof.  
1906 The duties given to the undersecretary in this chapter and in any other general or  
1907 special law shall be exercised and discharged subject to the direction, control and  
1908 supervision of the secretary.

1909 Section 65. (a) The division shall serve as the principal point of contact for  
1910 municipalities and other governmental bodies concerning all matters under the  
1911 jurisdiction of the department, including without limitation, providing advice and  
1912 technical assistance to municipalities and other governmental bodies seeking said  
1913 advice and with any other matter the secretary may deem appropriate.

1914 (b) The division shall serve as private project ombudsman to assist  
1915 municipalities and private entities with the development of projects critical to the  
1916 economic development of a community and connecting to the state transportation  
1917 system, and to ensure regional equity in the transportation system.

1918 (c) The division shall establish a reasonable fee for the costs of processing,  
1919 reviewing, and approving a project proposal submitted by a municipality or  
1920 private entity.

1921 Section 66 The undersecretary may from time to time, subject to  
1922 appropriation and the approval of the secretary, establish within the division such  
1923 administrative units as may be necessary for the efficient and economical  
1924 administration of the division, and when necessary for such purpose, may abolish  
1925 any such administrative unit, or may merge any two or more units, as the  
1926 undersecretary deems advisable. The director shall assign to all officials, agents,  
1927 and employees of the units their respective duties. The undersecretary shall  
1928 prepare and keep current a statement of the organization of the executive office,  
1929 of the assignment of its functions to its various administrative units, offices and  
1930 employees, and of the places at which and the methods whereby the public may  
1931 receive information or make requests. Such statement shall be known as the  
1932 division's description of organization. A current copy of the description of  
1933 organization shall be kept on file in the office of the secretary of state and in the  
1934 office of the secretary of administration.

1935 Section 67. (a) The undersecretary may, in cooperation with the  
1936 undersecretary for highways, establish a small town rural assistance program to  
1937 assist towns with populations of 7,000 or less in undertaking projects to design,  
1938 construct, reconstruct, widen, resurface, rehabilitate and otherwise improve roads  
1939 and bridges or for the construction of chemical storage facilities. The program  
1940 shall provide grant funds to towns for projects authorized by this section, and

1941 towns shall be eligible to receive one grant every 5 fiscal years. The amount of  
1942 the grant shall not exceed \$500,000.

1943 (b) The undersecretary shall establish rules and regulations to govern the  
1944 application and distribution of grants under this section. The rules and regulations  
1945 shall include provisions for joint applications by 2 or more eligible towns for a  
1946 single project serving those towns. Funds so distributed may be apportioned to  
1947 reflect the percentage of the project located in each town. Receipt of a grant  
1948 which is part of a joint application shall not preclude a town from receiving  
1949 additional funds under a separate application; provided, however, that the total  
1950 amount distributed to any 1 town shall not exceed the maximum amount allowed  
1951 under this section. Any rules or regulations, or any amendment or repeal of any  
1952 rules or regulations promulgated pursuant to this section shall be filed with the  
1953 clerks of the senate and house of representatives.

1954 (c) A town with a population of 7,000 or less may, by vote at an annual  
1955 town meeting or at a special town meeting called for that purpose or, in a  
1956 municipality having a town council form of government, by the town council,  
1957 make application to the commissioner for financial assistance in undertaking a  
1958 project described in this section. The application shall include the proposed cost  
1959 of the project, the proposed location of the project and any other information  
1960 specified by the rules or regulations.

1961 (d) In evaluating the project and the level of funding, the undersecretary  
1962 shall consider, without limitation, the following: (1) the extent to which the  
1963 project will have a beneficial impact upon the economy and public safety of an  
1964 applicant town; (2) the availability of funds for the project under other state or  
1965 federal programs; (3) the likelihood of funding under other state or federal  
1966 programs; (4) the financial ability of the town to fund the project from its own  
1967 sources; (5) the ability of the town to enter the capital markets to obtain borrowed  
1968 funds for the project; and (6) the amount of state and federal highway funds  
1969 expended or to be expended in the town.

1970 (e) The commissioner shall report annually to the house and senate  
1971 committees on ways and means and the joint committee on transportation on the  
1972 status of all small town rural assistance applicants.

1973 Section 68. (a) The undersecretary may, in cooperation with the  
1974 undersecretary for highways, establish a program to assist municipalities with  
1975 non-federally-reimbursable public works economic development projects, to  
1976 design, construct, repair and improve roads, roadways and other related public  
1977 works facilities, as deemed necessary for economic development by the  
1978 undersecretary upon the petition of an appropriate local governmental body in  
1979 accordance with this section and any rules or regulations promulgated by the  
1980 secretary in accordance with this section. The rules and regulations shall govern

1981 the criteria by which the funds shall be distributed and the method by which a  
1982 municipality may apply for such funds. Any rules or regulations or any  
1983 amendment or repeal of any rules or regulations shall be filed with the clerks of  
1984 the senate and house of representatives.

1985 (b) The undersecretary may, upon approval of the board, commit the funds  
1986 pursuant to this section by executing a grant or other contractual agreement with  
1987 a municipality and, upon execution, the funds so committed shall be made  
1988 available as a grant directly to the municipality which has entered into an  
1989 agreement without further review or approval of the department. Each agreement  
1990 shall contain assurances satisfactory to the undersecretary that the municipality  
1991 will award a construction contract for the project which is the subject of the  
1992 agreement not later than 180 days after the date of execution of the agreement.

1993 (c) In the event that a contract is not awarded by the municipality within the  
1994 period provided in subsection (b), the undersecretary may require, by written  
1995 notification to the municipality, that the funds paid to it by the commonwealth  
1996 pursuant to the agreement shall be returned forthwith to the commonwealth.

1997 (d) The undersecretary may, through execution of a grant or other  
1998 contractual agreement as provided in subsection (b), commit an amount of funds  
1999 up to but not exceeding the aggregate amount of funds returned by municipalities  
2000 under subsection (c) to any other municipality which has otherwise complied  
2001 with the applicable requirements for such projects, including the terms and  
2002 conditions provided in this section.

2003 (e) The undersecretary shall report annually to the house and senate  
2004 committees on ways and means and the joint committee on transportation on the  
2005 status of all public works economic development applicants.

2006 Section 69. (a) The undersecretary may establish a gateway cities assistance  
2007 program to assist cities and towns with more than 35,000 inhabitants but fewer  
2008 than 175,000 inhabitants where (1) the unemployment rate is at least 1.5 per cent  
2009 higher than the statewide average, (2) the median income of the city or town is 80  
2010 per cent or less of the state median income, and (3) the per capita income is  
2011 below the state average per capita income, in undertaking projects to design,  
2012 construct, reconstruct, widen, resurface, rehabilitate and otherwise improve roads  
2013 and bridges and other related public works facilities as deemed necessary for  
2014 economic development by the department upon the petition of an appropriate  
2015 local governmental body in accordance with this section and any rules or  
2016 regulations promulgated by the secretary in accordance with this section. The  
2017 rules and regulations shall govern the criteria by which the funds shall be  
2018 distributed and the method by which a municipality may apply for such funds.

2019 (b) The undersecretary may, subject to appropriation, commit the funds  
2020 pursuant to this section by executing a grant or other contractual agreement with

2021 a municipality and, upon execution, the funds so committed shall be made  
2022 available as a grant directly to the municipality which has entered into an  
2023 agreement without further review or approval of the division. Each agreement  
2024 shall contain assurances satisfactory to the director that the municipality will  
2025 award a construction contract for the project which is the subject of the  
2026 agreement not later than 180 days after the date of execution of the agreement.

2027 (c) In the event that a contract is not awarded by the municipality within the  
2028 period provided in subsection (b), the undersecretary may require, by written  
2029 notification to the municipality, that the funds paid to it by the commonwealth  
2030 pursuant to the agreement shall be returned forthwith to the commonwealth.

2031 (d) The undersecretary may, through execution of a grant or other  
2032 contractual agreement as provided in subsection (b), commit an amount of funds  
2033 up to but not exceeding the aggregate amount of funds returned by municipalities  
2034 under subsection (c) to any other municipality which has otherwise complied  
2035 with the applicable requirements for such projects, including the terms and  
2036 conditions provided in this section.

2037 Section 70. (a) The undersecretary shall establish a regional mobility  
2038 assistance program to assist cities and towns in geographic regions of the  
2039 commonwealth with public works improvements and enhancements for  
2040 transportation-related projects as deemed necessary by the department for the (1)  
2041 development, rehabilitation, and improvement of tourism expansion corridors,  
2042 (2) protection of historic centers, (3) promotion of improved mobility and access  
2043 from neighboring states, and (4) promotion of local economic growth and  
2044 reliability for transportation facilities in rural and less accessible regions of the  
2045 commonwealth. The undersecretary may promulgate rules or regulations or  
2046 implement such other procedures in accordance with this section, which shall  
2047 govern the criteria by which the funds shall be distributed and the method by  
2048 which a regional project shall be selected.

2049 (b) The undersecretary may, subject to appropriation, commit the funds  
2050 pursuant to this section through projects to be undertaken by the highway  
2051 division or by executing a grant or other contractual agreement with a  
2052 municipality and, upon execution, the funds so committed shall be made  
2053 available as a grant directly to the municipality which has entered into an  
2054 agreement without further review or approval of the department. Each agreement  
2055 shall contain assurances satisfactory to the secretary that the municipality will  
2056 award a construction contract for the project which is the subject of the  
2057 agreement not later than 180 days after the date of execution of the agreement.

2058 (c) In the event that a contract is not awarded by the municipality within the  
2059 period provided in subsection (b), the undersecretary may require, by written

2060 notification to the municipality, that the funds paid to it by the commonwealth  
2061 pursuant to the agreement shall be returned forthwith to the commonwealth.

2062 (d) The undersecretary may, through execution of a grant or other  
2063 contractual agreement as provided in subsection (b), commit an amount of funds  
2064 up to but not exceeding the aggregate amount of funds returned by municipalities  
2065 under subsection (c) to any other municipality which has otherwise complied  
2066 with the applicable requirements for such projects, including the terms and  
2067 conditions provided in this section.

2068 SECTION 7. Chapter 6C of the General Laws, as inserted by section 6 of  
2069 this act, is hereby amended by striking out section 3 and inserting in place thereof  
2070 the following section:-

2071 Section 3. (a) The authority shall have all powers necessary or convenient to  
2072 carry out and effectuate its purposes, including, without limiting the generality of  
2073 the foregoing, the power:

2074 (1) to adopt and amend bylaws, regulations and procedures for the  
2075 governance of its affairs and the conduct of its business for the administration  
2076 and enforcement of this chapter; provided, however, that regulations adopted by  
2077 the authority shall be adopted pursuant to chapter 30A;

2078 (2) to adopt an official seal and a functional name;

2079 (3) to delegate to the department any powers granted to the authority by  
2080 this chapter necessary for the commonwealth to be in compliance with 23 U.S.C  
2081 section 302;

2082 (4) to maintain offices at places within the commonwealth as it may  
2083 determine and to conduct meetings of the authority in accordance with the by-  
2084 laws of the authority and the second paragraph of section 59 of chapter 156B;

2085 (5) to direct, operate, administer, and implement the programs of roadway,  
2086 general aviation, rail and transit, and vehicular registration and regulation, and, in  
2087 cooperation with the department for the design, construction, repair,  
2088 maintenance, capital improvement, development, and planning of the  
2089 transportation facilities throughout the department, as appropriate;

2090 (6) to direct, coordinate, and supervise the administration of the department  
2091 to promote economy and efficiency and to leverage federal funding and private  
2092 sector investment;

2093 (7) to develop and administer a long-term state-wide transportation plan for  
2094 the commonwealth that includes planning for intermodal and integrated  
2095 transportation;

2096 (8) to develop and administer procedures to be used for transportation  
2097 project selection;

- 2098 (9) to establish criteria, including criteria that will result in the reduction of  
2099 greenhouse gases, for project selection to be used in the procedures developed  
2100 pursuant to clause (7);
- 2101 (10) to enter into agreements and transactions with federal, state and  
2102 municipal agencies and other public institutions and private individuals,  
2103 partnerships, firms, corporations, associations and other entities on behalf of the  
2104 department;
- 2105 (11) to institute and administer the Massachusetts Transportation and  
2106 Infrastructure Fund, the Massachusetts Mobility Fund and the Deferred  
2107 Maintenance Trust Fund for the purposes of making appropriations, allocations,  
2108 grants or loans to leverage development and investments in transportation  
2109 investment; and
- 2110 (12) to administer, without further appropriation, the Massachusetts  
2111 Transportation and Infrastructure Fund, the Massachusetts Mobility Fund and the  
2112 Deferred Maintenance Trust Fund;
- 2113 (13) to sue and be sued in its own name, plead and be impleaded;
- 2114 (14) to own, construct, maintain, repair, reconstruct, improve, rehabilitate,  
2115 use, police, administer, control and operate the state highway system, the  
2116 metropolitan highway system and the turnpike, or any part thereof; provided,  
2117 however, that the provisions of chapter 91 shall not apply to the authority, except  
2118 for any parts or areas thereof subject to said chapter 91 on March 1, 1997;
- 2119 (15) to acquire sites abutting the state highway system, the metropolitan  
2120 highway system or the turnpike, and to construct or contract for the construction  
2121 of buildings and appurtenances for gasoline stations, restaurants, parking  
2122 facilities, tourist information centers and other services and to lease such  
2123 facilities in such manner and under such terms as it may determine;
- 2124 (16) to issue notes or bonds for any of its corporate purposes related to the  
2125 turnpike payable solely from turnpike revenues or portions thereof pledged for  
2126 their payment and to refund its notes or bonds pertaining to the turnpike or any  
2127 part thereof or payable from such revenues, as provided in this chapter;
- 2128 (17) to issue notes or bonds for any of its corporate purposes related to the  
2129 metropolitan highway system payable solely from the metropolitan highway  
2130 system revenues or portions thereof pledged for their payment and to refund its  
2131 notes or bonds pertaining to the metropolitan highway system or any part thereof  
2132 or payable from such revenues, as provided in this chapter;
- 2133 (18) to issue bonds, notes and other evidences of indebtedness as provided  
2134 in this chapter;
- 2135 (19) to fix and revise from time to time and charge and collect tolls for  
2136 transit over the metropolitan highway system and the turnpike; provided,  
2137 however, that it shall furnish upon request to a user of the metropolitan highway

2138 system and turnpike a toll receipt showing the amount of toll paid, the  
2139 classification of the vehicle, the date of payment and place of exit from said  
2140 metropolitan highway system and turnpike; provided further, that the authority  
2141 shall convene at least two public hearings, each to be held in a community within  
2142 the turnpike corridor, at least 30 days prior to the effective date of any proposed  
2143 change in toll structure on the turnpike and shall allow for a one week comment  
2144 period, after each such hearing, during which written testimony and comments  
2145 shall be accepted;

2146 (20) to appoint officers and employees and to engage accountants,  
2147 architects, attorneys, engineers, planners, real estate experts and other consultants  
2148 as may be necessary in its judgment to carry out the purposes of this act and fix  
2149 their compensation;

2150 (21) to acquire real and personal property, or any interest in real or  
2151 personal property, by gift, purchase, transfer, foreclosure, lease or otherwise  
2152 including rights or easements; to hold, sell, assign, lease, encumber, mortgage or  
2153 otherwise dispose of any real or personal property, or any interest therein, or  
2154 mortgage any interest owned by it or under its control, custody or in its  
2155 possession; to release or relinquish any right, title, claim, lien, interest, easement  
2156 or demand however acquired, including any equity or right of redemption in  
2157 property foreclosed by it; to take assignments of leases and rentals, proceed with  
2158 foreclosure actions, or take any other actions necessary or incidental to the  
2159 performance of its corporate purposes;

2160 (22) to place and maintain or grant permission by easement or otherwise to  
2161 any public utility, corporation or person to place and maintain on or under or  
2162 within the state highway system, the metropolitan highway system or the  
2163 turnpike, or any part thereof, ducts, pipes, pipelines, mains, conduits, cables,  
2164 wires, towers, poles or other structures to be so located as not to interfere with  
2165 the safe and convenient operation and maintenance of the state highway system  
2166 the metropolitan highway system or the turnpike, and to contract with any such  
2167 public utility, corporation or person for such permission on such terms and  
2168 conditions as may be fixed by the authority;

2169 (23) to designate the locations and establish, limit and control such points of  
2170 ingress to and egress from the state highway system, the metropolitan highway  
2171 system or the turnpike, as may be necessary, convenient or desirable in the  
2172 judgment of the authority to insure the proper operation and maintenance of the  
2173 state highway system, the metropolitan highway system or the turnpike, and to  
2174 prohibit entrance to the state highway system, the metropolitan highway system  
2175 or the turnpike, from any point or points not so designated;

2176 (24) to (i) construct grade separations at locations where the state highway  
2177 system, the metropolitan highway system or the turnpike, intersect with or abut

2178 public highways or rail lines and to change and adjust the lines and grades of  
2179 such highways or rail lines so as to accommodate the same to the design of such  
2180 grade separation; and (ii) change the location of any portion of any public  
2181 highway or rail line which intersects or abuts the state highway system, the  
2182 metropolitan highway system or the turnpike, in order to improve the safety or  
2183 efficiency of the state highway system, the metropolitan highway system or the  
2184 turnpike; provided, however, that if the authority shall find it necessary to change  
2185 the location of a public highway, it shall reconstruct the same in as good a  
2186 condition as the original highway and at such location as the authority deems  
2187 most favorable; provided, however, that all costs incident to construction,  
2188 realignment or reconstruction conducted pursuant to this clause shall be borne by  
2189 the authority;

2190 (25) to enter upon any lands, waters and premises in the commonwealth,  
2191 after 30 days' notice by registered or certified mail and without the necessity of  
2192 any judicial orders or other legal proceedings, for the purpose of making surveys,  
2193 soundings, drillings and examinations as the authority may deem necessary,  
2194 convenient or desirable for carrying out the purposes of this chapter and such  
2195 entry shall not be deemed a trespass nor shall an entry for such purposes be  
2196 deemed an entry under any condemnation proceedings which may be then  
2197 pending; provided, however, that the authority shall provide reimbursement for  
2198 any actual damage resulting to such lands, waters and premises as a result of such  
2199 activities; and provided further, that the commonwealth hereby consents to the  
2200 use of all lands owned by it, including lands lying underwater, which are deemed  
2201 by the authority to be necessary, convenient or desirable for the construction,  
2202 operation or maintenance of the state highway system, the metropolitan highway  
2203 system or the turnpike;

2204 (26) to make and enter into all contracts and agreements necessary,  
2205 convenient or desirable in the performance of its duties and the execution of its  
2206 powers under this chapter; provided, however, that sections 26 to 29, inclusive,  
2207 and sections 44A to 44J, inclusive, of chapter 149 and sections 39F to 39M,  
2208 inclusive, of chapter 30 shall apply to contracts of the authority to the same  
2209 extent and in the same manner as they are applicable to the commonwealth;  
2210 provided, however, that notwithstanding the provisions of this clause, the  
2211 authority may, with the approval of the secretary of the executive office of  
2212 administration and finance, without competitive bids and notwithstanding the  
2213 provisions of any general or special law to the contrary, award a contract,  
2214 otherwise subject to this section, limited to the performance of emergency repairs  
2215 necessary to preserve the safety of persons or property;

2216 (27) to invest any funds held in reserves or sinking funds, or the  
2217 Massachusetts Transportation Infrastructure Fund, or any funds not required for

2218 immediate disbursement, in such investments as may be provided in any  
2219 financing document relating to the use of such funds, or, if not so provided, as the  
2220 board may determine;

2221 (28) to review and recommend changes in laws, rules, programs, and  
2222 policies of the state and its agencies and subdivisions to further transportation  
2223 financing, infrastructure and development within the commonwealth;

2224 (29) to appear in its own behalf before boards, commissions, departments or  
2225 other agencies of municipal, state or federal government;

2226 (30) to obtain insurance;

2227 (31) to apply for and accept subventions, grants, loans, advances and  
2228 contributions from any source of money, property, labor or other things of value,  
2229 to be held, used and applied for its corporate purposes;

2230 (32) to adopt a fiscal year to conform with the fiscal year of the  
2231 commonwealth;

2232 (33) to receive and apply its revenues to the purposes of the authority  
2233 without appropriation or allotment by the commonwealth or any political  
2234 subdivision thereof;

2235 (34) to enter into agreements with other parties, including, without limiting  
2236 the generality of the foregoing, government agencies, municipalities, authorities,  
2237 private transportation companies, railroads, and other concerns, providing (i) for  
2238 construction, operation and use of any mass transportation facility and equipment  
2239 held or later acquired by the authority; provided, however, that any agreement  
2240 entered into by the authority for the construction or acquisition of mass  
2241 transportation facilities or equipment of more than \$1,000,000, which is financed  
2242 in whole or in part from the proceeds of bonds the debt service payments on  
2243 which are assisted by the commonwealth or made from the dedicated revenue  
2244 source, shall not become effective until approved by the secretary of the  
2245 executive office of administration and finance; (ii) for joint or cooperative  
2246 operation of any mass transportation facility and equipment with another party;  
2247 (iii) for operation and use of any mass transportation facility and equipment for  
2248 the account of the authority, for the account of another party or for their joint  
2249 account; or (iv) for the acquisition of any mass transportation facility and  
2250 equipment of another party where the whole or any part of the operations of such  
2251 other party takes place within the area constituting the authority; provided  
2252 further, that any such other party may enter into any such agreements, subject to  
2253 such provisions of law as may be applicable; and provided further, that any  
2254 agreement with a private company under this chapter which is to be financed  
2255 from the proceeds of bonds or bond anticipation notes and which provides for the  
2256 rendering of transportation service by such company and for financial assistance  
2257 to such company by subsidy, lease or otherwise shall include such service quality

2258 standards for such service as the authority may deem appropriate and shall not  
2259 bind the authority for a period of longer than one year from its effective date, but  
2260 this shall not prohibit agreements for longer than one year if the authority's  
2261 obligations thereunder are subject to annual renewal or annual cancellation by the  
2262 board's authority; and provided further, that such agreements may provide for  
2263 cash payments for services rendered, but not more than will permit any private  
2264 company a reasonable return;

2265 (35) to establish transit facilities and related infrastructure, including  
2266 terminals, stations, access roads, and parking, pedestrian access facilities and  
2267 bicycle parking and access facilities as may be deemed necessary and desirable;  
2268 and provided further, that the authority may charge reasonable fees for the use of  
2269 such facilities as it may deem desirable;

2270 (36) to lend money to and to acquire or hold obligations issued by public  
2271 bodies or other users at such prices and in such manner as the authority shall  
2272 deem advisable and sell such bonds acquired or held by it at prices without  
2273 relation to cost and in such manner as the authority shall deem advisable and to  
2274 secure its own issues of bonds with such obligations held by it, all as provided in  
2275 section xx;

2276 (37) to act, through the department, as the central entity and coordinating  
2277 organization for transportation initiatives on behalf of the commonwealth and to  
2278 work in collaboration with governmental entities, bodies, centers, institutes and  
2279 facilities to advance the commonwealth's interests and investments in  
2280 transportation;

2281 (38) to enter into agreements with public and private entities that deal  
2282 primarily with transportation and infrastructure development, in order to  
2283 distribute and provide leveraging of monies or services for the purposes of  
2284 furthering transportation development in the commonwealth and promoting  
2285 overall economic growth within the commonwealth by fostering collaboration  
2286 and investments in transportation initiatives in the commonwealth;

2287 (39) to provide and pay for such advisory services and technical assistance  
2288 as may be necessary or desired to carry out the purposes of this chapter;

2289 (40) to establish and collect such fees and charges as the authority without  
2290 further appropriation shall determine to be reasonable and consistent with this  
2291 chapter; and to receive and apply revenues from fees and charges to the purposes  
2292 of the authority or allotment by the commonwealth or any political subdivision  
2293 thereof;

2294 (41) to disburse, appropriate, grant, loan or allocate funds for the purposes  
2295 of investing in transportation initiatives as directed in this chapter;

2296 (42) to provide assistance to local entities, local authorities, public bodies  
2297 and private corporations for the purposes of maximizing opportunities for  
2298 transportation and development initiatives in the commonwealth;

2299 (43) to prepare, publish and distribute, with or without charge, as the  
2300 authority may determine, such studies, reports and bulletins and other material as  
2301 the authority deems appropriate;

2302 (44) to exercise any other powers of a corporation organized under chapter  
2303 156B;

2304 (45) to take any actions necessary or convenient to the exercise of any  
2305 power or the discharge of any duty provided for by this chapter;

2306 (46) to enter into agreements or other transactions with any person,  
2307 including without limitation any public entity or other governmental  
2308 instrumentality or agency in connection with its powers and duties under this  
2309 chapter; and

2310 (47) to delegate any of the foregoing powers to an undersecretary or to a  
2311 director having charge of an administrative unit within the department.

2312 SECTION 8. Section 23 of said chapter 6 of the General Laws, as so  
2313 appearing, is hereby further amended by striking out subsection (c) and inserting  
2314 in place thereof the following subsection:-

2315 (c) The authority shall have power, in the process of constructing,  
2316 reconstructing, repairing, rehabilitating, improving, policing, using or  
2317 administering all or any part of the state highway system, the turnpike or  
2318 metropolitan highway system to take by eminent domain pursuant to chapter 79,  
2319 such land abutting the state highway system, the turnpike or metropolitan  
2320 highway system as it may deem necessary or desirable for the purposes of  
2321 removing or relocating all or any part of the facilities of any public utility,  
2322 including rail lines, and may thereafter lease the same or convey an easement or  
2323 any other interest therein to such utility company upon such terms as it, in its sole  
2324 discretion, may determine. Notwithstanding the provisions of any general or  
2325 special law to the contrary, the relocation of the facilities of any public utility,  
2326 including rail lines, in accordance with the provisions of this section shall be  
2327 valid upon the filing of the plans thereof with the department of  
2328 telecommunications and energy, if applicable.

2329 SECTION 9. Section 53 of chapter 7 of the General Laws, as appearing in  
2330 the 2006 Official Edition, is hereby amended by inserting in line 6, after the  
2331 words, "Turnpike Authority," the following words:- the Massachusetts  
2332 Transportation and Infrastructure Authority

2333 SECTION 10. Section 22B1/2 of chapter 7 of the General Laws, as  
2334 appearing in the 2006 Official Edition, is hereby amended by striking out, in line

2335 31, the words “Turnpike Authority” and inserting in place thereof the following  
2336 words:- Transportation and Infrastructure Authority

2337 SECTION 11. Section 22G o of said chapter 7, is hereby amended by  
2338 striking out, in line 62, the words “Turnpike Authority” and inserting in place  
2339 thereof the following words:- Transportation and Infrastructure Authority

2340 SECTION 12. Section 53 of said chapter 7 is hereby amended by striking  
2341 out, in line 6, the words “Turnpike Authority” and inserting in place thereof the  
2342 following words:- Transportation and Infrastructure Authority

2343 SECTION 13. Section 9A of chapter 10 of the General Laws, as appearing  
2344 in the 2006 Official Edition, is hereby amended by striking out, in line 5, the  
2345 words “Turnpike Authority” and inserting in place thereof the following words:-  
2346 Transportation and Infrastructure Authority

2347 SECTION 14. Section 63 of chapter 10 of the General Laws is hereby  
2348 repealed; and provided further, that the balance of the fund shall be transferred to  
2349 the Commonwealth Transportation Fund established pursuant to section 2ZZZ of  
2350 chapter 29 of the General Laws.

2351 SECTION 15. Section 63A of said chapter 10 of the General Laws, as  
2352 inserted by section 4 of chapter 303 of the acts of 2008, is hereby repealed.

2353 SECTION 16. Section 69A of said chapter 10 of the General Laws, inserted  
2354 by section 7 of chapter 86 of the acts of 2008, is hereby repealed; and provided  
2355 further, that the balance of the fund shall be transferred to the Commonwealth  
2356 Transportation Fund established pursuant to section 2ZZZ of chapter 29 of the  
2357 General Laws.

2358 SECTION 17. Sections 1, 2, 3, 4A, 4B, 9, 13, and 14 of chapter 16 of the  
2359 General Laws, as so appearing, are hereby repealed.

2360 SECTION 18. Sections 4C, 4D, 4E, 4F, and 4G of said chapter 16, inserted  
2361 by section 6 of chapter 303 of the acts of 2008, are hereby repealed.

2362 SECTION 19. Section 11A of chapter 21A of the General Laws, as  
2363 appearing in the 2006 Official Edition, is hereby amended by striking out, in line  
2364 1, the words “executive office” and inserting in place thereof the following  
2365 word:- department

2366 SECTION 20. Said section 11A of said chapter 21A of the General Laws,  
2367 as so appearing, is hereby further amended by striking out, in line 6, the words  
2368 “the commissioner of highways” and inserting in place thereof the following  
2369 words:- the undersecretary of the division of highways

2370 SECTION 21. Section 13A of said chapter 22 is hereby amended by striking  
2371 out, in line 198, the words “Turnpike Authority” and inserting in place thereof  
2372 the following words:- Transportation and Infrastructure Authority

2373 SECTION 22. Sections 29 and 61 of chapter 22C of the General Laws are  
2374 hereby repealed.

2375 SECTION 23. Section 13C of chapter 23A of the General Laws, as  
2376 appearing in the 2006 Official Edition, is hereby amended by striking out, in line  
2377 44, the words “Turnpike Authority” and inserting in place thereof the following  
2378 words:- Transportation and Infrastructure Authority

2379 SECTION 24. Section 59 of said chapter 23A, is hereby further amended by  
2380 striking out, in line 25, the words “Turnpike Authority” and inserting in place  
2381 thereof the following words:- Transportation and Infrastructure Authority

2382 SECTION 25. Section 3I of chapter 23A of the General Laws, as appearing  
2383 in the 2006 Official Edition, is hereby amended by striking out, in line 5, the  
2384 words “executive office” and inserting in place thereof the following word:-  
2385 department

2386 SECTION 26. Section 12F of chapter 25 of the General Laws, as so  
2387 appearing, is hereby amended by inserting after the second paragraph the  
2388 following paragraph:-

2389 The commission is hereby authorized to make an assessment against each  
2390 railroad corporation or railway company, based upon the intrastate operating  
2391 revenues, as shown in the annual report of each of said companies to the  
2392 transportation division. Each railroad corporation and railway company shall  
2393 annually report by March 31 its intrastate operating revenues for the previous  
2394 calendar year to the transportation division. The assessments shall be apportioned  
2395 according to railroad corporation intrastate operating revenues, to produce an  
2396 annual amount not greater than \$750,000, as shall be determined and certified  
2397 annually by the commission as sufficient to reimburse the Commonwealth for  
2398 funds appropriated by the general court for the operation of the transportation  
2399 division related to railroad bridge inspections pursuant to section 83 of chapter  
2400 159. The funds may be used to compensate consultants for the purpose of  
2401 railroad bridge inspections. Each company shall pay the amount assessed against  
2402 it within 30 days after the date of the notice of assessment from the department.  
2403 Such assessments shall be collected by the department and credited to the  
2404 General Fund. Any funds unexpended in any fiscal year for the purposes for  
2405 which such assessments were made shall be credited against the assessment to be  
2406 made in the following fiscal year and the assessment in the following fiscal year  
2407 shall be reduced by any such unexpended amount.

2408 Such assessment shall be made at a rate as shall be determined and certified  
2409 annually by the commission as sufficient to produce an annual amount of not less  
2410 than \$750,000 commencing in fiscal year 2010 and in each fiscal year thereafter,  
2411 plus the costs of fringe benefits and indirect costs as established by the  
2412 commission.

2413 SECTION 27. [Tech change MTA] Section 1 of chapter 29 of the General  
2414 Laws, as appearing in the 2006 Official Edition, is hereby amended by striking

2415 out, in line 99, the words “Turnpike Authority” and inserting in place thereof the  
2416 following words:- Transportation and Infrastructure Authority

2417 SECTION 28. Section 2E of chapter 29 of the General Laws is hereby  
2418 repealed.

2419 SECTION 29. Said chapter 29 of the General Laws, as most recently  
2420 amended by section 3 of chapter 233 of the acts of 2008, is hereby amended by  
2421 striking out section 2O and inserting in place thereof the following section:-

2422 Section 2O. When authorized by a vote, taken by the yeas and nays, of two-  
2423 thirds of each house of the general court present and voting thereon, including  
2424 any authorization in effect as of July 1, 2009, the state treasurer, upon the request  
2425 of the governor, is hereby authorized to issue bonds of the commonwealth as  
2426 hereinafter provided. Any such bonds shall be special obligations of the  
2427 commonwealth payable solely from monies credited to the Commonwealth  
2428 Transportation Fund established pursuant to section 2zzz of chapter 29 of the  
2429 General Laws; notwithstanding the provisions of any general or special law to the  
2430 contrary, including without limitation section 60A of chapter 29, such bonds  
2431 shall not be general obligations of the commonwealth. Bonds may be issued in  
2432 such manner and on such terms and conditions as the state treasurer may  
2433 determine in accordance with the provisions of this paragraph and, to the extent  
2434 not inconsistent with the provisions hereof, provisions of general law for the  
2435 issuance of bonds of the commonwealth. Bonds may be secured by a trust  
2436 agreement entered into by the state treasurer, with the concurrence of the  
2437 secretary of administration and finance and the secretary of transportation, on  
2438 behalf of the commonwealth, which trust agreement may pledge or assign all or  
2439 any part of moneys credited to the Commonwealth Transportation Fund and  
2440 rights to receive the same, whether existing or coming into existence and whether  
2441 held or thereafter acquired, and the proceeds thereof. The state treasurer is also  
2442 authorized, with the concurrence of the secretary of administration and finance  
2443 and the secretary of transportation, to enter into additional security, insurance or  
2444 other forms of credit enhancement which may be secured on a parity or  
2445 subordinate basis with the bonds. A pledge in any such trust agreement or credit  
2446 enhancement agreement shall be valid and binding from the time such pledge  
2447 shall be made without any physical delivery or further act, and the lien of such  
2448 pledge shall be valid and binding as against all parties having claims of any kind  
2449 in tort, contract or otherwise, irrespective of whether such parties have notice  
2450 thereof. Any such pledge shall be perfected by filing of the trust agreement or  
2451 credit enhancement agreement in the records of the state treasurer, and no filing  
2452 need be made under chapter 106. Any such trust agreement or credit  
2453 enhancement agreement may establish provisions defining defaults and  
2454 establishing remedies and other matters relating to the rights and security of the

2455 holders of the bonds or other secured parties as determined by the state treasurer,  
2456 including provisions relating to the establishment of reserves, the issuance of  
2457 additional or refunding bonds, whether or not secured on a parity basis, the  
2458 application of receipts, monies or funds pledged pursuant to such agreement,  
2459 hereinafter referred to as “pledged funds”, and other matters deemed necessary or  
2460 desirable by the state treasurer for the security of such bonds, and may also  
2461 regulate the custody, investment and application of moneys. Any such bonds  
2462 shall be deemed to be investment securities under chapter 106, shall be securities  
2463 in which any public officer, fiduciary, insurance company, financial institution or  
2464 investment company may properly invest funds and shall be securities which  
2465 may be deposited with any public custodian for any purpose for which the  
2466 deposit of bonds is authorized by law. Any such bonds, their transfer and the  
2467 income therefrom, including profit on the sale thereof, shall at all times be  
2468 exempt from taxation by and within the commonwealth.

2469 The provisions hereof relating to bonds shall also be applicable to the  
2470 issuance of notes insofar as such provisions may be appropriate therefore.

2471 In order to increase the marketability of any such bonds or notes issued by  
2472 the commonwealth, and in consideration of the acceptance of payment for any  
2473 such bonds or notes, the commonwealth covenants with the purchasers and all  
2474 subsequent holders and transferees of any such bonds or notes that while any  
2475 such bond or note shall remain outstanding, and so long as the principal of or  
2476 interest on any such bond or note shall remain unpaid, (i) no pledged funds shall  
2477 be diverted from the Commonwealth Transportation Fund, (ii) in any fiscal year  
2478 of the commonwealth, unless and until an appropriation has been made which is  
2479 sufficient to pay the principal, including sinking fund payments, of and interest  
2480 on all such bonds and notes of the commonwealth and to provide for or maintain  
2481 any reserves, additional security, insurance or other form of credit enhancement  
2482 required or provided for in any trust agreement securing any such bonds or notes,  
2483 no pledged funds shall be applied to any other use and (iii) so long as such  
2484 revenues are necessary, as determined by the state treasurer in accordance with  
2485 any applicable trust agreement or credit enhancement agreement, for the  
2486 purposes for which they have been pledged, and notwithstanding the provisions  
2487 of any general or special law to the contrary, the rates of the fees collected  
2488 pursuant to section 33 and 34 of chapter 90 and of the excises imposed in  
2489 chapters 64A, 64E, and 64F shall not be reduced below the amount in effect at  
2490 the time of issuance of any such bond or note. The implementation by the  
2491 commonwealth of a program of imposing roadway use fees in lieu of any tax on  
2492 motor vehicle fuel imposed under chapter 64A shall be permitted and not  
2493 constitute in any way a violation of the covenants contained in this paragraph or  
2494 in any trust agreement or credit enhancement agreement pursuant to which

2495 special obligation bonds may be issued in accordance with this section, but only  
2496 to the extent that an amount of roadway use fees equal to the amount of tax  
2497 imposed under chapter 64A that is either refunded or not collected as a result of  
2498 such program are applied under any applicable trust agreement or credit  
2499 enhancement agreement in lieu of such taxes.

2500 SECTION 30. Section 2DD of said chapter 29 is hereby repealed.

2501 SECTION 31. Chapter 29 of the General Laws is hereby amended by  
2502 inserting after section 2YYY the following new section:-

2503 There shall be established and set up on the books of the commonwealth a  
2504 separate fund to be known as the Commonwealth Transportation Fund,  
2505 hereinafter called the fund, which shall be used exclusively for financing  
2506 transportation-related purposes. There shall be credited to the fund all fees  
2507 received by the registrar of motor vehicles pursuant to section 34 of chapter 90,  
2508 all receipts paid into the treasury of the commonwealth and directed to be  
2509 credited to the Commonwealth Transportation Fund pursuant to chapter 64A,  
2510 64E, 64F, or any other applicable general or special law, and all amounts  
2511 appropriated into the fund by the general court. The fund shall be subject to  
2512 appropriation and shall be used for transportation related expenses of the  
2513 authority, including to pay or to reimburse the General Fund for payment of debt  
2514 service on bonds issued by, or otherwise payable pursuant to a lease or other  
2515 contract assistance agreement by, the commonwealth previously issued for  
2516 transportation purposes.

2517 Notwithstanding the foregoing, the crediting of receipts from the tax  
2518 imposed pursuant to chapter 64A to the fund shall not affect in any way the  
2519 obligations of the commonwealth relating to notes issued pursuant to section 9  
2520 through 10D of chapter 11 of the acts of 1997, as amended, and the pledge of  
2521 receipts from the portion of the tax per gallon imposed pursuant to said chapter  
2522 64A equal to 10 cents per gallon, to secure the payment of such bonds under the  
2523 circumstances described in the trust agreements relating to such notes is hereby  
2524 ratified and confirmed in all respects and shall remain in full force and effect as  
2525 long as any such notes issued as of July 1, 2009 remain outstanding in  
2526 accordance with their terms and secured by funds in the fund.

2527 SECTION 32. Section 23 of said chapter 29, is hereby further amended by  
2528 striking out, in lines 11 through 12, inclusive, the words "Turnpike Authority"  
2529 and inserting in place thereof the following words:- Transportation and  
2530 Infrastructure Authority

2531 SECTION 33. Section 64 of said chapter 29, is hereby further amended by  
2532 striking out, in line 27, the words "Turnpike Authority" and inserting in place  
2533 thereof the following words:- Transportation and Infrastructure Authority

2534 SECTION 34. Section 64A of said chapter 29, is hereby further amended by  
2535 striking out, in line 47, the words “Turnpike Authority” and inserting in place  
2536 thereof the following words:- Transportation and Infrastructure Authority

2537 SECTION 35. Chapter 30 of the General Laws, as appearing in the 2006  
2538 Official Edition, is hereby amended by inserting after section 39S the following  
2539 two sections:

2540 Section 39T. Notwithstanding section 8 of chapter 268A, and in addition to  
2541 any other existing statutory authorizations, the following agencies and authorities  
2542 may, in their discretion, evaluate and implement competitively procured owner  
2543 controlled insurance programs, and may permit the use of contractor controlled  
2544 insurance programs, on projects having estimated construction costs equal to or  
2545 greater than \$50,000,000: (a) the division of capital asset management and  
2546 maintenance, (b) the department of transportation, (c) the department of  
2547 conservation and recreation, (d) the Massachusetts Port Authority, (e) the  
2548 Massachusetts Water Resources Authority, (f) the Massachusetts State Colleges  
2549 Building Authority, and (g) the University of Massachusetts Building Authority;  
2550 provided, however, in the case of the department of transportation, the statewide  
2551 road and bridge program shall be considered to be one project on which an owner  
2552 controlled insurance program may be instituted.

2553 SECTION 36. Section 1 of chapter 32 of the General Laws, as so appearing,  
2554 is hereby amended by inserting after the word “connector”, in line 211, the  
2555 following words:- , the Massachusetts Transportation and Infrastructure  
2556 Authority,

2557 SECTION 37. Section 1 of chapter 32, of the general laws, as amended by  
2558 section 15 of chapter 130 of the acts of 2008, is hereby amended by striking out  
2559 the words “Turnpike Authority” and inserting in place thereof the following  
2560 words:- Transportation and Infrastructure Authority

2561 SECTION 38. Section 2 of said chapter 32, is hereby further amended by  
2562 striking out, in line 29 and in line 30, respectively, the words “Turnpike  
2563 Authority” and inserting in place thereof the following words:- Transportation  
2564 and Infrastructure Authority

2565 SECTION 39. Section 5 of said chapter 32, is hereby further amended by  
2566 striking out, in line 40, the words “Turnpike Authority” and inserting in place  
2567 thereof the following words:- Transportation and Infrastructure Authority

2568 SECTION 40. Section 7 of said chapter 32, is hereby further amended by  
2569 striking out, in line 208, the words “Turnpike Authority” and inserting in place  
2570 thereof the following words:- Transportation and Infrastructure Authority

2571 SECTION 41. Section 11 of said chapter 32, is hereby further amended by  
2572 striking out, in line 177 and in lines 184 through 185 inclusive, respectively, the

2573 words “Turnpike Authority” and inserting in place thereof the following words:-  
2574 Transportation and Infrastructure Authority

2575 SECTION 42. Section 14 of said chapter 32, is hereby further amended by  
2576 striking out, in line 9, the words “Turnpike Authority” and inserting in place  
2577 thereof the following words:- Transportation and Infrastructure Authority

2578 SECTION 43. Section 15 of said chapter 32, is hereby further amended by  
2579 striking out, in lines 21 through 22 inclusive, the words “Turnpike Authority”  
2580 and inserting in place thereof the following words:- Transportation and  
2581 Infrastructure Authority

2582 SECTION 44. Section 20 of said chapter 32, is hereby further amended by  
2583 striking out, in lines 34, 36, and line 815, respectively, the words “Turnpike  
2584 Authority” and inserting in place thereof the following words:- Transportation  
2585 and Infrastructure Authority

2586 SECTION 45. Subsection (4½) of section 20 of said chapter 32 of the  
2587 General Laws is hereby repealed.

2588 SECTION 46. Clause (e) of subsection 7 of section 22 of chapter 32 of the  
2589 General Laws is hereby repealed.

2590 SECTION 47. Section 23 of said chapter 32, is hereby further amended by  
2591 striking out, in lines 10 through 11 inclusive, and in line 19, respectively, the  
2592 words “Turnpike Authority” and inserting in place thereof the following words:-  
2593 Transportation and Infrastructure Authority

2594 SECTION 48. Section 24 of said chapter 32, is hereby further amended by  
2595 striking out, in lines 9 through 10 inclusive, the words “Turnpike Authority” and  
2596 inserting in place thereof the following words:- Transportation and Infrastructure  
2597 Authority

2598 SECTION 49. Section 25 of said chapter 32, is hereby further amended by  
2599 striking out, in line 96, the words “Turnpike Authority” and inserting in place  
2600 thereof the following words:- Transportation and Infrastructure Authority

2601 SECTION 50. Section 28 of said chapter 32, is hereby further amended by  
2602 striking out, in lines 233, 234, 247 through 248 inclusive, 250, 254 through 255  
2603 inclusive, and line 258, respectively, the words “Turnpike Authority” and  
2604 inserting in place thereof the following words:- Transportation and Infrastructure  
2605 Authority

2606 SECTION 51. Section 102 of said chapter 32, is hereby further amended by  
2607 striking out, in lines 76 through 77 inclusive, the words “Turnpike Authority”  
2608 and inserting in place thereof the following words:- Transportation and  
2609 Infrastructure Authority

2610 SECTION 52 . Section 2 of chapter 32A of the General Laws, as appearing  
2611 in the 2006 Official Edition, is hereby amended by inserting after the word  
2612 “authority”, in line 12, as so appearing, the following words:- , the

2613 Massachusetts Transportation and Infrastructure Authority, the Massachusetts  
2614 Bay Transportation Authority, the Massachusetts Turnpike Authority,

2615 SECTION 53. Section 24 of chapter 40B of the General Laws, as appearing  
2616 in the 2006 Official Edition, is hereby amended by striking out, in line 14, the  
2617 words “Turnpike Authority” and inserting in place thereof the following words:-  
2618 Transportation and Infrastructure Authority

2619 SECTION 54. Section 10 of chapter 63 of the General Laws is hereby  
2620 repealed; provided, that the balance of the fund shall be transferred to the  
2621 Transportation Fund established under section 2ZZZ of chapter 29 of the General  
2622 Laws; provided further, that any monies owed to the fund, including any monies  
2623 to be paid in connection with the settlement of any claims involving the Central  
2624 Artery/Tunnel project, shall be deposited in the Transportation Fund.

2625 SECTION 55. Section 5 of chapter 59 of the General Laws, as so appearing,  
2626 is hereby amended by striking out clause thirty-eighth, and inserting in place  
2627 thereof the following clause:-

2628 Thirty-eighth, In determining the valuation, for city and town tax purposes,  
2629 of any privately owned airport, the value of any improvements on or to the  
2630 landing area shall not be included, so long as the owner grants free use of said  
2631 landing area to the general public for the landing, taking off and taxiing of  
2632 aircraft; provided, said airport meets the minimum requirements set forth by the  
2633 aeronautics division in rules and regulations issued pursuant to section 39 of  
2634 chapter 90, and is certified by the aeronautics division to be included within the  
2635 needs of civil aeronautics as established by the state airport plan prepared  
2636 pursuant to section 30A of said chapter 90, and is approved for commercial  
2637 operation by the aeronautics division.

2638 SECTION 56. Section 7 of chapter 64A of the General Laws, as appearing  
2639 in the 2006 Official Edition, is hereby amended by striking out, in line 12, the  
2640 words “Turnpike Authority” and inserting in place thereof the following words:-  
2641 Transportation and Infrastructure Authority

2642 SECTION 57. Chapter 64A of the General Laws, as most recently amended  
2643 by section 4 of chapter 206 of the acts of 2008, is hereby amended by striking out  
2644 section 13 and inserting in place thereof the following section:-

2645 Section 13. All sums received from the excise imposed on aviation fuel, and  
2646 related penalties, forfeitures, interest, costs of suits and fines, less all amounts for  
2647 reimbursement under sections 7 and 7A, shall be credited to the Commonwealth  
2648 Transportation Fund and may be used for airport development projects approved  
2649 and carried out at airports and landing facilities under 49 U.S.C. App. s 2210; and  
2650 all other sums received under the excise imposed in section 4, and relative  
2651 penalties, forfeitures, interest, costs of suits and fines, less all amounts for  
2652 reimbursement under said sections 7 and 7A, shall be credited as follows: (i)

2653 99.85 percent shall be credited to the Commonwealth Transportation Fund to be  
2654 used for transportation-related purposes; and (ii) 0.15 percent shall be credited to  
2655 the Inland Fisheries and Game Fund, established by section 2C of chapter 131.

2656 SECTION 58. Section 5 of chapter 64E of the General Laws, as appearing  
2657 in the 2006 Official Edition, is hereby amended by striking out, in line 8, the  
2658 words “Turnpike Authority” and inserting in place thereof the following words:-  
2659 Transportation and Infrastructure Authority

2660 SECTION 59. Chapter 64E is hereby amended by striking out section 13  
2661 and inserting in place thereof the following section:-

2662 Section 13. All sums received under this chapter as excises, penalties,  
2663 forfeitures, interest, costs of suits and fines shall be credited to the  
2664 Commonwealth Transportation Fund to be used for transportation-related  
2665 purposes.

2666 SECTION 60. Section 3 of chapter 64F of the General Laws, as appearing in  
2667 the 2006 Official Edition, is hereby amended by striking out, in line 10, the  
2668 words “Turnpike Authority” and inserting in place thereof the following words:-  
2669 Transportation and Infrastructure Authority

2670 SECTION 61.. Chapter 64F is hereby amended by striking out section 14  
2671 and inserting in place thereof the following section:-

2672 Section 14. All sums received under this chapter as excises, penalties,  
2673 forfeitures, interest, costs of suits and fines shall be credited to the  
2674 Commonwealth Transportation Fund to be used for transportation-related  
2675 purposes.

2676 SECTION 62. Section 25A of chapter 64H of the General Laws, as so  
2677 appearing, is hereby amended by striking out, in line 3, the word “commission”  
2678 and inserting in place thereof the following word:- division

2679 SECTION 63.. Section 26A of chapter 64I of the General Laws, as so  
2680 appearing, is hereby amended by striking out, in line 3, the word “commission”  
2681 and inserting in place thereof the following word:- division

2682 SECTION 64.. Section 1 of chapter 81 of the General Laws, as so  
2683 appearing, is hereby further amended by striking out, in line 1, the word  
2684 “department” and inserting in place thereof the following word:- division

2685 SECTION 65.. Chapter 81A of the General Laws is hereby repealed.

2686 SECTION 66. Section 7A of chapter 85 of the General Laws, as appearing  
2687 in the 2006 Official Edition, is hereby amended by striking out, in line 34, the  
2688 words “Turnpike Authority” and inserting in place thereof the following words:-  
2689 Transportation and Infrastructure Authority

2690 SECTION 67.. Section 1 of chapter 90 of the General Laws, as appearing in  
2691 the 2006 Official Edition, is hereby amended by striking out, in line 57 the

2692 second time it appears, the word “department” and inserting in place thereof the  
2693 following word: division

2694 SECTION 68. Section 1A of chapter 90 of the General Laws, as amended  
2695 by chapter 303 of the acts of 2008, is hereby amended by striking out, in the first  
2696 paragraph, the words “Turnpike Authority” and inserting in place thereof the  
2697 following words:- Transportation and Infrastructure Authority

2698 SECTION 69. Section 7A of chapter 90 of the General Laws, as so  
2699 appearing, is hereby amended by striking out, in line 94, the words “Highway  
2700 Fund” and inserting in place thereof the following words:- Massachusetts  
2701 Transportation, established under section 2ZZZ of chapter 29 of the General  
2702 Laws.

2703 SECTION 70. Section 20G of said chapter 90, is hereby amended by  
2704 striking out, in line 2, the words “Turnpike Authority” and inserting in place  
2705 thereof the following words:- Transportation and Infrastructure Authority

2706 SECTION 71. Said chapter 90 of the General Laws, as so appearing, is  
2707 hereby further amended by striking out section 34 and inserting in place thereof  
2708 the following section:-

2709 Section 34. The fees received under the preceding sections, together with all  
2710 other fees received by the registrar or any other person under the laws of the  
2711 commonwealth relating to the use and operation of motor vehicles and trailers  
2712 shall be disposed of as follows: (i) an amount equal to the costs associated with  
2713 the administration and enforcement of laws relative to the use and operation of  
2714 motor vehicles and trailers and the operation of the division of motor vehicles  
2715 shall be deposited into the General Fund; (ii) \$2 from every motorcycle  
2716 registration issued pursuant to section 2 shall be deposited into the General Fund  
2717 and used solely for the purpose of promoting and advancing motorcycle safety;  
2718 (iii) all fees from the issuance of veterans plates pursuant to section 2, in excess  
2719 of the fees set for the registration of the motor vehicle, shall be deposited into the  
2720 General Fund; and (iv) any amount remaining after compliance with clause (i),  
2721 (ii) and (iii) shall be deposited into the Commonwealth Transportation Fund  
2722 established pursuant to section 2ZZZ of chapter 29.

2723 SECTION 72. Section 34½ of chapter 90 is hereby repealed.

2724 SECTION 73. Section 35 of said chapter 90 of the General Laws, as  
2725 appearing in the 2006 Official Edition, is hereby amended by striking out, in line  
2726 74 the second time it appears, the word “commission” and inserting in place  
2727 thereof the word:- division

2728 SECTION 74. Said section 35 of said chapter 90 of the General Laws, as so  
2729 appearing, is hereby further amended by striking out, in lines 75 to 76, inclusive,  
2730 the words “the director of aeronautics employed by the commission” and  
2731 inserting in place thereof the following words: the undersecretary for aeronautics

2732 SECTION 75. Section 50 of said chapter 90 of the General Laws, as so  
2733 appearing, is hereby further amended by striking out, in line 5, the words  
2734 “chairman of the commission” and inserting in place thereof the following  
2735 words:- undersecretary for aeronautics

2736 SECTION 76. Section 1 of chapter 90C of the General Laws, as appearing  
2737 in the 2006 Official Edition, is hereby amended by striking out in line 59, the  
2738 words “Turnpike Authority” and inserting in place thereof the following words:-  
2739 Transportation and Infrastructure Authority

2740 SECTION 77. Section 1 of chapter 90E of the General Laws, as so  
2741 appearing, is hereby amended by striking out, in line 16 the second time it  
2742 appears, the word “department” and inserting in place thereof the following  
2743 word: division

2744 SECTION 78. Said section 1 of said chapter 90E of the General Laws, as so  
2745 appearing, is hereby further amended by striking out, in line 17 the second time  
2746 they appear, the words “commissioner of” and inserting in place thereof the  
2747 following words: undersecretary for

2748 SECTION 79. Section 1 of chapter 90H of the General Laws, as so  
2749 appearing, is hereby amended by striking out, in line 4 the second time it appears,  
2750 the word “department” and inserting in place thereof the following word:  
2751 division

2752 SECTION 80. Said section 1 of said chapter 90H of the General Laws, as so  
2753 appearing, is hereby further amended by striking out, in line 5 the second time  
2754 they appear, the words “commissioner of” and inserting in place thereof the  
2755 following words: undersecretary for

2756 SECTION 81. Section 35 of chapter 92 of the General Laws, as so  
2757 appearing, is hereby amended by inserting after the word “control.”, in line 11,  
2758 the following words:- The commission shall submit its plans for any such  
2759 connection to the secretary of transportation and the undersecretary for highways  
2760 so that it may be included in their capital plans.

2761 SECTION 82. Section 251 of chapter 112 of the General Laws, as inserted  
2762 by chapter 232 of the acts of 2008, is hereby amended by striking out the words  
2763 “Turnpike Authority” and inserting in place thereof the following words:-  
2764 Transportation and Infrastructure Authority

2765 SECTION 83. Section 1A of chapter 119A of the General Laws, as  
2766 appearing in the 2006 Official Edition, is hereby amended by striking out in line  
2767 82, the words “Turnpike Authority” and inserting in place thereof the following  
2768 words:- Transportation and Infrastructure Authority

2769 SECTION 84. Section 40A of chapter 131 of the General Laws, as so  
2770 appearing, is hereby amended by striking out, in line 95, the word “commission”  
2771 and inserting in place thereof the following words:- division

2772 SECTION 85. Section 45 of said chapter 131 of the General Laws, as so  
2773 appearing, is hereby amended by striking out, in line 36, the word “commission”  
2774 and inserting in place thereof the following words:- division

2775 SECTION 86. Section 21 of chapter 142 of the General Laws, as appearing  
2776 in the 2006 Official Edition, is hereby amended by striking out in line 5, the  
2777 words “Turnpike Authority” and inserting in place thereof the following words:-  
2778 Transportation and Infrastructure Authority

2779 SECTION 87. Section 3A of chapter 143 of the General Laws, as appearing  
2780 in the 2006 Official Edition, is hereby amended by striking out in line 27, the  
2781 words “Turnpike Authority” and inserting in place thereof the following words:-  
2782 Transportation and Infrastructure Authority

2783 SECTION 88. Section 94 of said chapter 143, is hereby amended by striking  
2784 out, in line 10, the words “Turnpike Authority” and inserting in place thereof the  
2785 following words:- Transportation and Infrastructure Authority

2786 SECTION 89. Section 25C of chapter 152 of the General Laws, as amended  
2787 by chapter 303 of the acts of 2008, is hereby amended by striking out the words  
2788 “Turnpike Authority” and inserting in place thereof the following words:-  
2789 Transportation and Infrastructure Authority

2790 SECTION 90. Section 73 of said chapter 152, is hereby amended by striking  
2791 out in line 5, the words “Turnpike Authority” and inserting in place thereof the  
2792 following words:- Transportation and Infrastructure Authority

2793 SECTION 91. Section 73 of chapter 152 of the General Laws, as so  
2794 appearing, is hereby amended by inserting after the first sentence, the following  
2795 new sentence:- Notwithstanding the provisions of any general or special law to  
2796 the contrary, any present and former Massachusetts bay transportation authority  
2797 employee or retiree entitled to compensation under section 31, 34, 34A, 35, 35A  
2798 or 36 and who is also entitled to a pension by reason of the same injury shall  
2799 elect whether he will receive such compensation or such pension, and shall not  
2800 receive both, except in the manner and to the extent provided by section 14 of  
2801 chapter 32; provided, further, that the requirement to make said election shall  
2802 apply to all former Massachusetts bay transportation authority employees or  
2803 retirees presently receiving or entitled to receive benefits under section 31, 34,  
2804 34A, 35, 35A or 36 and who are also receiving or entitled to a pension by reason  
2805 of the same injury.

2806 SECTION 92. Said section 73 of said chapter 152 of the General Laws, as  
2807 so appearing, is hereby further amended by striking out, in line 9, the words “any  
2808 police officer of”

2809 SECTION 92A. [Tech change MTA] Section 1 of chapter 159A of the  
2810 General Laws, as appearing in the 2006 Official Edition, is hereby amended by

2811 striking out in line 12, the words “Turnpike Authority” and inserting in place  
2812 thereof the following words:- Transportation and Infrastructure Authority

2813 SECTION 93. Section 1 of chapter 161A of the General Laws, as so  
2814 appearing, is hereby amended by striking out, in line 16, the words “executive  
2815 office of transportation and construction” and inserting in place thereof the  
2816 following words:- Massachusetts transit division within the department of  
2817 transportation

2818 SECTION 94. Said section 1 of said chapter 161A of the General Laws, as  
2819 so appearing, is hereby further amended by striking out, in lines 102 to 103,  
2820 inclusive, the words “secretary of the executive office of transportation and  
2821 construction” and inserting in place thereof the following words:- the  
2822 undersecretary of transportation for mass transit within the department of  
2823 transportation

2824 SECTION 95. Section 3 of chapter 161A of the General Laws, as so  
2825 appearing, is hereby amended by striking out, in lines 12 to 16, inclusive, the  
2826 following words:- ; provided, however, the authority may bind itself by contract  
2827 to employ not more than five senior officers but no such contract shall be for a  
2828 period of more than five years.

2829 SECTION 96. Chapter 161A of the General Laws, as so appearing, is  
2830 hereby amended by striking out section 7 and replacing it with the following  
2831 section:-

2832 Section 7. The authority shall be governed and its corporate powers  
2833 exercised by a board of directors. The authority shall consist of the governor,  
2834 who shall serve as chairperson, and 4 additional members appointed by the  
2835 governor for a term of 3 years, 2 of whom shall be experts in the field of public  
2836 or private transportation finance; 1 of whom shall have practical experience in  
2837 transportation planning and policy; and 1 of whom shall be a registered civil  
2838 engineer with at least 10 years experience. Any person appointed to fill a vacancy  
2839 in the office of a member of the board shall be appointed in a like manner and  
2840 shall serve for only the unexpired term of such member. Any member shall be  
2841 eligible for reappointment. Any member may be removed from his appointment  
2842 by the governor for cause. The Governor may appoint a designee pursuant to  
2843 section 6A of chapter 30. A majority of the directors shall constitute a quorum,  
2844 which shall be required to take any particular action. The directors shall meet  
2845 monthly, provided that said meeting shall occur no later than the fifteenth day of  
2846 the month. Each meeting shall provide a sufficient opportunity for public  
2847 comment.

2848 SECTION 97. Section 13 of said chapter 161A, as so appearing in, is hereby  
2849 amended by striking out the last paragraph of clause (4) of subsection (a).

2850 SECTION 98. Section 20 of said chapter 161A, as so appearing, is hereby  
2851 amended by striking out, in line 2, the words “March 1” and inserting in place  
2852 thereof the following words:- March 15

2853 SECTION 99. Said section 20 of said chapter 161A, as so appearing, is  
2854 hereby further amended by striking out, in line 4, the words “March 15” and  
2855 inserting in place thereof the following words:- April 15

2856 SECTION 100. Section 38 of said chapter 161A, as so appearing, is hereby  
2857 amended by striking out, in lines 4 to 5, the words “to the same extent as though  
2858 the authority were a street railway company”

2859 SECTION 101. Said Section 38 of said chapter 161A, as so appearing, is  
2860 hereby further amended by striking out the second paragraph.

2861 SECTION 102. Section 43 of said chapter 161A, as so appearing, is hereby  
2862 amended by striking out, in line 7, the words “not less than”

2863 SECTION 103. Said section 43 of said chapter 161A, as so appearing, is  
2864 hereby further amended by striking out the second paragraph, and inserting in  
2865 place thereof the following paragraph:-

2866 For the purposes of this section, the term “railroad” shall include any  
2867 person, railroad corporation or other legal entity in the business of providing rail  
2868 transportation which contracts or enters into a legal agreement with the  
2869 Massachusetts Bay Transportation Authority for the provision or accommodation  
2870 of commuter rail services. For the purposes of this section, the term “commuter  
2871 rail services” shall include all services performed by a railroad pursuant to a  
2872 contract or any other agreement with the Massachusetts Bay Transportation  
2873 Authority in connection with the transportation of rail passengers including, but  
2874 not limited to, the operation of trains, trackage and equipment, or the  
2875 construction, reconstruction or maintenance of railroad equipment, tracks and  
2876 any appurtenant facilities or the provision of trackage rights over lines owned by  
2877 any such railroad.

2878 SECTION 104. Section 1 of chapter 161B of the General Laws, as so  
2879 appearing, is hereby amended by striking out, in line 8, the words “executive  
2880 office of transportation and construction” and inserting in place thereof the  
2881 following words:- Massachusetts transit division within the department of  
2882 transportation

2883 SECTION 105. Said section 1 of said chapter 161B of the General Laws, as  
2884 so appearing, is hereby further amended by striking out, in lines 37 to 38,  
2885 inclusive, the words “secretary of the executive office of transportation and  
2886 construction” and inserting in place thereof the following words:- the  
2887 undersecretary of transportation for mass transit within the department of  
2888 transportation

2889 SECTION 106. Section 1 of chapter 161C of the General Laws, as so  
2890 appearing, is hereby amended by striking out, in lines 4 to 5, inclusive, the words  
2891 “executive office of transportation and construction established under chapter six  
2892 A” and inserting in place thereof the following words:- Massachusetts transit  
2893 division within the department of transportation

2894 SECTION 107. Said section 1 of said chapter 161C of the General Laws, as  
2895 so appearing, is hereby further amended by striking out, in lines 19 to 20,  
2896 inclusive, the words “secretary of the executive office of transportation and  
2897 construction established under chapter six A” and inserting in place thereof the  
2898 following words:- the undersecretary of transportation for mass transit within the  
2899 department of transportation

2900 SECTION 108. Section 2 of chapter 161D of the General Laws, as so  
2901 appearing, is hereby amended by striking out, in lines 4 to 5, inclusive, the words  
2902 “executive office of transportation and construction” and inserting in place  
2903 thereof the following words:- Massachusetts transit division within the  
2904 department of transportation

2905 SECTION 109. Said section 2 of said chapter 161D of the General Laws, as  
2906 so appearing, is hereby further amended by striking out, in lines 15 to 16,  
2907 inclusive, the words “secretary of the executive office of transportation and  
2908 construction” and inserting in place thereof the following words:- the  
2909 undersecretary of transportation for mass transit within the department of  
2910 transportation

2911 SECTION 110. Section 1 of chapter 218 of the General Laws, as appearing  
2912 in the 2006 Official Edition, is hereby amended by striking out in line 243, the  
2913 words “Turnpike Authority” and inserting in place thereof the following words:-  
2914 Transportation and Infrastructure Authority

2915 SECTION 111. Section 1 of chapter 258 of the General Laws, as appearing  
2916 in the 2006 Official Edition, is hereby amended by striking out in line 52, the  
2917 words “Turnpike Authority” and inserting in place thereof the following words:-  
2918 Transportation and Infrastructure Authority

2919 SECTION 112. Section 1 of chapter 258 of the General Laws, as so  
2920 appearing, is hereby further amended by inserting after the word at the end  
2921 thereof the following paragraph:-

2922 “Serious bodily injury”, bodily injury which results in a permanent  
2923 disfigurement, or loss or impairment of a bodily function, limb, or organ.

2924 SECTION 113. Section 1 of said chapter 258 of the General Laws, as so  
2925 appearing, is hereby further amended by inserting after the word “including,” in  
2926 line 40, the following words:- the Massachusetts Transportation and  
2927 Infrastructure Authority, the Massachusetts bay transportation authority, any duly  
2928 constituted regional transit authority, and the Massachusetts Turnpike Authority

2929 SECTION 114. Said section 1 of chapter 258 of the General Laws, as so  
2930 appearing, is hereby amended by striking out, in lines 50 to 52, inclusive, the  
2931 words “the Massachusetts Bay Transportation Authority, the Massachusetts Port  
2932 Authority, the Massachusetts Turnpike Authority” and inserting in place thereof  
2933 the following words:- the Massachusetts Port Authority

2934 SECTION 115. Section 10 of said chapter 258 of the General Laws, as so  
2935 appearing, is hereby amended by inserting after subsection (j) the following new  
2936 subsection:-

2937 (k) any claim against the Massachusetts Bay Transportation Authority for a  
2938 serious bodily injury

2939 SECTION 116. Section 8 of chapter 268A of the General Laws, as so  
2940 appearing, is hereby amended by inserting after the word “bonds” as it appears in  
2941 line 13, the following:- ; provided, further, that this section shall not prohibit any  
2942 state, county or municipal employee or any person acting on behalf of such  
2943 employee, or any state, county or municipal agency, with respect to any public  
2944 building or construction project, from evaluating and implementing an owner  
2945 controlled insurance program, so called, where such evaluation has resulted in a  
2946 determination that implementation of an owner controlled insurance program as a  
2947 risk management tool associated with the public building or construction contract  
2948 is in the best interests of the state, county, or municipality issuing and responsible  
2949 for the public building or construction contract.

2950 SECTION 117 . Section 1 of chapter 465 of the acts of 1956 is hereby  
2951 amended by inserting after subsection (a) the following new subsection:-

2952 (aa) The words advisory board shall mean the advisory board established  
2953 pursuant to section 36 of this act.

2954 SECTION 118. Said chapter 465 of the acts of 1956 is hereby further  
2955 amended by inserting at the end thereof the following section:-

2956 Section 36. (a) There shall be an advisory board to the authority consisting  
2957 of a voting representative of each of the following cities and towns: Braintree,  
2958 Bedford, Brookline, Cambridge, Chelsea, Cohasset, Concord, Everett, Hingham,  
2959 Hull, Lexington, Lincoln, Malden, Melrose, Medford, Milton, Nahant, Quincy,  
2960 Revere, Somerville, Weymouth, and Winthrop; provided further, that the city of  
2961 Boston shall have 7 voting representatives, 1 of whom shall be a resident of the  
2962 Beacon Hill or South End sections of the city of Boston, 1 of whom shall be a  
2963 resident of the East Boston section of the city of Boston, 1 of whom shall be a  
2964 resident of the Dorchester or Roxbury sections of the city of Boston, 1 of whom  
2965 shall be a resident of the Charlestown section of Boston, 1 of whom shall be a  
2966 resident of the South Boston section of the city of Boston, 1 of whom shall be a  
2967 resident of the Roslindale or Hyde Park sections of the city of Boston, and 1 of  
2968 whom shall be a resident of the West Roxbury or Jamaica Plain sections of the

2969 city of Boston. The members of the advisory board shall consist of the chief  
2970 executive officer thereof; provided however, that any chief executive officer, by  
2971 writing filed with the authority, may appoint a permanent designee to serve in his  
2972 stead as a member of said advisory board until the expiration of each term of  
2973 office of the designating chief executive officer or the earlier vacancy of the  
2974 office of the designating chief executive officer; provided further, that if the chief  
2975 executive officer of the city of Boston opts to serve as the representative for the  
2976 city of Boston to the advisory board, he shall be deemed to represent the forgoing  
2977 sections of the city of Boston; provided further that a permanent designee shall  
2978 be versed in at least one of the following three disciplines: environmental affairs,  
2979 community/airport relations or public health. For the purpose of this section, the  
2980 term “chief executive officer” shall mean the person designated as the chief  
2981 executive officer under the provisions of a local charter or laws having the force  
2982 of a charter, and otherwise the mayor in every city and the chairman of the board  
2983 of selectmen or president of the town council, as the case may be, in every town.

2984 (b) Except as otherwise prescribed in this section, each voting representative  
2985 shall cast 1 vote on the advisory board. Each voting representative of the several  
2986 sections of the city of Boston as listed in paragraph (a) shall cast 1 vote. Wherein  
2987 the chief executive officer of the city of Boston shall opt to serve as the  
2988 representative to the advisory board for the city of Boston, he shall cast 7 votes.

2989 (c) Said advisory board may act at a regular periodic meeting called in  
2990 accordance with its by-laws; or at a special meeting called by the authority; or if  
2991 a majority of board members choose to do so. Except as specially provided in  
2992 paragraph (f), a quorum of the advisory board shall consist of a simple majority  
2993 of voting members present, and the advisory board may act, except as otherwise  
2994 provided in paragraph (f), by affirmative casting of a majority of the votes  
2995 represented in the quorum. The advisory board shall be deemed to be a  
2996 governing body for the purposes of, and shall be subject to, section 11A½ of  
2997 chapter 30A of the General Laws.

2998 (d) For the conduct of its business said advisory board shall adopt. Said  
2999 advisory board shall annually elect a chairperson, a vice-chairperson, a secretary  
3000 and such officers as said advisory board might determine. Each officer may be  
3001 removed by a two-thirds vote of the advisory board without cause. In the event  
3002 of a vacancy, said board shall fill the vacancy for the unexpired term. Each  
3003 member of said advisory board shall serve without compensation but may be  
3004 reimbursed, as an expense of said advisory board, for all reasonable expenses  
3005 incurred in the performance of his duties as approved by the advisory board.

3006 (e) The advisory board shall without limitation: (i) make recommendations  
3007 to the authority on annual current expense expenditure budgets submitted to the  
3008 advisory board under paragraph (j); (ii) hold hearings, which may be held jointly

3009 with the authority at the discretion of the advisory board and said authority, on  
3010 matters relating to said authority; (iii) review the annual report of the authority  
3011 and to prepare comments thereon to the authority and the governor, and to make  
3012 such examinations of the reports on the authority's records and affairs as the  
3013 advisory board deems appropriate; and (iv) make recommendations to the  
3014 governor and the general court respecting the authority and its programs. The  
3015 advisory board shall have all powers necessary or convenient to carry out and  
3016 effectuate the foregoing purposes.

3017 (f) Within 30 days of receiving any proposed current expense budget of the  
3018 authority or within 15 days of receiving any proposed amended expense budget  
3019 of the authority, the advisory board shall hold a public hearing on matters relating  
3020 to said budget for the purpose of ascertaining, for subsequent report to the  
3021 authority if necessary, the views of the public thereon.

3022 (g) The advisory board shall appoint an ombudsman who, with the  
3023 assistance from such staff and consultants as the advisory board may authorize  
3024 and appoint, shall act for and in the name of the advisory board in the following  
3025 respects: (i) preparation of analysis for the advisory board of the authority's  
3026 current expense budgets, capital expenditure budgets and capital programs and  
3027 their effect on the charges of said authority; (ii) representation of the advisory  
3028 board to said authority on all matters pertaining to said authority's programs,  
3029 operations, finances and charges; (iii) reporting regularly to the advisory board  
3030 on the activities of the ombudsman and other staff of the advisory board, on the  
3031 affairs of the Authority, and on the effect of the authority's program and  
3032 operations on residents of neighboring communities; (iv) exercising such other  
3033 duties and responsibilities consistent with the powers of the advisory board as the  
3034 advisory board may assign from time to time.

3035 (h) The advisory board may incur annual expenses, not to exceed \$500,000  
3036 for expenses authorized under paragraph (c) and for personnel and office  
3037 expenses. Said annual expenses shall be paid by the authority.

3038 (i) The authority shall provide any information, including but not limited to,  
3039 annual current expense expenditure budgets and capital expenditure reports,  
3040 requested by the advisory board which are necessary for the discharge of its  
3041 duties; provided however, that the advisory board shall not be granted access to  
3042 any information if it be determined by the executive director of the authority and  
3043 the director of security for the authority that the release of such information  
3044 would be detrimental to public safety; provided further, that said determination  
3045 shall be made in writing and said writing shall be delivered to the advisory board  
3046 within two days; and, provided further, that said writing shall be signed by the  
3047 executive director and director of security of said authority under pains and  
3048 penalties of perjury.

3049 SECTION 119. Section 2 of chapter 634 of the acts of 1971, as most  
3050 recently amended by section 1 of chapter 364 of the acts of 1990, is hereby  
3051 amended by striking out the second paragraph, and inserting in place thereof the  
3052 following paragraph:-

3053 Following acquisition of said bridges by the department, said department  
3054 shall, in its sole discretion, furnish or otherwise provide for the necessary flag  
3055 protection on the railroad rights-of-way of the Massachusetts bay transportation  
3056 authority, which may be required when the department is performing inspection,  
3057 maintenance and repair, reconstruction, or replacement of any such bridges.

3058 SECTION 120. Subsection (c) of section 83 of chapter 4 of the acts of 2003,  
3059 as most recently amended by section 8 of chapter 228 of the acts of 2007, is  
3060 hereby amended by striking out the words “Central Artery and Statewide Road  
3061 and Bridge Infrastructure Fund established under section 63 of chapter 10 of the  
3062 General Laws” and inserting in place thereof the following words Massachusetts  
3063 Transportation and Infrastructure Fund established pursuant to section 4 of  
3064 chapter 6C

3065 SECTION 121. (a) Notwithstanding the provisions of any general or special  
3066 law to the contrary, the Massachusetts Transportation and Infrastructure  
3067 Authority and the Massachusetts turnpike authority are hereby authorized and  
3068 directed to develop and implement a transfer agreement providing for the orderly  
3069 transfer and provisional appointment of personnel from the turnpike authority to  
3070 the Massachusetts Transportation and Infrastructure Authority consistent with the  
3071 provisions contained herein as well as the transfer of all assets, liabilities,  
3072 obligations, and debt of said authority to Massachusetts Transportation and  
3073 Infrastructure Authority not later than July 1, 2010; provided, further, that said  
3074 transfer should be effectuated upon a vote by the Massachusetts Transportation  
3075 and Infrastructure Authority to assume responsibility for the liabilities,  
3076 obligations and debts of the former turnpike authority. Upon the assumption of  
3077 the outstanding liabilities, obligations, and debt of the authority by the  
3078 Massachusetts Transportation and Infrastructure Authority, said authority shall  
3079 be dissolved and, without further conveyance or other act, all the assets,  
3080 liabilities, obligations and debt as well as all rights, powers and duties of the  
3081 authority shall be transferred to and assumed by Massachusetts Transportation  
3082 and Infrastructure Authority. Unless specifically provided to the contrary, the  
3083 terms “turnpike,” “Ted Williams tunnel,” “Sumner tunnel,” and “metropolitan  
3084 highway system” as used in this section, and elsewhere in this act, shall have the  
3085 meanings ascribed to them in chapter 81A of the General Laws.

3086 (b) On the date the authority is dissolved, but not later than July 1, 2010: (i)  
3087 ownership, possession, and control of all personal property, including, but  
3088 without limitation, all equipment, books, maps, papers, plans, records and

3089 documents of whatever description pertaining to the design, construction, use,  
3090 operation, and general affairs of the turnpike and metropolitan highway system  
3091 which are in the possession of the Massachusetts turnpike authority or any  
3092 division, unit, officer or employee thereof shall pass to and be vested in the  
3093 Massachusetts Transportation and Infrastructure Authority without consideration  
3094 or further evidence of transfer and shall thereafter be in the possession and  
3095 control of the highway division; (ii) ownership, possession, and control of all real  
3096 property, including, without limitation, all land, buildings, highways, bridges,  
3097 tunnels and other highway elements of whatever description that are owned by  
3098 the Massachusetts turnpike authority or any division or unit thereof shall pass to  
3099 and be vested in the Massachusetts Transportation and Infrastructure Authority  
3100 without consideration or further evidence of transfer and shall thereafter be a part  
3101 of the state highway system under the possession and control of the highway  
3102 division; provided, however, that prior to such dissolution, the Massachusetts  
3103 Turnpike Authority shall be authorized to transfer, for nominal consideration, to  
3104 the Massachusetts bay transportation authority, all of its right title and interest in  
3105 the land, track and other property comprising the rail line and right of way  
3106 extending from the south bay section of the city of Boston to the city of Newton;  
3107 provided, further, that the authority shall retain any portion of or interest in such  
3108 rail line and right of way deemed by the authority or the highway division, with  
3109 the approval of the Massachusetts Transportation and Infrastructure Authority, to  
3110 be necessary for the operation of the turnpike or the metropolitan highway  
3111 system; and (iii) all duly existing contracts, leases, or obligations of the  
3112 Massachusetts turnpike authority with respect to the turnpike or metropolitan  
3113 highway system which remain in force immediately prior to the effective date of  
3114 the dissolution of the authority, shall be deemed to be the obligations of the  
3115 Massachusetts Transportation and Infrastructure Authority. No existing right or  
3116 remedy under this section shall be lost, impaired or affected by the provisions of  
3117 this act. The Massachusetts Transportation and Infrastructure Authority shall  
3118 have authority to exercise all rights and enjoy all interests conferred upon the  
3119 Massachusetts turnpike authority by said contracts, leases, or obligations. In the  
3120 case of collective bargaining agreements, any obligations under said agreements  
3121 shall expire on the stated date of expiration of such agreements.

3122 (c) The transfer of the assets, liabilities, obligations, and debt of the  
3123 Massachusetts turnpike authority to the department under this act shall be  
3124 effective upon dissolution of said authority and shall bind all persons, with or  
3125 without notice and without any further action or documentation. Without  
3126 derogating from the foregoing, the department of transportation may, from time  
3127 to time, execute and record and file for registration with any registry of deeds or  
3128 the land court or with the secretary of the commonwealth, as appropriate, a

3129 certificate confirming the commonwealth's ownership of any interest in real or  
3130 personal property formerly held by the Massachusetts turnpike authority and  
3131 transferred pursuant to the provisions of this act and establishing and confirming  
3132 the limits of state highway so transferred.

3133 (d) The provisions of this act shall not limit or impair the rights, remedies,  
3134 or defenses of the commonwealth, the department of transportation, or the  
3135 Massachusetts turnpike authority in or to any such action including, without  
3136 limitation, the provisions of section 18 of chapter 81 and chapter 258. All actions  
3137 or proceedings shall be subject to the provisions of said section 18 of chapter 81  
3138 and chapter 258. Except as expressly excepted by the previous sentence, actions  
3139 and proceedings against or on behalf of the Massachusetts turnpike authority  
3140 shall continue unabated and, from and after the date of dissolution of the  
3141 authority, may be completed against or by the department of transportation.

3142 SECTION 122. Notwithstanding any general or special law to the contrary,  
3143 any order, rule, or regulation duly promulgated, or any license, permit, certificate  
3144 or approval duly granted, by or on behalf of the Massachusetts turnpike authority  
3145 shall continue in effect from and after the date of dissolution of the authority and  
3146 shall be enforced by the department of transportation until superseded, revised,  
3147 rescinded or cancelled by the department of transportation.

3148 SECTION 123. Notwithstanding any general or special law to the contrary,  
3149 the department shall, in consultation with the Federal Highway Administration,  
3150 inventory the requirements for, and assume the responsibilities of, rehabilitating  
3151 and reconstructing the turnpike and metropolitan highway system in compliance  
3152 with Title 23 of the United States Code. Said inventory shall include operational  
3153 and safety considerations associated with direct access to the mainline roadway  
3154 from (i) maintenance, administration, and state police facilities, (ii) emergency  
3155 median crossovers, and (iii) adjacent local roadways and service plazas.

3156 SECTION 124. Notwithstanding any general or special law to the contrary,  
3157 the terms and conditions of any collective bargaining agreement entered into by  
3158 the Massachusetts turnpike authority and in effect as of July 1, 2010 with respect  
3159 to employees of said Massachusetts turnpike authority, shall continue in effect  
3160 until the stated expiration date of such agreement, at which point the agreement  
3161 shall expire.

3162 The personnel administrator of the commonwealth, in consultation with the  
3163 Massachusetts department of transportation, shall complete a study of job titles in  
3164 the former Massachusetts turnpike authority. The personnel administrator, in  
3165 consultation with said department, shall determine the appropriate  
3166 commonwealth job titles for former employees of the authority transferred to the  
3167 department. Employees transferred to the department shall be placed in job titles  
3168 as determined by the personnel administrator, and shall be paid wages and

3169 receive benefits consistent with the commonwealth bargaining unit contract  
3170 governing such job title. Employees not transferred to the department shall be  
3171 released pursuant to the provisions of any applicable collective bargaining  
3172 agreement or authority policy in place as of April 1, 2009.

3173 SECTION 125. Notwithstanding any general or special law to the contrary,  
3174 upon the effective date of section 124 of this act the Massachusetts  
3175 Transportation and Infrastructure Authority established pursuant to chapter 6C  
3176 shall be the successor to the financial obligations of the Massachusetts Turnpike  
3177 Authority and shall be deemed to have assumed, without any further action, all  
3178 rights, duties and obligations of the Massachusetts Turnpike Authority in effect  
3179 as of said date. Notwithstanding the foregoing, no existing rights of the holders  
3180 of the bonds issued by the Massachusetts turnpike authority under chapter 81A of  
3181 the General Laws shall be impaired hereby, and the Authority, as successor in  
3182 interest to the Massachusetts turnpike authority, shall maintain the covenants of  
3183 the trust indentures pertaining to such bonds so long as such bonds shall remain  
3184 outstanding.

3185 SECTION 126. (a) Notwithstanding the provisions of any general or special  
3186 law to the contrary, employees of the Massachusetts turnpike authority who  
3187 become state employees under this act and who are eligible for group insurance  
3188 coverage pursuant to chapter 32A of the General Laws shall receive the full  
3189 extent of benefits provided to existing state employees. Said employees shall  
3190 cease to be eligible or insured by the authority. The group insurance commission,  
3191 hereinafter referred to as the commission, shall provide uninterrupted coverage  
3192 for group life and accidental death and dismemberment insurance and group  
3193 general or blanket insurance providing hospital, surgical, medical, dental, and  
3194 other health insurance benefits pursuant to said chapter 32A.

3195 (b) Notwithstanding the provisions of any general or special law to the  
3196 contrary, retired employees of the Massachusetts turnpike authority and the  
3197 surviving spouses of active or retired authority employees who are eligible for  
3198 group insurance coverage pursuant to this section and said chapter 32A shall  
3199 have said eligibility and coverage transferred to the commission and shall receive  
3200 the full extent of benefits provided to existing state employees. Said persons shall  
3201 cease to be eligible or insured by the authority. The commission shall provide  
3202 uninterrupted coverage for group life and accidental death and dismemberment  
3203 insurance and group general or blanket insurance providing hospital, surgical,  
3204 medical, dental, and other health insurance benefits to the extent authorized  
3205 under the provisions of said chapter 32A. All questions relating to group  
3206 insurance rights, obligations, costs and payments shall be determined solely by  
3207 the group insurance commission, and shall include the manner and method for  
3208 the payment of all required premiums applicable to all such coverage.

3209 (c) The human resources division of the executive office for administration  
3210 and finance shall assume the obligations of the Massachusetts turnpike authority  
3211 to employees who become state employees and who are covered under a health  
3212 and welfare trust fund agreement. Any monies in the authority's employees'  
3213 group insurance trust fund shall be transferred to the Group Insurance  
3214 Commission Trust Fund established pursuant to section 9 of said chapter 32A.

3215 (d) Any monies in the Massachusetts turnpike authority's claims trust fund  
3216 shall be transferred to the commission. The Massachusetts turnpike authority's  
3217 treasurer shall provide the commission with an accounting of the claims trust  
3218 fund which shall be for the one year period immediately preceding the effective  
3219 date and shall include a calculation of the employee, retiree and surviving spouse  
3220 contributions that are in excess of the claims costs and expenses of the plans for  
3221 which the contributions were made. Said treasurer shall routinely forward to the  
3222 commission any claims for health insurance claims made on behalf of the active  
3223 employees and retirees of the authority.

3224 (e) Nothing in this section shall be construed to affect the eligibility and  
3225 coverage of retired Massachusetts Turnpike Authority employees and the  
3226 surviving spouses of active or retired Massachusetts Turnpike Authority  
3227 employees who are eligible for group insurance coverage under a plan offered by  
3228 the Massachusetts Turnpike Authority or who are insured under a plan offered by  
3229 the Massachusetts Turnpike Authority.

3230 SECTION 127. (a) Notwithstanding the provisions of any other general or  
3231 special law to the contrary: (1) the Massachusetts turnpike authority employees  
3232 retirement system shall be abolished and transferred to the state employee  
3233 retirement system and shall be managed by the state board of retirement pursuant  
3234 to section 18 of chapter 10 of the General Laws, which board shall have with  
3235 respect thereto the general powers and duties set forth in subdivision 5 of section  
3236 20 of chapter 32; (2) the authority's employees who retired on or before the  
3237 effective date of this act shall be members of the state retirement system, which  
3238 shall pay the cost of benefits annually to such retired authority employees and  
3239 their survivors; and (3) the assets, liabilities, including all accrued pension and  
3240 unfunded liabilities, and all data files, papers, records, and other materials of the  
3241 authority's retirement system shall be transferred from said authority retirement  
3242 system to the state retirement system, subject to paragraph (a) of subsection 8 of  
3243 section 3 of chapter 32 of the General Laws, and such other applicable provisions  
3244 of law; provided, however, that the members and officers thereof shall continue  
3245 to be authorized to do all such things and take all such action as may be  
3246 necessary or desirable to be done or taken by them to effectuate the transfers to  
3247 be made pursuant to this section.

3248 (b) Effective upon the date of dissolution of the Massachusetts turnpike  
3249 authority or a default in its obligations under chapter 32 of the General Laws, the  
3250 payment of all annuities, pensions, retirement allowances and refunds of  
3251 accumulated total deductions and of any other benefits granted under the  
3252 provisions of sections 1 to 28, inclusive, of said chapter 32 are hereby made  
3253 obligations of the commonwealth in the case of any such payments from funds of  
3254 the Massachusetts turnpike authority employees retirement system.

3255 SECTION 128. Notwithstanding the provisions of any general or special  
3256 law to the contrary, employees of the Massachusetts turnpike authority who are  
3257 hired after the effective date of this act shall become members of the state  
3258 retirement system, and notwithstanding the provisions of any general or special  
3259 law to the contrary including, but not limited to, paragraph (c) of subdivision 8 of  
3260 section 3 of chapter 32, said system shall be responsible for all liability  
3261 attributable to the service of such employees. The liabilities attributable to the  
3262 service of such employees shall be recoverable by the commonwealth pursuant to  
3263 the terms of section 8. Employees hired by said authorities after the effective date  
3264 of this act shall not be members of either authority's retirement system.

3265 SECTION 129. Notwithstanding the provisions of any general or special  
3266 law to the contrary, on and after the effective date of this act, the Massachusetts  
3267 Turnpike Authority shall not enter into any contract to employ a person as an  
3268 employee or officer beyond July 1, 2010.

3269 SECTION 130. Notwithstanding the provisions of any general or special  
3270 law to the contrary, on and after the effective date of this act, the Massachusetts  
3271 Turnpike Authority shall not extend the term of any collective bargaining  
3272 agreement to a date after July 1, 2010, and shall not enter into any collective  
3273 bargaining agreement with an expiration date after July 1, 2010.

3274 SECTION 131. Notwithstanding any general or special law to the contrary,  
3275 all employees of the Massachusetts Bay Transportation Authority who are hired  
3276 on or after the effective date of this act shall be deemed "employees" in  
3277 accordance with the provisions of chapter 32A section 2(b) and shall be subject  
3278 to all of the provisions of said chapter, and shall not be eligible for coverage and  
3279 shall not receive benefits under any other plan offered by the Massachusetts Bay  
3280 Transportation Authority. The authority's contribution to the cost of health  
3281 insurance coverage for Massachusetts Bay Transportation Authority employees  
3282 hired after the effective date of this act shall be the same as the provisions on the  
3283 commonwealth's contributions in chapter 32A.

3284 SECTION 132. Notwithstanding any general or special law to the contrary,  
3285 an employee of the Massachusetts Bay Transportation Authority who is  
3286 employed by the Massachusetts Bay Transportation Authority on the effective  
3287 date of this act and who becomes and who is eligible for group insurance

3288 coverage under insurance plans offered by the authority or who is insured under  
3289 such a plan, shall have his eligibility and coverage transferred to the jurisdiction  
3290 of the group insurance commission effective July 1, 2010 and such person shall  
3291 cease to be eligible or insured under the plans previously offered by the  
3292 Massachusetts Bay Transportation Authority.

3293 Upon transfer to the group insurance commission all employees of the  
3294 Massachusetts Bay Transportation Authority shall be deemed “employees” in  
3295 accordance with the provisions of chapter 32A section 2 (b) and shall be subject  
3296 to all of the provisions of said chapter; provided, however, that a Massachusetts  
3297 Bay Transportation Authority employee who was covered by a collective  
3298 bargaining agreement on the date of transfer shall continue to receive the group  
3299 insurance benefits required by his respective collective bargaining agreement  
3300 until the expiration date of such agreement. If the Massachusetts Bay  
3301 Transportation Authority has monies in an employee’s group insurance trust fund  
3302 related to the employees transferred to the group insurance commission, these  
3303 funds shall be transferred to the group insurance commission trust fund  
3304 established in section 9 of chapter 32A.

3305 SECTION 133. Notwithstanding the provisions of any general or special  
3306 law to the contrary, the Massachusetts Bay Transportation Authority shall  
3307 continue to provide the coverage, benefits, premium contribution ratios, and  
3308 other terms, in effect as of June 30, 2010, applicable to retired employees of the  
3309 Massachusetts Bay Transportation Authority and the surviving spouses of active  
3310 or retired employees of the Massachusetts Bay Transportation Authority who are  
3311 eligible for group insurance coverage under a plan offered by the Massachusetts  
3312 Bay Transportation Authority and who have retired prior to July 1, 2010;  
3313 provided, however, that employees retired prior to July 1, 2010 shall be entitled  
3314 to noncontributory coverage under any health maintenance organization offered  
3315 by the Massachusetts Bay Transportation Authority as of June 30, 2010.

3316 SECTION 134. Notwithstanding any general or special law to the contrary,  
3317 the Massachusetts Bay Transportation Authority or any successor, shall enter into  
3318 an agreement to establish or amend existing retirement or pension benefits only if  
3319 any employee hired after the effective date of the agreement or amendment may  
3320 not receive a retirement or pension benefit prior to the completion of 25 years of  
3321 credited pension service and attained 55 years of age. The Massachusetts Bay  
3322 Transportation Authority is not prohibited by this section from permitting  
3323 retirement prior to attaining age 55, provided however, that either: (i) the  
3324 employee is entitled to a disability pension under the Massachusetts Bay  
3325 Transportation Authority retirement system; or (ii) the employee has earned the  
3326 maximum percentage allowed under the retirement formula of the Massachusetts

3327 Bay Transportation Authority retirement system and that the employee waives  
3328 the ability to collect a pension and retirement benefit due until attaining age 55.

3329 SECTION 135. Notwithstanding the provisions of any general or special  
3330 law to the contrary, the Massachusetts bay transportation authority, the  
3331 Massachusetts port authority, and the Massachusetts turnpike authority, for so  
3332 long as it shall exist, are hereby prohibited, upon the effective date of this act,  
3333 from entering into any new or amended employment agreements, which fix the  
3334 compensation and conditions of employment or otherwise bind said authorities to  
3335 designated contract periods.

3336 SECTION 136. (a) As used in section xx through yy the following words  
3337 shall, unless the context clearly requires, have the following meanings:

3338 “Authority”, the Massachusetts Port Authority established pursuant to  
3339 chapter 465 of the acts of 1956.

3340 “Bridge”, the Tobin Memorial Bridge, formerly known as the Mystic River  
3341 Bridge, constructed and owned by the authority pursuant to chapter 465 of the  
3342 acts of 1956.

3343 “Department”, the department of transportation.  
3344

3345 “Fund”, the Massachusetts Turnpike Authority Revenue Enhancement Fund  
3346 established pursuant to section 4.

3347 (b) Notwithstanding any general or special law to the contrary, not later than  
3348 July 1, 2009 the authority shall transfer the bridge, owned and operated by the  
3349 authority, to the Massachusetts Transportation and Infrastructure Authority to be  
3350 under the control of the Massachusetts Transportation and Infrastructure  
3351 Authority. Ownership, possession, and control of the bridge, including, but not  
3352 limited to, all equipment, books, maps, papers, plans, records and documents of  
3353 whatever description pertaining to the design, construction, use, operation, and  
3354 general affairs of the bridge which are in the possession of the authority or any  
3355 division, unit, officer or employee thereof shall pass to and be vested in the  
3356 Massachusetts Transportation and Infrastructure Authority of to be under the  
3357 control of the Massachusetts Transportation and Infrastructure Authority without  
3358 consideration or further evidence of transfer and shall thereafter be in the  
3359 ownership, possession and control of the Massachusetts Transportation and  
3360 Infrastructure Authority.

3361 (c) Notwithstanding any general or special law to the contrary, bridge  
3362 personnel deemed necessary by the authority for the operation, management,  
3363 design, construction, reconstruction, repair, maintenance, or improvement of the  
3364 bridge, transferred under subsection (b), shall be transferred to the Massachusetts  
3365 Transportation and Infrastructure Authority. The terms and conditions of any  
3366 collective bargaining agreement covering bridge personnel that is in effect upon

3367 the transfer of such personnel to the Massachusetts Transportation and  
3368 Infrastructure Authority shall remain in effect until the stated date of expiration  
3369 of such agreement, at which point the agreement shall expire; provided, however,  
3370 that upon the effective date of this act, the authority shall not engage in  
3371 negotiations for future collective bargaining agreements covering such  
3372 employees.

3373 Notwithstanding any general or special law to the contrary, a bridge  
3374 employee who is employed by the authority on the effective date of this act and  
3375 who becomes an employee of the Massachusetts Transportation and  
3376 Infrastructure Authority on or after July 1, 2009 and who is eligible for group  
3377 insurance coverage under insurance plans offered by the authority or who is  
3378 insured under such a plan, shall have his eligibility and coverage transferred to  
3379 the jurisdiction of the group insurance commission effective July 1, 2009 and  
3380 such person shall cease to be eligible or insured under the plans previously  
3381 offered by the Massachusetts Port Authority.

3382 Upon transfer to the group insurance commission all employees of the  
3383 Massachusetts Transportation and Infrastructure Authority shall be deemed  
3384 “employees” in accordance with the provisions of chapter 32A section 2 (b) and  
3385 shall be subject to all of the provisions of said chapter; provided, however, that a  
3386 Tobin Bridge employee who was covered by a collective bargaining agreement  
3387 on the date of the transfer to the Massachusetts Transportation and Infrastructure  
3388 Authority shall continue to receive the group insurance benefits required by his  
3389 respective collective bargaining agreement until the expiration date of such  
3390 agreement.

3391 If the Massachusetts Port Authority has monies in an employee’s group  
3392 insurance trust fund related to the bridge employees transferred to the  
3393 Massachusetts Transportation and Infrastructure Authority, these funds shall be  
3394 transferred to the group insurance commission trust fund established in section 9  
3395 of chapter 32A.

3396 Nothing in this section shall be construed to affect the eligibility and  
3397 coverage of retired bridge employees and the surviving spouses of active or  
3398 retired bridge employees who are eligible for group insurance coverage under a  
3399 plan offered by the authority or who are insured under a plan offered by the  
3400 authority.

3401 (d) Notwithstanding any general or special law to the contrary, all duly  
3402 existing contracts, leases, and obligations of the authority regarding the bridge  
3403 shall continue in effect and shall remain the liability of the authority; provided,  
3404 however, that all contracts and obligation related to any collective bargaining  
3405 agreement shall be assumed by the Massachusetts Transportation and  
3406 Infrastructure Authority; and provided further, that in the case of collective

3407 bargaining agreements, any obligations assumed by the Massachusetts  
3408 Transportation and Infrastructure Authority under said agreements shall expire  
3409 on the stated date of expiration of such agreements. No existing right or remedy  
3410 of any character shall be lost, impaired, or affected by this act.

3411 (e) On and after the effective date of this act, the authority shall not increase  
3412 its net workforce of employees working primarily on the bridge.

3413 SECTION 137. Notwithstanding any general or special law to the contrary,  
3414 the department may, in accordance with section 3B of chapter 7 of the General  
3415 Laws, fix and revise by regulation from time to time and charge and collect tolls,  
3416 rates, fees, rentals, and other charges for transit over or through the Tobin bridge.

3417 The department shall convene at least two public hearings, to be within the  
3418 metropolitan Boston area for proposed changes in the toll structure on the bridge.  
3419 Said public hearings shall be at least 30 days prior to the effective date of any  
3420 proposed change in toll structure and shall allow for a one week comment period,  
3421 after each such hearing, during which written testimony and comments shall be  
3422 accepted.

3423 The department shall not charge or collect a toll for transit by official  
3424 emergency vehicles of the commonwealth or any municipality, political  
3425 subdivision or instrumentality thereof over or through the Tobin bridge.

3426 SECTION 138. Notwithstanding any general or special law to the contrary,  
3427 all revenues collected by the department from fares, fees, tolls, or any other  
3428 revenue sources, including, but not limited to, from federal sources from the  
3429 operation of the Tobin bridge shall be deposited in the Massachusetts  
3430 Transportation and Infrastructure Fund established pursuant to section 4 of  
3431 chapter 6C of the General Laws.

3432 SECTION 139. (a) Notwithstanding the provisions of section 35 of chapter  
3433 92 of the General Laws, or any other general or special law to the contrary, the  
3434 care, custody, and control of all bridges carrying vehicular traffic that are owned  
3435 by the commonwealth and are under the care and control of the department of  
3436 conservation and recreation, all land beneath such bridges and all appurtenant  
3437 structures, works and systems, including necessary bridge approaches, and all  
3438 books, records, documents, agreements, contracts, licenses, permits and other  
3439 legal obligations associated with said bridges or necessary for the department of  
3440 transportation to design, construct, reconstruct, repair, maintain, or improve said  
3441 bridges, shall be transferred to the department of transportation to be held under  
3442 the control of the department for the same purposes. At such time, such bridges  
3443 and appurtenances shall be considered to be a part of the state highway system,  
3444 subject to and with the benefit of all rights and obligations related to such system,  
3445 including, without limitation, the benefit of the so-called “footprint bridge  
3446 exemption” set forth in section 61 of chapter 303 of the acts of 2008.

3447 (b) Any alteration, reconstruction, redesign, maintenance, improvement or  
3448 repair of the bridges and appurtenances transferred by this act shall be carried out  
3449 according to standards to protect the scenic and historic integrity of the bridges  
3450 and related infrastructure. Such standards shall be developed by the department  
3451 of conservation and recreation and agreed to by the division not later than 120  
3452 days from the effective date of this act.

3453 (c) Not later than 1 year from the effective date of this act, the department of  
3454 transportation and department of conservation and recreation shall file with the  
3455 division of capital asset management and maintenance and the secretary of  
3456 administration and finance a report documenting the extent of the bridges, land,  
3457 and appurtenances transferred to the department on account of this act and  
3458 documenting the standards required by this section.

3459 (d) All unexpended funds and authorizations, which have been appropriated  
3460 from time to time, for the engineering, design, permitting, construction,  
3461 reconstruction, maintenance, and other services essential to the operation of the  
3462 bridges transferred by this section but not yet expended, including, but not  
3463 limited to, funds authorized by section 2A of chapter 233 of the acts of 2008 shall  
3464 be transferred from the department of conservation and recreation to the  
3465 department of transportation for expenditure.

3466 (e) Department of conservation and recreation personnel deemed necessary  
3467 by the department and the highway division for the design, construction,  
3468 reconstruction, repair, maintenance, or improvement of bridges and  
3469 appurtenances transferred under this act shall be transferred to the department of  
3470 transportation, together with the funds associated with their salary and benefits,  
3471 without impairment of civil service status, seniority, retirement or other rights of  
3472 the employee, and without reduction in compensation or salary grade,  
3473 notwithstanding any change in title or duties resulting from such transfer, and  
3474 without loss of accrued rights to holidays, sick leave, vacation and benefits, and  
3475 without change in union representation or certified collective bargaining unit as  
3476 certified by the state division of labor relations or in local union representation or  
3477 affiliation. Any collective bargaining agreement in effect immediately before the  
3478 transfer date shall continue in effect and the terms and conditions of employment  
3479 therein shall continue as if the employees had not been so transferred. The  
3480 transfer shall not impair the civil service status of any such transferred employee  
3481 who immediately before the effective date of this act either holds a permanent  
3482 appointment in a position classified under chapter 31 of the General Laws or has  
3483 tenure in a position by reason of section 9A of chapter 30 of the General Laws.

3484 (f) All duly existing contracts, leases and obligations of the department of  
3485 conservation and recreation relating to the assets to be transferred pursuant to this  
3486 section shall continue in effect but shall be assumed by the department of

3487 transportation. No existing right or remedy of any character shall be lost,  
3488 impaired or affected by this act.

3489 SECTION 140. Notwithstanding any general or special law to the contrary,  
3490 the Massachusetts Transportation and Infrastructure Authority, in consultation  
3491 with the commissioner of conservation and recreation and the Massachusetts  
3492 historical commission, shall promulgate regulations and procedures within 1 year  
3493 after the effective date of this act relative to the design, construction,  
3494 reconstruction, maintenance, repair, improvement and operation of all bridges,  
3495 and land thereunder, and all appurtenant facilities, works and systems, machinery  
3496 and equipment related to the operation and maintenance of bridges, and land  
3497 thereunder, and appurtenant facilities, works and systems related thereto  
3498 transferred to the Massachusetts Transportation and Infrastructure Authority  
3499 pursuant to section 139, and such regulations and procedures shall comply with  
3500 the Historic Parkways Preservation Treatment guidelines except to the extent that  
3501 compliance with such guidelines is waived by the commissioner of conservation  
3502 and recreation, in consultation with the Massachusetts historical commission.  
3503 The Massachusetts Transportation and Infrastructure Authority shall establish in  
3504 the regulations and procedures a process for public input into the development of  
3505 plans and projects relating to the bridges and other assets transferred to the  
3506 Massachusetts Transportation and Infrastructure Authority pursuant to 139  
3507 consistent with the Historic Parkways Preservation Treatment guidelines.

3508 SECTION 141. (a) The secretary of transportation shall make such plans  
3509 and arrangements as may be necessary to ensure the efficient transfer of: (i) the  
3510 Massachusetts turnpike authority's functions, assets, liabilities, and obligations;  
3511 (ii) the Tobin memorial bridge owned and operated by the Massachusetts port  
3512 authority; and (iii) the vehicular bridges and appurtenances under the control of  
3513 the department of conservation and recreation, to the department pursuant to this  
3514 act.

3515 The secretary shall have the authority to promulgate new rules and  
3516 regulations as deemed necessary to effectuate the purposes of the transfers.

3517 Any order, rule or regulation duly promulgated by or on behalf of the  
3518 department of highways, the Massachusetts aeronautics commission, the registry  
3519 of motor vehicles, and the Massachusetts turnpike authority, shall continue in full  
3520 force and effect to the extent consistent with this act and the laws of the  
3521 Commonwealth, and shall continue to be enforced, until superseded, revised,  
3522 rescinded or cancelled by the secretary of transportation.

3523 SECTION 142. (a) Notwithstanding the provisions of any general or special  
3524 law to the contrary, the department of transportation shall facilitate the orderly  
3525 transfer of the employees, proceedings, rules and regulations, property, and legal  
3526 obligations of the following functions of state government from the transferor

3527 agency to the transferee agency, defined as follows: (1) the functions of the  
3528 department of highways, as the transferor agency, to the Massachusetts  
3529 department of transportation, highway division, as the transferee agency; (2) the  
3530 functions of the registry of motor vehicles, as the transferor agency, to the  
3531 Massachusetts department of transportation, motor vehicles division, as the  
3532 transferee agency; (3) the functions of the aeronautics commission, as the  
3533 transferor agency, to the Massachusetts department of transportation, aeronautics  
3534 division, as the transferee agency.

3535 (b) The employees of each transferor agency, including those who  
3536 immediately before the effective date of this act hold permanent appointment in  
3537 positions classified under chapter 31 of the General Laws or have tenure in their  
3538 positions as provided by section 9A of chapter 30 of the General Laws or do not  
3539 hold such tenure, or hold confidential positions, are hereby transferred to the  
3540 respective transferee agency, without interruption of service, without impairment  
3541 of seniority, retirement or other rights of the employee, and without reduction in  
3542 compensation or salary grade, notwithstanding any change in title or duties  
3543 resulting from such reorganization, and without loss of accrued rights to  
3544 holidays, sick leave, vacation and benefits, and without change in union  
3545 representation or certified collective bargaining unit as certified by the state  
3546 division of labor relations or in local union representation or affiliation. Any  
3547 collective bargaining agreement in effect immediately before the transfer date  
3548 shall continue in effect and the terms and conditions of employment therein shall  
3549 continue as if the employees had not been so transferred. The reorganization shall  
3550 not impair the civil service status of any such reassigned employee who  
3551 immediately before the effective date of this act either holds a permanent  
3552 appointment in a position classified under chapter 31 of the General Laws or has  
3553 tenure in a position by reason of section 9A of chapter 30 of the General Laws.

3554 Notwithstanding the provisions of any general or special law to the contrary,  
3555 all such employees shall continue to retain their right to collectively bargain  
3556 pursuant to chapter 150E of the General Laws and shall be considered employees  
3557 for the purposes of said chapter 150E.

3558 Nothing in this section shall be construed to confer upon any employee any  
3559 right not held immediately before the date of said transfer, or to prohibit any  
3560 reduction of salary grade, transfer, reassignment, suspension discharge layoff or  
3561 abolition of position not prohibited before such date.

3562 (c) All petitions, requests, investigations and other proceedings  
3563 appropriately and duly brought before each transferor agency or duly begun by  
3564 each transferor agency and pending before it before the effective date of this act,  
3565 shall continue unabated and remain in force, but shall be assumed and completed  
3566 by the department of transportation.

3567 (d) All orders, rules and regulations duly made and all approvals duly  
3568 granted by each transferor agency, which are in force immediately before the  
3569 effective date of this act, shall continue in force and shall thereafter be enforced,  
3570 until superseded, revised, rescinded or canceled, in accordance with law, by the  
3571 department of transportation.

3572 (e) All books, papers, records, documents, equipment, buildings, facilities,  
3573 cash and other property, both personal and real, including all such property held  
3574 in trust, which immediately before the effective date of this act are in the custody  
3575 of each transferor agency shall be transferred to the department of transportation.

3576 (f) All duly existing contracts, leases and obligations of each transferor  
3577 agency shall continue in effect but shall be assumed by the respective transferee  
3578 agency. No existing right or remedy of any character shall be lost, impaired or  
3579 affected by this act.

3580 SECTION 143. Notwithstanding any general or special law to the contrary,  
3581 the secretary of administration and finance shall establish an office of transition  
3582 management for transportation within the executive office for administration and  
3583 finance to accomplish the purposes of this act. Agencies from within that  
3584 executive office including, but not limited to, the human resources division and  
3585 the division of capital asset management and maintenance, as well as the  
3586 executive office of transportation and public works and the department of labor  
3587 shall staff the office.

3588 The office shall monitor compliance with this act, recommend to the  
3589 secretary of transportation rules and regulations not inconsistent with this act to  
3590 facilitate the orderly, expeditious transfer of assets and functions from the  
3591 executive office of transportation and public works, the Massachusetts Turnpike  
3592 Authority, the Massachusetts Port Authority, the department of conservation and  
3593 recreation and the department of highways to the Massachusetts Transportation  
3594 and Infrastructure Authority, developing administrative processes to assure  
3595 continuity of employment and operations during the transitions, identifying  
3596 opportunities for potential efficiencies and cost savings and recommending  
3597 legislation to realize such savings and efficiencies, resolve issues or assist  
3598 government agencies with the transition of transportation agencies.

3599 Ninety days after the effective date of this act and quarterly thereafter  
3600 until such transition period is complete, the secretary of transportation shall  
3601 submit a report to the governor, the secretary of administration and finance, the  
3602 joint committee on transportation, the senate and house committees on ways and  
3603 means and the clerks of the senate and the house of representatives, relative to  
3604 the progression of the incorporation of the agencies and authorities into the  
3605 Massachusetts Transportation and Infrastructure Authority.

3606           The report shall include, but shall not be limited to, plans for the  
3607 assignment and reassignment of resources including personal, equipment and  
3608 supplies into the Massachusetts Transportation and Infrastructure Authority. The  
3609 reports shall also include the status of the transition of roads, bridges, parkways  
3610 and any other transportation assets of the Massachusetts Turnpike Authority, the  
3611 Massachusetts Port Authority, the department of conservation and recreation and  
3612 the department of highways and shall further include approximate schedules for  
3613 the completion of the transition.

3614           SECTION 144. (a) Notwithstanding the provisions of chapter 30B of the  
3615 General Laws or any other general or special law to the contrary, the city of  
3616 Worcester is hereby may, within 1 year of the effective date of this act, transfer  
3617 to the Massachusetts port authority the Worcester regional airport, subject to the  
3618 following terms and conditions: (i) the Worcester regional airport shall be  
3619 transferred to the Massachusetts port authority for fair compensation which may  
3620 be paid in installments and which shall be reduced by the actual amount of any  
3621 expenditures, subsidies, and operational costs assumed or provided to date to or  
3622 for the Worcester regional airport by said Massachusetts port authority, in  
3623 addition to any other federal and state funding and grant assistance, and (ii) the  
3624 right, title, and interest of said city in the Worcester regional airport shall be  
3625 conveyed within 1 year of the effective date of this act. If the parties fail to agree  
3626 to the amount of fair compensation within 6 months of the effective date of this  
3627 act, the secretary of transportation and the undersecretary of transportation for  
3628 aeronautics shall establish such compensation in consultation with the executive  
3629 director of the port authority and the city manager of the city of Worcester;  
3630 provided, however, that the terms and conditions of any such transfer, and the  
3631 amount of any such compensation to be paid, shall be subject to the prior  
3632 approval of the board of the authority.

3633           (b) Upon the transfer of the airport by the city of Worcester to the  
3634 Massachusetts port authority pursuant to this section, the Massachusetts port  
3635 authority shall be responsible for the ownership, operation, and maintenance of  
3636 the Worcester regional airport and, except as otherwise agreed to by the parties,  
3637 the city shall cease to be responsible for such ownership, operation, and  
3638 maintenance. All warranties and all contract and indemnification rights and  
3639 obligations arising out of the design, construction, operation, and maintenance of  
3640 the airport shall remain in full force and effect following such transfer. The  
3641 provisions of this section shall not limit or in any way impair the rights, remedies  
3642 or defenses of the city of Worcester or the Massachusetts port authority in or to  
3643 any such action.

3644           SECTION 145. The secretary of the department of transportation, in  
3645 consultation with the secretary of the executive office of labor and workforce

3646 development and director of workforce development shall institute a workforce  
3647 retraining initiative to mitigate potential impacts to employees displaced by the  
3648 organizational efficiencies and agency restructuring directed by this act. The  
3649 secretary of transportation and the secretary of labor and workforce development,  
3650 or their designees, shall establish a committee to coordinate the workforce  
3651 retraining initiative and adopt policies that identify and categorize displaced  
3652 employees, while advancing workforce development opportunities for said  
3653 employees whose lack of skills may prevent or limit their successful  
3654 employment. Said committee shall include representatives from labor unions  
3655 likely to be affected by this act, representatives from the business industry, and  
3656 representatives from the human resources division of the executive office for  
3657 administration and finance. The procedures shall outline and recommend various  
3658 retraining programs available to employees identified as being displaced by this  
3659 act, establish eligibility criteria and base skills requirements for the  
3660 administration of these programs, promote program accountability and job  
3661 placement through the division of career services and one stop career centers,  
3662 identify available professional development and technical assistance needs and  
3663 resources, and encourage economic diversification and industry growth through  
3664 technology-focused training.

3665 The director of workforce development together with agencies and other  
3666 entities that provide employment or training services in the Commonwealth, shall  
3667 utilize existing state and federal grant funding, including funding for workforce  
3668 retraining programs at existing institutions, community colleges, labor  
3669 organizations, and administrative entities to implement the workforce retraining  
3670 initiative. Where applicable, the director may utilize any funds received pursuant  
3671 to the federal Workforce Investment Act of 1998, 112 Stat. 936, 29 U.S.C. §  
3672 2801, as amended, to provide additional funding for the workforce retraining  
3673 initiative.

3674 In the event an employee displaced by the operation of this act does not  
3675 have severance or other termination benefits, the department of transportation  
3676 shall pay, for a period not to exceed two months following the date of  
3677 termination of employment, the then current salary for such employee.

3678 This section shall expire eighteen months after the effective date of this act.

3679 SECTION 146. Notwithstanding the provisions of sections 9, 9A, and 10 of  
3680 chapter 161B of the General Laws, or any other general or special law to the  
3681 contrary, all regional transit authorities established in said chapter 161B shall  
3682 move to a forward funded budgeting system. The secretary of the executive  
3683 office for administration and finance is hereby directed to develop a plan and  
3684 timetable for accomplishing this conversion to forward funding and to seek the  
3685 necessary appropriations to implement the plan. The secretary is further

3686 authorized to promulgate rules and regulations to effectuate the purposes of this  
3687 section.

3688 SECTION 147. Notwithstanding the provisions of any general or special  
3689 law to the contrary, the highway division of the department of transportation is  
3690 hereby authorized and directed to enter into an agreement with the Massachusetts  
3691 bay transportation authority to assume all bridge inspection responsibilities for  
3692 any bridges owned and operated by said authority over the roads of the  
3693 commonwealth.

3694 SECTION 148. Notwithstanding section 31 of chapter 15 of the acts of 1988  
3695 or the provisions of any other general or special law to the contrary, the  
3696 Massachusetts bay transportation authority is hereby authorized to sell, convey,  
3697 mortgage, pledge, lease, exchange, abandon or otherwise dispose of the public  
3698 parking garage constructed and operated by the authority on the land acquired by  
3699 the authority pursuant to such law.

3700 SECTION 149. Notwithstanding any general or special law to the contrary,  
3701 the bureau for environmental health within the department of public health shall  
3702 conduct a comprehensive baseline study of the health effects of particulate air  
3703 pollution from surface and air transportation in Massachusetts. The study shall  
3704 focus on understanding the health impacts from fine and ultrafine particulate  
3705 matter upon populations that are located within 500 feet of any roadway with  
3706 50,000 or more motor vehicle trips per day, or any rail line regularly used by  
3707 diesel locomotives or within 1 mile of any airport with more than 500  
3708 enplanements per week as reported between January 1, 2007 and January 1,  
3709 2008; provided further, that said study may include, but shall not be limited to,  
3710 examining respiratory and cardiovascular disease and cancer incidence that may  
3711 be affected by exposure to traffic-related particles. The following departments  
3712 and agencies of the commonwealth shall provide information to the bureau  
3713 relevant to this study: the department of environmental protection, the  
3714 Massachusetts Transportation and Infrastructure Authority, the department of  
3715 transportation, the division of aeronautics and the central transportation planning  
3716 staff of the Boston metropolitan planning organization. The bureau shall report  
3717 its findings together with legislation, if any, to the house and senate committees  
3718 on ways and means not later than June 30, 2010.

3719 SECTION 150. Notwithstanding any general or special law to the contrary,  
3720 any employee who retires from the executive office of transportation, the  
3721 highway department, the registry of motor vehicles, the Massachusetts Turnpike  
3722 Authority, the Massachusetts Port Authority, the Massachusetts Bay  
3723 Transportation Authority, the Massachusetts Aeronautics Commission, or the  
3724 Massachusetts Transportation and Infrastructure Authority shall not be employed  
3725 by the agency or authority from which the employee retired or any successor

3726 agency or authority to the agency or authority from which the employee retired,  
3727 within 1 year.

3728 SECTION 151. The office of the state auditor shall perform a close out audit  
3729 of each agency or authority admitted to the Massachusetts Transportation  
3730 Infrastructure Authority. Said audit shall include a catalogue of any issues  
3731 relating to the agency or authority's current and future finances and operations,  
3732 current and future revenues or debt structure, and internal policies and  
3733 procedures, that he believes are not within Financial Accounting Board Standards  
3734 of practice or may violate other laws, rules and procedures of the General Laws.  
3735

3736 SECTION 152. Notwithstanding any other provision of this act or other law,  
3737 commencing on July 1, 2009, all amounts of any kind received by the  
3738 commonwealth which are derived from or related to the operation of the state  
3739 highway system, as defined in chapter 81B, shall be deemed to be held in trust  
3740 for and shall be transferred and paid over to the Massachusetts Transportation  
3741 and Infrastructure Authority when received without further appropriation to be  
3742 applied to the purposes of the Authority. All amounts of any kind received by the  
3743 Massachusetts Turnpike Authority which are derived from the operation of the  
3744 turnpike, as defined in chapter 81B, shall be deemed to be held in trust for and  
3745 shall be transferred and paid over to the Authority when received without further  
3746 appropriation to be applied to the purposes of the Authority.

3747 SECTION 153. The secretary of transportation shall submit a report on the  
3748 progress and all expenditures related to state transportation infrastructure projects  
3749 undertaken through use of federal funds received under the American Recovery  
3750 and Reinvestment Act of 2009 to the clerks of the senate and house of  
3751 representatives, the chairs of the senate and house committees on ways and  
3752 means, the senate and house chairs of the joint committee on transportation and  
3753 the chairs of the senate and house committees on bonding, capital expenditures  
3754 and state assets. The report shall include, but not be limited to: the total estimated  
3755 cost of each project; the amount expended for the planning and design of each  
3756 project up to the time the report is filed; the amount expended on construction of  
3757 each project up to the time the report is filed; the timeline from advertisement  
3758 through contract award and from the start of actual design and construction by  
3759 the design build team to project completion; the time saved, if any, by employing  
3760 the design build procurement method; and the estimated lifetime maintenance  
3761 schedule and cost of each project, the original estimated completion date of each  
3762 project and the current anticipated completion date of each project. The report  
3763 shall also include the total number of employees and outside contractors and  
3764 amount expended on the salaries and benefits for such employees and outside  
3765 contractors that are specifically working on projects to be carried out as part of

3766 projects funded through said American Recovery and Reinvestment Act of 2009.  
3767 The report shall be submitted on December 31 of each year until the culmination  
3768 of any project constructed with funds authorized by said American Recovery and  
3769 Reinvestment Act of 2009.

3770 SECTION 154. Section 77E of this act shall expire on July 1, 2011.

3771 SECTION 155. All uncommitted and unexpended funds and authorizations,  
3772 which have been appropriated from time to time to the executive office of  
3773 transportation and public works, including any agency and authority within said  
3774 executive office, including but not limited to, funds authorized in chapter 15 of  
3775 the acts of 1988, chapter 33 of the acts of 1991, chapter 102 of the acts of 1994,  
3776 chapter 273 of the acts of 1994, chapter 28 of the acts of 1996, chapter 113 of the  
3777 acts of 1996, chapter 205 of the acts of 1996, chapter 11 of the acts of 1997,  
3778 chapter 55 of the acts of 1999, chapter 87 of the acts of 2000, chapter 235 of the  
3779 acts of 2000, chapter 246 of the acts of 2002, chapter 40 of the acts of 2003,  
3780 chapter 291 of the acts of 2004, chapter 27 of the acts of 2007, chapter 86 of the  
3781 acts of 2008, chapter 233 of the acts of 2008, and chapter 303 of the acts of 2008,  
3782 shall be transferred to the department of transportation for use by the department  
3783 or any of its divisions for purposes consistent with such authorizations.

3784 SECTION 156. (a) When all payments due on account of the turnpike and  
3785 the metropolitan highway system, both as defined in chapter 81B, shall have  
3786 been made, and when all bonds issued under the provisions of chapter 81A and  
3787 the interest thereon shall have been paid or a sufficient amount of the payment of  
3788 all such bonds and the interest thereon to the maturity thereof shall have been set  
3789 aside in trust for the benefit of the bondholders, and contributions shall have been  
3790 made to the several funds of the Massachusetts Turnpike Authority employees'  
3791 retirement system established under sections one to twenty-eight, inclusive, of  
3792 chapter thirty-two of the General Laws such as are sufficient, in the opinion of  
3793 the actuary, as defined in section one of said chapter thirty-two, to provide for the  
3794 payment of all amounts payable by the system after that date with respect to all  
3795 persons then receiving allowances from the Massachusetts Turnpike Authority  
3796 employees' retirement system and with respect to all persons who are then  
3797 employees, as defined in said section one, of the Massachusetts Turnpike  
3798 Authority, whether or not any such amount is or becomes payable to any such  
3799 person or the spouse or other beneficiary of any such person, such opinion to be  
3800 based upon the assumption, among others, that such persons who are then  
3801 employees are then or thereafter become entitled to receive retirement allowances  
3802 in the amounts then provided by sections five, six and seven of said chapter  
3803 thirty-two on the basis of the regular compensation received by, and the years of  
3804 creditable service of, such persons at such date, all projects then under the control  
3805 of the Massachusetts Turnpike Authority shall be operated and maintained by the

3806 division of roads and bridges of the Massachusetts Transportation and  
3807 Infrastructure Authority.

3808 (b) Upon the transfer provided in subparagraph (a) the members of the  
3809 Massachusetts Turnpike Authority employees' retirement system on the effective  
3810 date of the dissolution of the authority who do not then transfer to or enter  
3811 service in a governmental unit in which a contributory retirement system  
3812 established under the provisions of sections one to twenty-eight, inclusive, of  
3813 said chapter thirty-two, or under corresponding provisions of earlier laws or of  
3814 any special law, shall continue to be members of the Massachusetts Turnpike  
3815 Authority employees' retirement system and shall then be entitled to apply for  
3816 and receive retirement allowances from such system in the amounts, upon the  
3817 terms, subject to the conditions and with all of the related rights provided by and  
3818 under sections six, seven, ten and twelve of said chapter thirty-two.

3819 (c) Effective upon the date of dissolution of the Massachusetts Turnpike  
3820 Authority (1) the Massachusetts Turnpike Authority employees' retirement  
3821 system shall continue under the provisions of section 1 to 28, inclusive of said  
3822 chapter 32; (2) the management of the Massachusetts Turnpike Authority  
3823 employees' retirement system shall be transferred to the state board of retirement  
3824 provided for in section eighteen of chapter ten of the General Laws which board  
3825 shall have with respect thereto the general powers and duties set forth in  
3826 subdivision (5) of section twenty of said chapter thirty-two; (3) all data, files,  
3827 papers and records and other materials of the retirement board provided for in  
3828 paragraph (b) of subdivision (41/2) of said section twenty shall be transferred to  
3829 and held by the state board of retirement; (4) the funds of the Massachusetts  
3830 Turnpike Authority employees' retirement system in the custody of the secretary-  
3831 treasurer of the Authority shall be transferred to the state treasurer who shall  
3832 thereafter be and perform the duties of the treasurer-custodian of such funds  
3833 which shall then be held by him for the exclusive benefit and use of the members  
3834 of the Massachusetts Turnpike Authority employees' retirement system and their  
3835 beneficiaries; and (5) the retirement board provided for in said paragraph (b) of  
3836 subdivision (41/2) shall be abolished; provided, however, that the members and  
3837 officers thereof shall continue to be authorized to do all such things and take all  
3838 such action as may be necessary or desirable to be done or taken by them to  
3839 effectuate the transfers to be made pursuant to this section.

3840 (d) Effective upon the date of dissolution of the Massachusetts Turnpike  
3841 Authority or a default in its obligations under chapter thirty-two of the General  
3842 Laws, the payment of all annuities, pensions, retirement allowances and refunds  
3843 of accumulated total deductions and of any other benefits granted under the  
3844 provisions of sections one to twenty-eight, inclusive, of said chapter thirty-two  
3845 are hereby made obligations of the commonwealth in the case of any such

3846 payments from funds of the Massachusetts Turnpike Authority employees'  
3847 retirement system.

3848 SECTION 157. Notwithstanding any general or special law to the contrary,  
3849 in making initial appointments to the board of the Massachusetts Transportation  
3850 and Infrastructure Fund the governor shall appoint 4 additional members 1 of  
3851 whom shall be appointed for a term of 1 year; 1 of whom shall be appointed for a  
3852 term of 2 years; and 2 of whom shall be appointed for a term of 3 years.

3853 SECTION 158. Notwithstanding any general or special law to the contrary,  
3854 the secretary of administration and finance may enter into such contracts or  
3855 agreements with the Massachusetts Transportation and Infrastructure Authority  
3856 and may transfer proceeds of the bonds and notes of the commonwealth issued  
3857 for transportation purposes to the Massachusetts Transportation and  
3858 Infrastructure Authority as it deems necessary to carry out the purposes of the  
3859 statutory provisions authorizing such bonds or notes.

3860 SECTION 159. Notwithstanding any general or special law to the contrary,  
3861 any existing or future balance in the Infrastructure Fund, established pursuant to  
3862 said section 2O, shall be credited to the Transportation Fund established pursuant  
3863 to section 2ZZZ of chapter 29, provided that such crediting shall not affect in any  
3864 way the obligations of the commonwealth relating to special obligation bonds  
3865 issued pursuant to said section 2O, and the pledge of pledged funds, as defined in  
3866 said section 2O, to secure the payment of such bonds is hereby ratified and  
3867 confirmed in all respects and shall remain in full force and effect as long as any  
3868 such special obligation bonds issued as of July 1, 2009 remain outstanding in  
3869 accordance with their terms and secured by funds in the fund.

3870 SECTION 160 . Notwithstanding any general or special law to the contrary,  
3871 the comptroller shall transfer the balance of the Highway Fund established  
3872 pursuant to section 34 of chapter 90 of the General Laws to the Commonwealth  
3873 Transportation Fund established pursuant to section 2ZZZ of chapter 29 of the  
3874 General Laws.

3875 SECTION 161. Notwithstanding any general or special law to the contrary,  
3876 any project or phase thereof that has received an opinion of the secretary of the  
3877 executive office of energy and environmental affairs that it is not subject to the  
3878 jurisdiction of the secretary pursuant chapter 30 of the General Laws shall be  
3879 governed by the regulations and procedures in effect prior to the effective date of  
3880 this act; and any project or phase thereof that has received prior to the effective  
3881 date of this regulation any one or more of a variance, special permit,  
3882 comprehensive permit, certificate of occupancy, or building permit followed  
3883 within 5 years thereafter by a certificate of occupancy, or the developer of which  
3884 has entered into an agreement with any of the Department of Conservation and  
3885 Recreation or the applicable executive office secretary to fund traffic

3886 improvements or traffic mitigation, shall in any such case be governed by the  
3887 regulations and procedures in effect prior to the effective date of these  
3888 regulations so long as the applicable variance, permit or certificate continues in  
3889 force and effect or, if applicable, so long as such agreement has not been duly  
3890 terminated on account of the failure of the project developer to meet its  
3891 obligations under such agreement; in any case unless the applicant elects, in  
3892 writing, to be governed by this regulation and the procedures hereunder.

3893 SECTION 162. The provisions of this act shall not be deemed in derogation  
3894 of any powers conferred upon the department and its constituent divisions and  
3895 authorities by existing laws; provided, however, that insofar as the provisions of  
3896 this act are inconsistent with the provisions of any general or special law,  
3897 administrative order or regulation, the provisions of this act shall be controlling.

3898 SECTION 163. Section 4 of chapter 6C of the General Laws, as inserted by  
3899 section 7 of this act, shall take effect on July 1, 2009.

3900 SECTION 164. Section 14 of chapter 6C of the General Laws, as inserted  
3901 by section 7 of this act, shall take effect on July 1, 2010, or upon agreement of  
3902 the Massachusetts Turnpike Authority and the Massachusetts Transportation and  
3903 Infrastructure Authority.

3904 SECTION 165. Section 30 of chapter 6C of the General Laws, as inserted  
3905 by section 7 of this act, shall take effect on July 1, 2011.

3906 SECTION 166. Section 42 of chapter 6C of the General Laws, as inserted  
3907 by section 7 of this act, shall take effect on July 1, 2009.

3908 SECTION 167. Section 43 of chapter 6C of the General Laws, as inserted  
3909 by section 7 of this act, shall take effect on July 1, 2009 and shall expire on July  
3910 1, 2010.

3911 SECTION 168. Section 44 of chapter 6C of the General Laws, as inserted  
3912 by section 7 of this act, shall take effect on July 1, 2010.

3913 SECTION 169. Sections 14, 16, 31, 52, 71, 126, 127, 139 and 160 shall take  
3914 effect on July 1, 2009

3915 SECTION 170. Sections 7, 8, 22, 65, 132 and 133 shall take effect in July 1,  
3916 2010.

3917 SECTION 171. Sections 46 and 46 of this act shall take effect on January 1,  
3918 2013.